

Joint Submission to the UN Special Rapporteur on Violence against Women

Thematic report on “Rape as a Grave and Systematic Human Rights Violation and Gender-based Violence Against Women”

I. INTRODUCTION

In response to the call for submissions by the UN Special Rapporteur on violence against women, its causes and consequences (SRVAW), Together for Girls, the Coalition for Adolescent Girls (CAG), End Violence Lab, Girls Not Brides, Plan International, the Sexual Violence Research Initiative (SVRI), and the UN Girls’ Education Initiative (UNGEI)¹ submit this memorandum for consideration in the process of drafting the upcoming thematic report on “rape as a grave and systematic human rights violation and gender-based violence against women”, to be presented to the UN Human Rights Council in June 2021.

Our submission reaffirms the responsibility of states to address gender-based violence, including sexual violence, as a grave and systematic human rights violation but recommends that the SRVAW use the report to capture and address the complexity of GBV, including its impact on children, who experience rape and other forms of GBV, such as high rates of sexual violence in conflict settings. To effectively represent and address the complexity of GBV, including sexual violence, an analysis of legal frameworks is critical, but should be accompanied by additional considerations of the role of states and other stakeholders in addressing the social norms and stereotypes that drive GBV and the imperative of commitments to comprehensive, multi-sector prevention and response efforts. Without a focus on and integration of the latter, legal reforms focused on criminalization will be inadequate to address GBV, including sexual violence, as a grave and systematic human rights violation against women and girls.

The submitting organizations propose that the report of the SRVAW should use a broader analytical frame that situates penal reform within more comprehensive approaches to combat sexual violence, beyond prosecution and punishment. The report should ambitiously encompass more than an audit of criminal laws, presenting and analyzing the broad obligations of states to prevent, protect against, prosecute, punish, and provide redress for and healing from acts of sexual violence. Further, the submitting organizations stress that the particular realities, vulnerabilities, and needs of girls² be robustly addressed in the context of the thematic report, recognizing that, too often, girls--and all children and youth--are effectively excluded or under-addressed in dialogue around GBV, including sexual violence.

¹ Together for Girls, <https://www.togetherforgirls.org>; Coalition for Adolescent Girls, <https://coalitionforadolescentgirls.org>; End Violence Lab, <https://www.end-violence.org/end-violence-lab>; Girls Not Brides, <https://www.girlsnotbrides.org/>; Plan International, <https://plan-international.org>; SVRI, <https://svri.org/>; UNGEI, <https://ungei.org/>;

² Girls under the age of 18.

Following is a brief discussion of data and evidence derived from the Violence Against Children and Youth Surveys (VACS)³ and other sources regarding the experiences, vulnerabilities, and needs of young and adolescent girls who experience sexual violence. The submission also includes an Annex with data tables for further reference.

II. EFFORTS TO PREVENT AND ADDRESS SEXUAL VIOLENCE MUST TAKE A LIFE COURSE APPROACH AND BE ROBUSTLY INCLUSIVE OF GIRLS AND THEIR SPECIFIC EXPERIENCES, VULNERABILITIES, AND NEEDS

Comprehensive data from the VACS (collected across 21 countries) and additional sources has provided ample evidence for what we already know: adolescent girls worldwide face unique risks of gender discrimination and GBV, including sexual violence. With only a decade remaining for UN Member States to deliver on the commitments of the Sustainable Development Goals (SDGs), adolescent girls remain at a huge cultural and systemic disadvantage, including with respect to legal frameworks and access to justice. Adolescent girls face gender-based discrimination from birth which too often results in the denial of access to education and subjection to harmful traditional practices such as early and forced marriage, which increases vulnerability to sexual and other forms of GBV driven by gender inequality. Systemic discrimination based on both age and gender means that girls' views and concerns are often willfully unheard.

Too often, frameworks focused on violence against women have failed to take a life course approach to addressing GBV, including sexual violence. For many women, experiences of GBV begin in childhood--with varied consequences at different developmental stages--and increase the likelihood of experiencing further violence in adulthood.⁴ The COVID-19 pandemic has laid bare the interconnectedness of violence against women and violence against children and the risks that girls face in light of economic stress facing families, school closures, and for many, increased time spent online.⁵

In failing to effectively address GBV, including sexual violence, in childhood through legal frameworks and the policies that guide prevention and response efforts, states and other institutions miss a critical window of opportunity to prevent and protect against violations of women's and girls' human rights.

³ See Violence Against Children and Youth Surveys: <https://www.togetherforgirls.org/about-the-vacs/>

⁴ Guedes, Alessandra, Bott, Sarah, Garcia-Moreno, Claudia & Colombini, Manuela. (2016). Bridging the gaps: a global review of intersections of violence against women and violence against children. *Global Health Action*, 9:1, DOI: [10.3402/gha.v9.31516](https://doi.org/10.3402/gha.v9.31516)

⁵ Peterman, Amber & O'Donnell, Megan. (2020). COVID-19 and Violence against Women and Children: A Third Research Round Up for the 16 Days of Activism. *Center for Global Development*.

<https://www.cgdev.org/sites/default/files/covid-and-violence-against-women-and-children-three.pdf>

Prevalence of sexual violence among adolescent girls⁶

The Violence Against Children and Youth Surveys (VACS) reveal rates of sexual violence against 13 - 17 year-old girls ranging from 3% in Cambodia to as high as 25% in Uganda.⁷ VACS data reveals that girls face vulnerability to sexual violence in every facet of their lives: within the home and community, at school, and in the context of intimate partner relationships.⁸ The VACS demonstrate that patterns of perpetration vary widely across country context--from the identity of perpetrators (family members, neighbors and community members, peers, and intimate partners) to the most common locations of violence--and these data can be a critical tool to shaping effective laws and policies that are responsive to particular national and sub-national contexts.

Experiences of and risk factors for sexual violence unique to girls

Girls face unique risks for GBV in childhood and adolescence. In early and young childhood, dependency upon caregivers and a lack of agency can render girls vulnerable, and experiences of GBV can have particular developmental and long-term consequences. In some countries, up to one-third of girls who reported sexual violence were subject to their first experience of violence prior to the age of 13.⁹ Adolescence presents particular risk factors for girls, including a heightened vulnerability to sexual victimization outside of the home, with increased exposure to peers, community members, and strangers.¹⁰ Findings from the VACS surveys demonstrate that perpetrators of sexual violence against girls are very likely to be 5 or more years older, with 10 year+ age gaps common, highlighting the intersectional vulnerabilities of gender and age and the imperative of applying this intersectional lens to GBV prevention and response efforts.¹¹

Additionally, due to intersecting factors of gender, age, discriminatory social norms, and economic factors including poverty and food insecurity, girls face unique risks of specific forms of sexual violence:

- **Child early and forced marriage¹² (CE/FM)** impacts 1 in 5 girls globally and some 12 million girls annually.¹³ Girls Not Brides estimates that over 650 million women alive today were married as children. Girls who are forced to marry are more likely to experience sexual violence and describe their first sexual experiences as forced or

⁶ See Annex 1: Data on Sexual Violence Against Girls

⁷ *Ibid.*

⁸ Together for Girls. (2019). *Sexual Violence Against Children* [fact sheet].

<https://www.togetherforgirls.org/wp-content/uploads/2019-5-15-SV-Perpetration-Issue-Area-1-pager-DIGITAL.pdf>

⁹ See Annex 1: Data on Sexual Violence Against Girls

¹⁰ UNICEF. (2014). *A Statistical Snapshot of Violence Against Adolescent Girls*.

https://www.unicef.org/publications/files/A_Statistical_Snapshot_of_Violence_Against_Adolescent_Girls.pdf

¹¹ See Annex 1: Data on Sexual Violence Against Girls

¹² Marriage prior to age 18.

¹³ Girls Not Brides. (n.d.) *Child Marriage Around the World*. <https://www.girlsnotbrides.org/where-does-it-happen/>

coerced.¹⁴ COVID-19 has exacerbated the risk of CE/FM, particularly for an estimated 20 million girls who may not return to school.¹⁵

- **Marital rape** affects significant numbers of adolescent girls and weak laws and policies in many countries continue to leave girls unprotected from sexual violence. There are 77 countries where marital rape is not yet criminalized. Of the remaining 108 countries (of 185), just 74 have provisions in place for a woman or girl to file a criminal complaint of rape against their husbands. In 12 countries, rapists can still be exempted from punishment if they marry the victim.¹⁶
- **Female genital mutilation and cutting (FGM/C)** is a form of sexual violence predominately carried out on girls between infancy and 15 years of age, impacting an estimated 200 million girls and women alive today. Consequences of FGM/C include ongoing health complications, such as fistula, issues in childbirth and an increased risk of newborn death.¹⁷
- **Online sexual exploitation** impacts girls uniquely, from trafficking to sexual violence facilitated by information and communication technology. As millions of students transitioned to online learning during COVID-19, the already-significant risks of online sexual exploitation increased.¹⁸
- **Intimate partner violence (IPV)** impacts girls, though its prevalence among adolescent girls often goes un- or under-recognized. Intimate partners are often the most common perpetrators of girls' first experience of sexual violence.¹⁹ As such, adolescence is a critical window for prevention efforts.
- **Girls with disabilities** face particular vulnerabilities for sexual violence. Children with disabilities are three times more likely to become victims of sexual violence than children without disabilities, with girls experiencing the highest risk.²⁰

¹⁴ Girls Not Brides. (n.d.). *Violence Against Girls*. <https://www.girlsnotbrides.org/themes/violence-against-girls/>

¹⁵ Malala Fund. (2020). *Girls' education and COVID-19: What past shocks can teach us about mitigating the impact of pandemics*. https://downloads.ctfassets.net/0oan5gk9rgbh/6TMYLYAcUpjhQpXLDgmdla/3e1c12d8d827985ef2b4e815a3a6da1f/COVID19_GirlsEducation_corrected_071420.pdf

¹⁶ UN Women. (2020). *Progress of the World's Women 2019–2020: Families in a Changing World*. <https://www.unwomen.org/en/digital-library/progress-of-the-worlds-women>

¹⁷ WHO. (n.d.). *Female genital mutilation - key facts*. <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

¹⁸ UNICEF. (April 2020). Technical note on COVID-19 and its implications for protecting children online. <https://www.unicef.org/media/67396/file/COVID-19%20and%20Its%20Implications%20for%20Protecting%20Children%20Online.pdf>

¹⁹ See Annex 1: Data on Sexual Violence Against Girls

²⁰ UNFPA. (2018). *Young Persons with Disabilities: Global Study on Ending Gender-Based Violence, and Realising Sexual and Reproductive Health and Rights*. https://www.unfpa.org/sites/default/files/pub-pdf/Final_Global_Study_English_3_Oct.pdf

- **LGBTQ+ children and adolescents** face many unique and exacerbated risk factors for sexual violence, including poverty, homelessness, a lack of support networks, rejection and abandonment by families and communities, the criminalization of homosexuality, systemic discrimination, and a lack of access to legal recourse and other services.²¹
- **Refugee, asylum-seeking, and migrant girls** are at a heightened risk of sexual violence or may be fleeing home because of experiences of sexual violence and are often the least likely to have access to critical health and psychosocial services.²²
- **Sexual violence against children in conflict** is an increasing risk for 415 million children worldwide who live in conflict zones, including 149 million children living in high-intensity conflict zones.²³ Sexual violence is recognized by the Human Rights Council as one of six grave human rights violations experienced by children in conflict. Since 2010, the number of children living in conflict zones has increased by 34%, while the number of verified incidents of grave violations against children have risen by 170%.²⁴ Girls experience nine out of every ten incidents of sexual violence.²⁵

Consequences of sexual violence for adolescent girls

The VACS demonstrate that the consequences and costs of sexual violence for girls are wide-ranging, including increased vulnerability to future experiences of sexual violence and other forms of GBV; increased likelihood of engaging in risky sexual behaviors and contracting an STI, including HIV; poor mental health and a significantly increased risk for suicidal ideation; substance abuse; unwanted pregnancy; and a greater risk of perpetrating violence in adulthood.²⁶

In Kenya, the odds of young women experiencing physical intimate partner violence were 3.1 times higher for those who experienced any violence in childhood.²⁷ In Malawi, 20% of young women experienced sexual violence in childhood reported infrequent condom use within the last 12 months, as opposed to 7% of young women who did not.²⁸ In Kenya, young women who

²¹ Advocates for Youth. (n.d.) *Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth in the Global South*. <https://advocatesforyouth.org/resources/fact-sheets/lesbian-gay-bisexual-and-transgender-lgbt-youth-in-the-global-south/>

²² Call to Action partners. (September 2015). *Call to Action on Protection from GBV in Emergencies, Road Map 2016-2020*. https://1ac32146-ecc0-406e-be7d-301d317d8317.filesusr.com/ugd/49545f_a1b7594fd0bc4db283dbf00b2ee86049.pdfv

²³ Strømme, Alvhild, Sapiezynska, Ewa, Fylkesnes, Gunvor Knag, Salarkia, Keyan, Edwards, Jess. (2020). *Stop the War on Children 2020: Gender Matters*. *Save the Children*.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ See Annex 1: Data on Sexual Violence Against Girls

²⁷ *Ibid.*

²⁸ Chiang, Laura F et al. (2015). HIV and Childhood Sexual Violence: Implications for Sexual Risk Behaviors and HIV Testing in Tanzania. *AIDS Education and Prevention: official publication of the International Society for AIDS Education*. Vol. 27,5: 474-87. doi:10.1521/aeap.2015.27.5.474

experienced sexual violence were three times as likely as those who did not to report having multiple sex partners in the last 12 months.²⁹ In Zimbabwe, 30% of girls who experienced sexual violence reported suicidal ideation, five times more than among girls who did not experience sexual violence. In Uganda, 28% of girls who experienced rape became pregnant as a result.³⁰

Adolescent girls and access to services

VACS surveys measure rates of disclosure, service-seeking, and service-receiving among children and youth who experience all forms of violence. While some surveys demonstrate that 50% or more of girls who experience sexual violence disclose their experience to a friend, family member, or other adult authority figure, only a small fraction of those who experience sexual violence seek or receive critical health and psychosocial services.³¹ Reasons for not seeking support include feelings of blame or embarrassment, fear of getting in trouble or abandonment, and the perception that seeking help was useless.³² Adolescent girls often fall through the gaps of services targeted at children and those which support women. It is therefore vital that services take into account their unique needs and that they can access these services for free and without parental consent.

Girls and school-related GBV (SRGBV)

While schools can play a protective role for many students, they can also be sites of violence at the hands of peers and teachers. Overall, girls reported more experiences of sexual violence at the hands of male classmates, but did report sexual violence perpetrated by teachers, which often takes the form of coercion, including exchanging grades or money for sex.³³ The Southern and Eastern Africa Consortium for Monitoring Education Quality (SACMEQ) survey found that 40% school principals in six countries reported that pupil–pupil sexual harassment had occurred either ‘sometimes’ or ‘often.’ Teachers were also reported to be frequent perpetrators of sexual harassment, with an average of 39% of school principals stating that teacher–pupil harassment had occurred in their schools. In Kenya, one in five women and men who experienced sexual violence before age of 18 reported that the first incident occurred at school.³⁴

²⁹ *Ibid.*

³⁰ See Annex 1: Data on Sexual Violence Against Girls

³¹ Sumner SA, Mercy AA, Saul J, Motsa-Nzuza N, Kwesigabo G, Buluma R, Marcelin LH, Lina H, Shawa M, Moloney-Kitts M, Kilbane T, Sommarin C, Ligiero DP, Brookmeyer K, Chiang L, Lea V, Lee J, Kress H, Hillis SD; Centers for Disease Control and Prevention (CDC). Prevalence of sexual violence against children and use of social services - seven countries, 2007-2013. *MMWR Morb Mortal Wkly Rep.* 2015 Jun 5;64(21):565-9. PMID: 26042646; PMCID: PMC4584766.

³² Nguyen KH, Kress H, Atuchukwu V, Onotu D, Swaminathan M, Ogbanufe O, Msungama W, Sumner SA. Disclosure of Sexual Violence Among Girls and Young Women Aged 13 to 24 Years: Results from the Violence Against Children Surveys in Nigeria and Malawi. *J Interpersonal Violence.* 2018 Feb 1:886260518757225. DOI: 10.1177/0886260518757225. Epub ahead of print. PMID: 29448907; PMCID: PMC6070420.

³³ See Annex 1: Data on Sexual Violence Against Girls

³⁴ USAID (2018). Education Data Brief: Global Prevalence of SRGBV, Research for Effective Education Programming (REEP) - Africa, produced by Dexis Consulting Group for USAID and UNGEI and UNESCO EFA GMR (2015). School-Related Gender-Based Violence is preventing quality education for all. <http://www.ungei.org/srgbv/files/232107E.pdf>

Data from the VACS, SACMEQ, and other surveys make clear the imperative of developing and implementing policies and interventions³⁵ that render learning environments safe for all students.

Boys and Sexual Violence

Boys also experience unacceptably high rates of sexual violence. In some countries, as many as one in five boys report experiencing sexual violence, with wide-ranging consequences, similar to those for girls.³⁶ Like girls, boys experience vulnerability to sexual violence throughout childhood and adolescence and face stigma and barriers to disclosure and service-seeking.³⁷

Boys who experience sexual and/or physical violence are more likely to perpetrate violence against an intimate partner.³⁸ The data on prevalence and consequences of sexual violence, abuse, and neglect for boys, contrasted with the dearth of public discourse on these realities, makes it clear that there is an unmet need to recognize and respond to sexual violence against boys and to take an inclusive, intersectional approach to prevention and response.

III. CONCLUSION AND RECOMMENDATIONS

The SRVAW's thematic report is a critical opportunity to sound the call for states and other stakeholders to commit to a comprehensive, transformative, and broadly inclusive approach to preventing and ending sexual violence. We recommend that this report not only examine criminalization and address a holistic approach to eradicating sexual violence. We recommend that the report call on states to recognize and fulfill obligations across the spectrum of prevention and response, including interventions to transform the gender discriminatory attitudes and norms that drive systemic violence, promote the delivery of health and psychosocial services to survivors, and reform of legal frameworks to protect survivors, facilitate restorative justice, focusing both on prosecution and the rehabilitation of perpetrators.

Available evidence demonstrates that childhood and adolescence are a time of heightened vulnerability and risk, particularly for girls.³⁹ It is now widely recognized that violence against children, including sexual violence, is a public health lever, with consequences as broad as those of alcohol, tobacco, and unsafe water. The identification of risk and protective factors for violence against children, including sexual violence, is a key to prevention.⁴⁰ Effective efforts to address sexual violence must include a special focus on childhood and adolescence, with a

³⁵ UNESCO and UN Women. (2016). *Global Guidance on School-Related Gender-Based Violence*. <https://www.unwomen.org/en/digital-library/publications/2016/12/global-guidance-on-addressing-school-related-gender-based-violence#view>

³⁶ See Annex 1: Data on Sexual Violence Against Girls

³⁷ Stark L, Seff I, Hoover A, Gordon R, Ligiero D, Massetti G. (2019). Sex and age effects in past-year experiences of violence amongst adolescents in five countries. *PLoS One*. 2019;14(7):e0219073. Published 2019 Jul 8. doi:10.1371/journal.pone.0219073

³⁸ See Annex 1: Data on Sexual Violence Against Girls

³⁹ Ligiero, D., Hart, C., Fulu, E., Thomas, A., & Radford, L. (2019). What works to prevent sexual violence against children: Executive Summary. *Together for Girls*. www.togetherforgirls.org/svsolutions

⁴⁰ Susan D. Hillis, James A. Mercy & Janet R. Saul (2017) The enduring impact of violence against children. *Psychology, Health & Medicine*, 22:4, 393-405, DOI: [10.1080/13548506.2016.1153679](https://doi.org/10.1080/13548506.2016.1153679)

particularly strong focus on girls, and address the unique ways in which girls experience violence. In particularly patriarchal societies, effective programs and interventions need to work with men and women, girls and boys, and, where relevant, families.⁴¹ Decades of data collection and research have increased our understanding that to achieve lasting systemic change, we can leverage synergies between the drivers, contexts, and consequences of violence against women and violence against children, to achieve more efficient, effective, and lasting positive change and end impunity for this grave and widespread violation of human rights.

Two well-established evidence-based frameworks—INSPIRE⁴² and RESPECT⁴³—can be used by states in a synchronized way to address the multiple risk factors that are more likely to reduce both violence against women *and* children.

The submitting organizations request that the SRVAW use the thematic report to call on states to:

- Fulfil their obligations under the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), including allocating appropriate human and financial resources at all levels to effectively implement laws and policies to prevent and respond to all forms of gender-based violence against women and girls. This should include protection and support for survivors, prosecution of perpetrators and availability of reporting mechanisms, prevention interventions, which take an intersectional and life course approach, and support for girl and women-led organizations.
- Take an intersectional, life course approach to addressing sexual violence and other forms of GBV, recognizing that the interplay of gender and age and other factors-- poverty, homelessness, disability status, gender identity and sexual orientation, refugee/migrant status, and marginalization on the basis of race, ethnicity, and religion-- render young and adolescent girls particularly vulnerable.
- Recognize and respond to the vulnerabilities for sexual violence that children and adolescents face, and undertake effective intervention to protect all children, and prevent victimization and perpetration in adulthood.
- Recognize and respond to the unique ways in which girls experience gendered violence, including as a result of child early and forced marriage, FGM/C and other harmful practices, intimate partner violence, and sexual exploitation, including online.

⁴¹ Jewkes, Rachel. What Works to Prevent Violence Against Women and Girls? (12 March 2020). <https://www.whatworks.co.za/resources/presentations/item/699-what-works-to-prevent-violence-against-women-and-girls-presentation-3-march-2020>

⁴² WHO & partners. (2016). INSPIRE: Seven Strategies for Ending Violence against Children. <https://www.who.int/publications/i/item/inspire-seven-strategies-for-ending-violence-against-children>

⁴³ WHO & partners. (2019). RESPECT Women: Preventing Violence against Women. <https://www.who.int/reproductivehealth/publications/preventing-vaw-framework-policymakers/en/>

- Integrate violence against women and violence against children prevention and response efforts, linking policies and structures addressing VAW and VAC, where appropriate, to break down silos and effectively address the linkages between the two.
- Recognize comprehensive sexuality education (CSE) as a key strategy not only for empowering women and girls but for addressing the harmful social norms that perpetuate sexual violence against them.
- Ensure that all adolescents and young people have access to CSE and age-responsive sexual and reproductive health services to ensure they can make informed choices, free from discrimination, coercion or violence. CSE should be included in online and distance learning packages during school closures.
- Utilize *and* build on existing data collection efforts to better understand and highlight the complex needs of adolescent girls. Available data on violence against children is growing steadily, with, for example, 23 VACS completed or ongoing. There are many options for collecting violence-related quantitative and qualitative data that have been relatively untapped to better understand and respond to violence against women and violence against children.
- Provide a space and enable girls and young women to be heard and to hold decision-makers accountable.
- Democratize knowledge and engage new and more diverse voices—especially those from low- and middle-income countries—In decision-making forums at all levels.
- Engage both men and boys, and women and girls in violence prevention and response efforts, recognizing that their experience of violence and unequal social norms in childhood also impacts their masculinity and impacts their attitudes in behaviors into adulthood.