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Introduction

Chapter 1

Combating Gender-Based Violence: A Multi-Approach Call to Action

Madhumita Pandey

Gender-based violence is a well-recognised pervasive social evil of our times yet we are quite behind in combatting this gross human rights violation. While there is no doubt that both men and women can be victims of this type of ‘gendered’ violence, it disproportionately affects women and girls. According to United Nations’ sexual and reproductive health agency, one in three women have experienced physical or sexual abuse (WHO, 2021). Further estimates from UN Women (2021) show that globally, thirty five percent of women have experienced physical and/or sexual intimate partner violence, or sexual violence by a non-partner. This figure does not include sexual harassment. When it comes to adolescent girls aged 15–19 years worldwide, fifteen million have experienced forced sex. European report on gender-based violence highlights that one in three women in the European Union (EU) have experienced physical and/or sexual violence since the age of 15, while one in ten has experienced sexual harassment or stalking via new technologies (European Parliament, 2016).

Defining Gender-Based Violence

In most cultures and societies, gender-disparity is deeply embedded with clear differences in the way men and women socialise and are expected to behave. There are of course far greater consequences for women and girls if they move outside of their rigid gender norms. One way in which they are reprimanded is through the use of violence. The definition of gender-based violence has been well established by academics, activists and advocates working in the field of gender-equality over the last three decades. The first official and, safe to say, most notable definition of gender-based violence comes from the 1993 United Nations Declaration on the Elimination of Violence against Women which outlines, “*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life*” (UN Women, 2022). People who experience gender-based violence

may suffer from different human rights violations – for example right to the highest standard attainable of physical and mental health; freedom from discrimination and the right to safety and security. Gender-based violence is an umbrella term that encompasses, but is not limited to physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence; and violence related to exploitation. It also includes forms of violence occurring within the broader community, including rape, sexual abuse, sexual harassment and intimidation at the work place, in educational institutions and elsewhere along with trafficking and forced prostitution (UNHRC, 2022). More specifically, the above definition encompasses all forms of violence included and discussed in this book.

Prevalence

Kury, Oberfell-Fuchs and Woessner (2004) found rates of violence against women to be related to social attitudes and Capezza and Arriaga (2008) argue that when individuals perceive violence to be acceptable, it can lead to a societal climate that further breeds and normalizes violence against women. Although these acts of violence have been condemned through various feminist movements, both globally and locally, gender-biased attitudes continue to remain a big part of our societies and this issue is suspiciously treated as a topic of ‘women’s problems’, even when a disproportionate number of perpetrators are men. According to the World Health Organization (2021), it is estimated that 736 million women have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both at least once in their life. Simply put, globally almost one in three women face numerous forms of gender-based violence. Most gender-based violence is perpetrated by current or former husbands or intimate partners which further highlights the importance of including men in the discourse around combatting violence against women.

The European Institute for Gender Equality report (2021) outlines how one in ten women in Europe have experienced cyber-harassment since the age of fifteen. In the Middle East and North Africa, 40–60 percent of women have experienced street-based sexual harassment (UN Women, 2020). According to the Equality Now (2017), rape of woman or girl continues to be treated as an issue of morality rather than one of violence in at least 15 out of 82 jurisdictions examined in the report. These are Afghanistan, Belgium, China, India, Indonesia, Jordan, Luxembourg, Netherlands, Nigeria, Pakistan, Palestine, Peru, Singapore, Taiwan and Yemen. Misogynistic and victim blaming terminology of humiliation, honour, modesty, chastity or morality is frequently used in legal provisions on rape in these jurisdictions. Although, such sexist behaviours are not exclusive to just one part of the world.

Conceptual Framework

The UN Gender Assembly (2006) argues that gender-based violence is rooted in social structures rather than individual and random acts, cuts across age, socio-economic, educational

and geographic boundaries and continues to be a major obstacle in ending gender inequality and discrimination globally. Therefore, it is essential to understand gender-based violence in an in a framework that can recognize the continuum of violence. As noted by many researchers, various acts of sexual violence against women are actually connected to commonly occurring aspects of everyday male behaviour in the society (Gilbert and Webster, 1982; Scully and Marolla, 1985; Kelly, 1988a; McMohan, Postmus and Koenick, 2011). Kelly (1987a; 1988b) was one of the first researchers to stress on the relevance and use of a “continuum” to understand the perpetration of sexual violence against women. She argued that, “*The concept of a continuum can enable women to make sense of their own experiences by showing how typical and aberrant male behaviour shade into one another.*” (Kelly, 1988b, p. 75). At one end of the continuum are behaviours that are generally considered sexually violent in our society, such as rape. These acts are recognized as serious crimes in most cultures and societies and are judged more harshly and carry legal ramifications and punishments (Stout, 1991). At the other end of the continuum are behaviours that are more commonly accepted, traditional gender norms, sexually degrading language against women, molestation and harassment (McMahon et al, 2011). The behaviours at this end of the continuum are often normalized as a part of our culture and their connection to sexual violence is not widely recognized nor judged as harmful (Stout, 1991). The behaviours on the less severe side of the continuum are important because they contribute to a culture of violence that supports and tolerates the more severe forms of violence against women (Brownmiller, 1975; Schwartz & DeKeseredy, 1997). Kelly’s (1987a) continuum included women’s experiences ranging from flashing, sexual harassment, obscene phone calls, pressure to have sex, domestic violence, sexual abuse, coercive sex, sexual assault, incest and rape.

In addition to viewing gender-based violence on a continuum, it also crucial to place it within an integrated model as it is a phenomenon driven by complex socio-ecological factors. Heise (1998) encourages the widespread adoption of an integrated, ecological framework for understanding the origins, prediction and prevention of gender-based violence. She presents an ecological approach to gender-based violence grounded in an interplay of personal, situational, and socio-cultural factors. While most of the theoretical underpinnings of the book support the feminist school of thought, it should be noted that the research presented is not solely focused on the survivors of gender-based violence. The book aims to not only highlight women’s vulnerability but also men’s responsibility. Wu’s (2018) work provides a useful discussion on how to engage men as allies in ending gender-based violence. Therefore, it is crucial to have multi-approach prevention strategies that can focus on both survivors and perpetrators of gender-based violence. De-Hoog’s (2017) research in Haiti and Pandey’s (2018) research in India establishes the undeniable links between crises of ‘masculinity’, particularly in contexts of severe economic poverty. It revolves around the idea that the root causes of violence can be found in the disempowerment of men through a patriarchal system that provides them with only superficial power, ultimately creating a dangerous paradox through the juxtaposition of supposed male supreme power and ultimate powerlessness in the face of societal expectations of masculinity (Pandey and Cius De-Hoog, 2019).

Organization of the Book

This book aims to present international perspectives on combatting gender-based violence. It brings voices of early-career researchers to senior academics in the form of thirteen chapters containing empirical as well as theoretical research on gender-based violence. These have been thematically organized into five parts.

Part I Gender-Based Violence: Perspectives on Rape and Sexual Violence

After the Introduction, the second chapter outlines an important discussion on how rape myths continue to be influential across sexual offences trials in England and Wales, despite ongoing and significant reform. The author, Charlotte Herriot, presents an exploratory study using extracts from Court Observation research, to explore rape myth construction in reference to underlying adversarial ideals. It concludes that the adversarial ‘contest’ and focus on winning appears to facilitate and even incentivise advocates to rely upon rape myth narratives at trial and as such, advocates routinely exploit adversarial constructs so as to ‘win’ the battle. This study is particularly significant as despite extensive academic research and policy reform, the underlying legal context of trial has largely escaped examination in relation to myth usage.

The third chapter builds on this discussion and explores how rape myths alone fail to explain why the existing evidence suggests that victim-survivors from minoritized and marginalised groups have a particularly low chance of seeing a conviction in England and Wales. Drawing on court observation data from 2019, this chapter therefore delineates some of the specific ways in which oppressive cultural narratives reinforce common rape myths. Specifically, the chapter highlights how victim-survivors are undermined through classed and gendered narratives of respectability in ways that reach beyond rape myths. The misconception that false allegations of rape are common is reinforced by deeply embedded narratives that position women, and particularly working-class women, as inherently untrustworthy.

The next two chapters bring perspectives on sexual violence from the global south. Following the 2012 Nirbhaya gang rape in Delhi, the Criminal Law (Amendment) Act 2013 was enacted in India. At this time, Delhi was being hailed the rape capital of the world. Then in 2014, Delhi Commission for Women claimed that 53.4 percent of the total rape cases filed between April 2013-July 2014 were false. Instead of lamenting a very high attrition rate, the growing nexus in the public and law enforcement officials became that women file false rape complainants due to personal vendetta. Using ethnographic account of the rape victims and their families, Chapter four unravels why victims turn hostile while accessing the criminal justice system. Garima Jain argues how sexual violence discourse is often dominated by archaic, regressive and patriarchal attributes that question the victims' legitimacy and experience. This chapter offers a novel approach to the difficulties experienced by rape victims in accessing justice processes by expanding an emerging paradigm of narrative victimology.

Chapter five continues in the same vein of examining sexual violence in a culture of misogyny and toxic masculinity. While the issue of rape in South Africa is commonly known to be one of the worst in the world and therefore a major abuse of human rights, Lesotho, a lesser-known, landlocked country within South Africa, has been shown to have statistically higher rape levels. Still, there has been a dearth of research conducted on this rampant gender-based violence within Lesotho, leading to a distinct lack of understanding and knowledge of the impact upon

the lives of the victims. In this chapter, authors Anna Lester and Madhumita Pandey, examine existing literature on rape in Lesotho using a thematic analysis. They utilise an ecological map as a theoretical framework to present the intricacies of the cultural, societal and legal elements that have impacted the prevalence of rape within Lesotho, including a deep-rooted patriarchal society and sexual violence occurring within the education system.

Part II Gender-Based Violence: Perspectives on Trafficking and Modern Slavery

Chapter six also brings a unique perspective from the global south but the focus now shifts to modern slavery. In a context of global contemporary slavery and society, Haiti's *restavèk* practice epitomises the result of a gendered system of patriarchal power and structural and symbolic violence. In the dominant literature, female slaveholders are described as enacting out a 'frustrated rage' towards child domestic slaves. However, through chapter six, Fiona de Hoog-Cius and Kevin Bales provide a framework of analysis that points to wider factors of gendered disempowerment in a context of extreme hardship as basis for violent visceral outbursts. The authors amplify the voices of Haitian women interviewed on the subjects of complicity in the *restavèk* system, their experiences of inequality and the cascading effects on vulnerable children of gender inequality in a context of poverty.

The treatment of female victims of traditionally gendered crimes by the UK criminal justice system has historically been weak. In particular, those young women and girls who have experienced sex trafficking. A notable example of this would be the Rotherham/Rochdale 'grooming scandals' whereby girls as young as eleven were trafficked and sexually abused across the UK by gangs of men over the course of several years. In chapter seven, authors Lindsey Brooks and Craig Paterson critically examine the British approach to handle cases of child trafficking, focusing on police and social services using a multi-agency approach. The chapter highlights how there was little consistency of practice across the nation, creating a disjointed and fragmented experience for young people who have been victims of trafficking, with little provisions made to account for further harm sexual crimes can have on these children.

Part III Gender-Based Violence: Perspectives on Domestic Violence

The next two chapters focus on approaches to combatting domestic abuse in the UK. Chapter eight argues for more investment to explore the use of data-driven technology to predict, prevent and pursue criminal harms against women. Author, Jamie Grace, begins with an overview of the contemporary scale of the issues, and the current problem of recording data on serious violent and sexual offending against women, before moving on to consider the current status and strength of positive obligations under UK human rights law to protect victims of intimate partner violence. The chapter also includes some examples of how data technology can augment policing of serious criminal harms against women, before turning to consider some of the legal problems concerning potential bias, inaccuracies and transparency that can dog 'predictive policing' in particular.

From advocating the use of machine learning technology in public protection roles, we now move towards public health approach interventions for reducing crimes against women. For police forces and government agencies across the world, the development of strategies which tackle violent crime is of high priority. Chapter nine evaluates the effectiveness of strategies which aim to prevent and reduce violent crime. Each intervention that is evaluated by John Land, sits within a broader Public Health Approach (PHA). PHA deals with the social determinants of crime, as opposed to the punishment of crime. The PHA interventions that are evaluated in this chapter relate to the Scottish Violence Reduction Unit and the Cardiff Model, responses to domestic abuse, and educational inclusion. The purpose of the chapter is to provide well-balanced evaluations of PHA interventions which will allow interested groups to make informed decisions regarding the deployment of violence reduction strategies.

Part IV Gender-Based Violence: Perspectives on Media Discourses

The issue of gender and the disparities it brings in relation to crime is one that has undergone intensive research over recent years particularly within the media context. Lloyd (1995) argued that female offenders are often regarded as ‘doubly deviant’ as not only do they break the law in its practical sense but also, they go against those rules which underpin womanhood. Chapter ten revolves around the media discourse. Shamima Begum featured heavily in the UK headlines in February 2019 after she was discovered in a Syrian refugee camp, pregnant, and pleading to return to Britain. Begum had left the UK four years earlier, aged just 15, as one of three British schoolgirls (widely referred to as the ‘Bethnal Green trio’) who travelled to Syria to join the Islamic State of Iraq and the Levant (ISIL). As her story unfolded, Begum became the centre of extensive media and public outcry regarding her ambition to return to Britain. Within a week of Begum’s case becoming public, the UK Home Office revoked her UK citizenship, citing her rights to Bangladeshi citizenship as a basis for the move, and arguing that this was permissible under international law as, they claimed, she was not left stateless. An ongoing legal battle to reinstate her British citizenship thereafter ensued and in July 2020, the UK Court of Appeal ruled that Begum could return to the UK to contest the Government’s decision. It remains unclear how she will return, with the British Government thus far maintaining that they will not permit her entry. Currently, Begum is awaiting the rule of the Supreme Court. Some research has begun to consider the case of Shamima Begum from a human rights perspective (e.g. Masters & Regilme Jr., 2020) and there is a small body of research exploring media constructions of so-called ‘Jihadi Brides’ (E.g. Jackson, 2019, Martini, 2018). However, as Labenski (2021) points out “despite her trial in the court of public opinion, there has been little feminist gender analysis of Shamima Begum’s publicity by mainstream news outlets [and] a failure to reflect on what public thirst for her story reveals about gender, religion, race and ‘Britishness’” (p.3). It is precisely these ambitions that authors Laura Kilby and Lisa Staniforth address in this chapter.

Chapter eleven continues the discussion on media discourse and media misogyny by focusing on intimate-partner violence. Using critical discourse analysis, author Sarah Tatton examines contrasting news reports of the murder of Hannah Clarke and her children in February 2020 by her ex-husband, Rowan Baxter. The chapter explores contemporary dominant and counter discourses around intimate-partner abuse, particularly the patterns of behaviour associated with coercive and controlling behaviour. The analysis draws on the work of Foucault, Fairclough and Carabine in examining the construction of cultural ‘norms’ or ‘truths’ through discourse. More specifically, two newspaper articles were selected from the wide media coverage of Clarke’s murder. Competing constructions of intimate relationships and the nuclear family are considered, with particular focus on the power struggle between the reproduction of historically dominant patriarchal constructions and the resistant, feminist perspective. This sample of media discourse demonstrates the persistence of the historically dominant discourses of intimate relationship dynamics, despite decades of work aimed at resisting these dynamics of power and subordination, and provides an example of the news media as a site of discursive construction and reconstitution.

Part V Gender-Based Violence: Perspectives on Rehabilitating and Reintegrating Perpetrators

It is well established that gender-based violence takes many forms, including domestic abuse, sexual assault, harassment, stalking and murder. The impacts are far-reaching for victims, perpetrators and the families of both. Rebuilding a future is challenging for anyone affected by violent crime and whilst many services focus on supporting the victims and their loved ones (support which is much needed and should be in place) the support needed for those who committed the offences cannot be underestimated. Many perpetrators have histories of trauma and abuse, long-term mental health or substance misuse issues or an upbringing defined by poverty and deprivation. They often lack positive role models, self-confidence and the ability to integrate successfully into society prior to the offence and a custodial sentence exacerbates this situation; destroying family connections, support networks and the potential for sustainable employment. In the final part of the book, perspectives on combatting sexual violence and harm have been discussed with perpetrator rehabilitation in mind. Chapter twelve argues for greater use of community hubs in the supervision of people convicted of sexual offences. The chapter presents an overview of the current state of probation, contemporary issues in the supervision of people convicted of sexual offences and desistance from sexual offending. The authors, Charlotte Oliver, Andrew Fowler, Madhumita Pandey and Peter Brown examine community hubs, a collaborative and multi-agency approach to probation, along with their application and associated research. The authors bring together community hubs and the experiences of people convicted of sexual offences. In highlighting the potential benefits of community hubs for this specific group, those convicted of sexual offences, the chapter suggests that the hub approach, one grounded in human rights, is well positioned to bridge gaps in probation practice through creating more visible desistance pathways. This work strongly supports the idea that when addressing gender-based violence, it is vital to encourage sufficient provision for those with convictions, to both encourage desistance and prevent future harm and victimisation. Ultimately, the chapter aims to encourage further research on the use of community hubs for people convicted for sexual offences and advocates for their innovative and desistance-focused potential with this vulnerable population.

Chapter thirteen presents a unique alliance of authors who highlight how theatre and creative arts, proven ways to develop transferable skills within incarcerated communities, can help people return to communities as citizens rather than offenders. It is authored by the Director of several collaborative theatre companies within a number of English prisons – Dr Rowan Mackenzie, Prison Governor, HMP Hewell – Ralph Lubowski and a current inmate and founding actor of Emergency Shakespeare (a prison-based theatre company) – Pheeliz Obun. As individuals with a strong collaborative history, they discuss how theatre can be an effective tool in providing mental health benefits, identity creation and development of transferable skills for individuals with sexual convictions through co-ownership of a theatre company within prisons. One actor describes them as ‘a co-operative endeavour, meaning that all involved have a sense of ownership of it’ and as they aim to provide positive autonomy in a place which strips people of their identity. The chapter draws on long-term ethnographic research to examine the extent to which such programmes can enable perpetrators of violent crimes, particularly those convicted of sexual offences, to develop positive connections both during their sentence and upon release. With contributions from both HMPPS and prisoners this last chapter of the book provides a novel perspective on the way in which theatre can avoid further harm and victimization.

Conclusion

This book attempts to explore the multi-faceted nature of violence experienced by and women and girls and analyse international perspectives on combatting gender-based violence. It links gender-based violence to deeply-rooted socio-cultural norms and socio-economic inequalities. The book presents twelve chapters written by twenty authors drawing information from the global south as well as the global north. It features voices of academics, early-career research scholars and practitioners who are investigating the area of gender-based violence and its implications on Human Rights, Law and Policy. It is through this multi-agency, multi-sector, multi-disciplinary and multi-methodology that we call to action. An issue as complex as gender-based violence needs strategic collaborative efforts from all fronts. The book offers critical discussions on various forms of gender-based violence such as sexual violence, domestic violence, intimate partner violence, media misogyny, sex trafficking and modern slavery. Each chapter is unique in its theoretical, methodological and empirical contribution to existing knowledge on gender-based violence as well as makes new contributions to address the common challenges and barriers to combatting this issue. The 2030 UN Agenda for Sustainable Development Goals (SDGs), adopted by member countries in 2015, has made strong calls for the elimination of violence against women and girls— namely through Goal 5 on gender equality and women’s empowerment. While we present recent scholarship in this edited volume, it is crucial to continue in this streak to understand the true magnitude of the problem and to monitor the progress made globally and by countries individually in addressing gender-based violence.

This edited volume should be a good resource for researchers, clinicians, civil society organizations and related professionals as well as graduate students in criminology, psychology, anthropology, sociology, legal studies, women’s studies, public health, and policy studies.

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