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Protecting Women from Violence in Light of the UN Sustainable Development Goals from the Perspective of a Postmodern Society

Abstract: Among the 17 UN Sustainable Development Goals adopted in the so-called Agenda 2030, Goal 5 is defined as achieving gender equality and empowering women and girls, and the objective labelled 5.2 is about the elimination of all forms of violence against women and girls in the public and private spheres, including trafficking, sexual exploitation and other forms of exploitation. The way gender equality is framed in Agenda 2030 in the context of countering violence is unsatisfactory. It relies on outdated perceptions of sexuality, fails to recognize new problems related to the fluidity of gender identity and may indirectly lead to ignoring the problem of violence against people of a gender other than women.

Keywords: Agenda 2030, human trafficking, protection, violence, women

Introduction

Among the 17 United Nations Sustainable Development Goals adopted in the so-called Agenda 2030, Goal 5 is defined as achieving gender equality and empowering women and girls (Kampania 17. Celów, n.d.). Within this area, nine task-specific goals are listed, most of which relate to combating discrimination against women and girls and eliminating violence against them. These include the goal labelled 5.2, which is about the elimination of all forms of violence against women and girls in

the public and private spheres, including human trafficking, sexual exploitation and other forms of exploitation (Grzyb, 2018, p. 224).¹

Violence in general and human trafficking in particular are undoubtedly dangerous and difficult to eradicate. However, the laudable goals of the Agenda regarding the elimination of violence and especially human trafficking are overshadowed by the way gender equality is framed in the context of countering violence. One can note here a certain discrepancy between the perception of gender roles and a woman's place in the social system in postmodern western societies and the view of them in traditional societies, where structural inequality between the two sexes is considered the main cause of violence against women (Caban, 2010; Grzyb, 2018, p. 222; Nowacka, 2020). The latter is how violence against women in the European Union, for example, is viewed within the framework of gender equality policy (European Commission, 2016a; European Commission, 2016b; European Commission, 2024).

Since roughly the middle of the 20th century, western countries (such as in Europe and North America) have seen a gradual transformation of traditional society, which was homogeneous and place-bound, into a postmodern (pluralistic) society, which is not (Mariański, 2014, pp. 33–75). Instead, it lacks internal order and is hardly susceptible to planned reform efforts (Encyklopedia PWN, n.d., Społeczeństwo ponowoczesne; Encyklopedia PWN, n.d., Ponowoczesna teoria społeczna; Oniszczyk, 2012). Moral values have been replaced by pragmatic ones, leading to a state of fluid social norms and strangely conceived moral autonomy (Budyn-Kulik, 2022, pp. 38–48). This is accompanied by transformations in human morality and sexuality, including the increasing acceptance of forms of sexuality previously unaccepted or marginalized and the lack of unequivocal condemnation of these, which, until recently, were evaluated negatively. These phenomena have resulted in the emergence of new aspects of violence, including those based on gender, which were not included in Agenda 2030. It should be remembered that this document was created in 2015, when certain social transformations were not yet occurring with the intensity they are today. It should be emphasized that the very idea of combating and preventing violence, including human trafficking, is as appropriate as possible, especially when it takes place without the consent of the person concerned and is carried out by people who are incapable of understanding the situation, resisting the perpetrator, etc. The discussion below will focus on issues related to the way in which Agenda 2030 includes combating and preventing violence against women (and girls) and one of its aspects, human trafficking.

1 It is worth noting that research shows that the victimization rates of women in countries with very advanced equality procedures are higher than in countries perceived as traditionalist.

1. Preventing and combating violence against women

1.1. Definition of the object of protection

Agenda 2030 formulates Goal 5.1 as the elimination of all forms of violence against women and girls; it was placed in the section on gender equality. Such a solution does not seem optimal, since violence is a widespread phenomenon and affects a variety of people, regardless of gender. The current framing seems to downplay the problem in relation to people of a gender other than women and men, and non-binary, gender-fluid people (Cordis, 2021; European Parliament, 2021). Perhaps a better solution would be to differentiate the scope of protection from violence by age. Special protection for children before they enter the teenage years, especially up to the onset of puberty (11–14 years), is not in doubt. Due to their level of development – primarily in the cognitive sphere, but also in the social and emotional spheres – they are usually not persons capable of making a rational decision regarding their own situation. Their protection is therefore of a paternalistic nature (so-called weak paternalism): the state enters, as it were, into the role of a parent who knows better than the minor him/herself what is good for him/her (Budyn, 2003, pp. 59–60; Feinberg, 1983, p. 18).

The Agenda uses the term ‘girls’ rather than ‘children’ and tends to refer to people whose sex characteristics are already clear, so the term ‘woman’ would suffice here. In the case of young children, this protection does not fit into the area of gender equality and non-discrimination; it is based on the assumption of lack of fitness for decision-making due to developmental characteristics (age). It would therefore be more correct to identify women and children as these specific objects of protection.

Placing only one gender in the equality goals seems a little wrongheaded. The most frequent victims of violence, particularly domestic violence, are indeed women (NCADV, 2024), but it must be remembered that men and non-binary people are also victims of violence such as domestic violence, although the figures are not as complete in this regard as they are for women and children (Bodzon, 2013; Kolbe & Büttner, 2020; McLeod, 1984; Thobejane et al., 2018; Thureau, 2015). With regard to the singling out of women as a special object of protection from violence, it should be noted that the prevention of violence in an institutionalized, normative way is necessary; without appropriate legal, including criminal law, measures, it does not seem possible to change certain attitudes and behaviour patterns. This is particularly important in those areas of the world where, on the one hand, there is a strong cultural acquiescence to violence, and on the other, the structures and institutions of the state do not always function properly and the poor financial condition of the state and most of the society makes it difficult to find sources of funding for the activities that should be undertaken. In other regions (such as Europe, North America), the situation is somewhat different. Despite often intensive efforts in this regard, the measures taken so far have not led to the eradication of violence from social life; moreover, new manifestations are emerging. States and their institutions are

therefore looking more and more for new solutions which, in addition to supportive and accessory actions, can increasingly replace the activity of those concerned. Such actions on the legislative level, as well as related endeavours in the social sphere, can sometimes lead to the creation of a belief that the state has taken all responsibility for the lives of certain groups of citizens (in this case women) and give the impression that there is no need for victims to take responsibility for their own lives. This can make it difficult to take measures that can actually have an impact on changing social attitudes towards violence and thus on its prevention (Budyn-Kulik, 2020, pp. 81–83).

1.2. Stereotyping in the image of the victim

The attempt to change attitudes towards violence (especially family violence) from approval or at least toleration to decided disapproval, which has been observed for many years, including in Poland, is definitely commendable (Kowalewska-Birys & Truskolaska, 2014). Social campaigns aimed at explaining the mechanism of family violence, dispelling certain myths (e.g. that it is a rare phenomenon that occurs only in certain environments) and creating a system of assistance for victims (e.g. women's shelters, support groups) have made victims more courageous in revealing the fact they are experiencing violence, actively seeking help and not being ashamed to talk about the fact that they have been victims (Budyn-Kulik, 2020, pp. 79–80). Addressing this issue, also at the normative level, requires adequate definition of the phenomenon. Somewhat worryingly, existing definitions of violence, especially domestic or gender-based violence, are vague; in an effort to provide the best possible protection for all potential victims, these definitions are increasingly being expanded. They tend to include content that is irrelevant and not constitutive of the phenomenon, so they become too general and address behaviour that may be disapproved of but that does not yet constitute violence. At the same time, the mistake is also made of omitting some essential features from the definition, which makes it unable to cover the entire concept to which it refers. This results in stereotyping the image of violence of a given type by narrowing it down to the most common situations, such as in the case of domestic violence, to that in which the perpetrator is a man and the victim is a woman (and possibly children) (Budyn-Kulik, 2020, pp. 80–81; Dutka, 2014). The consequence of definitional errors and a certain way of portraying violence against women in the public space is the creation of many prejudices, building a stereotypical image of the victim (Sękowska-Kozłowska, 2016): she is a weak woman, with no chance in a confrontation with a male perpetrator, is always credible and deserves sympathy and help (Grzyb, 2017). Victims of violence (most often of domestic violence) are usually portrayed as helpless and powerless. The portrayal of the victim as weak and in need of intensified institutional assistance justifies the operation of many state and non-governmental agencies and organizations – those involved in helping victims 'sharpen' their image, either in good faith or unconsciously. It is possible that they perceive such behaviour as making it easier to organize assistance to victims, and they probably also feel greater satisfaction from the work they have done

(Budyn-Kulik, 2020, pp. 81–82). This is by no means to deny the legitimacy of helping victims of violence who need it; however, the dominant narrative somehow negates the victim's right to demonstrate resourcefulness, strength and their lack of submission and helplessness. It is as if the victim's possession of such qualities and their taking remedial and/or defensive action makes the perpetrator's behaviour, that has the hallmarks of a criminal act, no longer criminal in nature (Budyn-Kulik, 2020, p. 82). In the US literature on domestic violence, an alternative concept emerged many years ago in this regard, according to which victims of violence are viewed as survivors (Bejenaru, 2011; Gondolf & Fisher, 1988, pp. 78–80; Hoff, 1990, pp. 16–31).

In a broader perspective, building an image of victims of violence as always being weak and not trying to find a way out of their difficult situation is not beneficial to victims – either from a social or an individual perspective. Maintaining such a strategy and extending protection may result in 'social boredom' with the issue and a loss of public sympathy and thus of support for victims of violence. This is especially true for victims of domestic violence, but also for victims of human trafficking for sexual exploitation (Budyn-Kulik, 2020, p. 83).

Agenda 2030 was created nine years ago, but social changes have made the framing of its various tasks somewhat archaic and inadequate to the requirements of modern times. If there were an opportunity to make adjustments to this document, it would be worthwhile reformulating the objectives of Goal 5 somewhat, emphasizing not only the need to make efforts, so to speak, 'external' to those involved – by states and their institutions – to protect victims who are actually weaker and require such help, but also stressing the need to support women themselves in making efforts to take responsibility for their own lives and encouraging them to see themselves as causal individuals. Inscripting a victimized woman into a victim pattern can make her, consciously or not, try to conform to it, which can lead her to develop the belief that since she is a victim of violence, she is weak, and any attempts to find a way out of the situation are pointless. Conscious adjustment can occur when the victim realizes that conforming to the pattern of a victim of violence makes her credible in the eyes of administrative, law enforcement or judicial personnel. This conscious adjustment, even if initially purely formal and external, can lead to the victim stepping into the role and forming a belief over time that she actually possesses characteristics consistent with the schema (Budyn-Kulik, 2020, pp. 83–84).

It is important to note a certain inconsistency in the way violence against women is portrayed. On the one hand, the idea of social roles (especially feminine and masculine gender roles) is blurred; on the other hand, a schema of women as strong, self-conscious, decisive and autonomous (without the need to seek support from a partner) is built in the eyes of the public, while at the same time a model of women as victims of violence (especially in the family) and as weak and incapable of deciding for themselves is created (Budyn-Kulik, 2020, pp. 84–85). The protectionist approach to women as victims of violence is particularly puzzling in the context of portraying them as victims

of an oppressive patriarchal system in which, as women, they are deprived of the right to decide for themselves. Presenting women victims as by definition weak and unable to cope without help is an expression of paternalism; that is, they are still deprived of the ability to decide for themselves, only this time under the pretext of looking out for their welfare. Even if one accepts that this is so-called weak paternalism, a doubt arises as to whether it is really justified (Budyn-Kulik, 2020, p. 86).

1.3. New problems related to gender-based violence

At the same time, some new aspects of gender-based violence remain unnoticed or seem controversial. The emergence of such phenomena is related, for example, to an individual's ability to freely choose his or her gender. In addition to transgender people, who feel discomfort between their biological sex and the way they perceive their gender identity and who usually seek to make a transition, i.e. to physically reconcile their biological sex with their psychological (social) sex (Kłonkowska, 2015; Leżucha & Czerwicz, 2022a; Leżucha & Czerwicz, 2022b), more and more people declare gender fluidity, manifested, among other things, in periodic identification with one of the genders without taking steps to physically reconcile it (Ziemińska, 2015). This generates all sorts of problems that were not realized when the Agenda was passed (Leżucha & Czerwicz, 2023). On the one hand, persons entering the gender reconciliation procedure are, for a certain period of time, physically in a state of limbo, so to speak; certain properties and physical characteristics of the previous gender have not yet been removed or modified, and the properties and characteristics of the new gender have already been introduced (RPO, 2020, pp. 14–17). Such a person may become a target of violence in certain situations, such as placement in a male prison of a person who was originally a biological male but who is in the process of gender reassignment and who may be subject to aggression from fellow inmates. At the same time, however, there is an increased risk of victimization of women by those who are biological males and who declare themselves to be women (without feeling the need to reconcile their biological sex with their declared sex and without taking steps to do so). The problems associated with this phenomenon can perhaps most clearly be seen in the context of imprisonment. The incarceration in women's prisons of biological men who declare themselves as women is increasingly common, which undoubtedly increases the risk of violence (physical or sexual) to other female prisoners (Anywhere, 2024; Grzyb, 2022).

2. Human trafficking in a postmodern society

In the case of human trafficking in a postmodern society, there may also be some doubts about the traditional way of viewing this phenomenon and, consequently, regulating issues related to its combating and prevention on the normative level. This

crime is usually committed by organized criminal groups, often of an international nature, which entails a high level of danger, not only for individuals but for entire communities, including states and international structures (Bajda, 2021). On the normative level, both from the international aspect and in national orders, efforts are being made to combat and prevent it.²

Human trafficking is a complex phenomenon both in terms of subject matter (the purpose of human exploitation) and geography (depending on the region of the world) (Antonów, 2014). A United Nations Office on Drugs and Crime report details ten territorial zones of human trafficking: 1. North Africa and the Middle East, 2. sub-Saharan Africa, 3. North America, 4. South America, 5. Central America and the Caribbean, 6. East Asia and the Pacific, 7. South Asia, 8. Eastern Europe and Central Asia, 9. Western and Southern Europe, and 10. Central and South-Eastern Europe. Different types of human exploitation are prevalent in different regions, i.e. trafficking for sexual exploitation will definitely prevail in North and South America, Central America and the Caribbean, East Asia and the Pacific, and Central and South-Eastern Europe, and trafficking for forced labour in sub-Saharan Africa, South Asia, Eastern Europe and Central Asia (UNODC, 2020, p. 95).³ Most victims of trafficking for forced labour are men and boys (UNODC, 2020, p. 96). In Western and Southern Europe most detected victims are adult women (37%), but men and boys are being increasingly detected (28% men, 21% boys) (UNODC, 2020, p. 133). The most detected form of trafficking is sexual exploitation (44%); forced labour is next (32%), and the rest is trafficking for other purposes, mainly for criminal activity and exploitative begging (UNODC, 2020, p. 133). Most victims of trafficking for sexual exploitation are adult women (74%) and girls (16%). Slightly higher percentages of adult female victims (53%) and girls (22%) are detected in Central and South-Eastern Europe; the share of trafficking for sexual exploitation is also higher, with a noticeably lower share of forced labour (18%). The most-detected victims of trafficking for sexual exploitation are women (59%) and girls (35%) (UNODC, 2020, p. 134). The percentage of adult women (46%) and girls (11%) as trafficking victims is lower in

2 In the international sphere, f.e., it is United Nations Convention against Transnational Organized Crime of 15 November 2000, together with the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Particularly Women and Children, Dz.U. z 2005 r. nr 18, poz. 158; Convention for the Suppression of Trafficking in Persons and the Exploitation of Prostitution (ratified under the Act of 29 February 1952), Dz.U. 1952, nr 41, poz. 278; ILO Convention No. 29 relating to forced or compulsory labor of 28 June 1930, Dz.U. z 1959 r. nr 20, poz. 122; International Convention for the Suppression of Traffic in Women and Children, signed at Geneva on 30 September 1921 (ratified in accordance with the Act of 13 February 1924), Dz.U. z 1925 r. nr 125, poz. 893, Dz.U. z 1925 r. nr 125, poz. 893; Convention for the Suppression of Trafficking in Adult Women of 11 October 1933, Dz.U. z 1938 r. nr 7, poz. 27 i in, on the basis of Polish domestic law, Konstytucja RP, art. 115 § 22 k.k.

3 Everywhere, however, human trafficking for the purpose of obtaining organs shows the lowest percentage. On this phenomenon, see Głogowska (2013).

Eastern Europe; here and in Central Asia, the highest percentage of trafficking is forced labour (66%), with 83% adult male victims (UNODC, 2020, pp. 144–145). Although in global statistics the number of female victims is higher than the number of male victims, in many regions the percentage differences are not large, and usually, where trafficking for forced labour is prevalent, the percentage of adult males exceeds that of female victims (UNODC, 2020, pp. 131–173).

Because of this, it does not seem entirely justified to emphasize so strongly the need to combat trafficking as far as female victims are concerned. Protecting women and girls from being trafficked is important (Olszewska, 2014, pp. 156–157), but it seems that such a strong emphasis on the need to protect just them leads to downplaying the trafficking of male victims, which does not seem justified. Special emphasis should undoubtedly be placed on protecting children, regardless of sex, from trafficking (Lasocik, 2021).

If we look at the Polish regulation on human trafficking, which is basically a repetition of the content of international regulations, there is no doubt that the content of Article 115 § 22 of the Polish Criminal Code basically follows the direction set by the Agenda, although the Polish legislation protects all victims to the same extent, regardless of sex, and provides special protection to minors.⁴ The way in which the elements of the crime of trafficking in human beings has been included has raised many doubts in the doctrine of Polish criminal law, which has been expressed in numerous publications by the doctrine's representatives (Budyn-Kulik, 2022, p. 399, footnote 183, and the literature cited there; Hudzik & Paprzycki, 2009, p. 7; Sakowicz, 2009, p. 10; Sitarz, 2011; Zielińska, 2007, p. 45); therefore, it will not be analysed in this study. The following remarks do not concern the manner of using a human being as defined in Article 115 § 22 of the Polish Criminal Code but only the scope of activities to which human trafficking applies.

From a criminological and state perspective, and probably also from a moral one, the need to combat human trafficking is not in doubt (Lasocik, 2012; Wojnicz, 2010), but public attitudes, including those of potential victims towards some aspects of this practice, seem to be changing. This stems from a change in the understanding of individual freedom and the right to make decisions about one's own life. On the basis of the concept of postmodern society, the individual can decide for him/herself on all aspects of his/her own life – on its quality and on the moment of its termination – and the decision should not be subject to evaluation from others (Budyn-Kulik, 2022, pp. 282–283). In a postmodern society, paradoxically, a human has a commercial value, and the legislature's treatment of him/her as *res extra commercium* limits his/her freedom to decide for him/herself (Budyn-Kulik, 2022, p. 224). As the scope of

4 The introduction of the definition is due to Poland's ratification of the. See also Markiewicz-Stanny (2012); Sakowicz (2006); Sokołowska-Walewska (2012).

human rights expands, the question arises of whether the prohibition of trafficking in consenting adults violates a person's ability to decide for him/herself (Klebeko, 2015).

Meanwhile, it is clear from the definition in Article 115 § 22 of the Penal Code that the perpetrator's behaviour is punishable even if it is undertaken with the consent of the persons involved. It lists certain types of conduct towards a person which, according to the legislation (referring to traditional morality), as it were by definition, cause degradation of human dignity; these include prostitution, pornography, other forms of sexual exploitation, forced labour or services (Perkowska & Jurgielewicz, 2014, pp. 73–74), begging and slavery. The legislation juxtaposes these with the signifier 'or in other forms of exploitation degrading human dignity'. From this formulation, it follows that the examples of forms of exploitation given are also of the nature of 'degrading human dignity' (Daniluk, 2015, p. 719; Hypś, 2018, p. 767). Human trafficking therefore constitutes an attack on dignity.

Since the state and the economy in the postmodern world base their functioning on pragmatic, functional principles, traditional moral norms have less and less importance in a consumer society, and even morality has virtually disappeared from the social structure. Consumer morality is based on individualism and hedonism (Budyn-Kulik, 2022, p. 41). In the postmodern world, each person determines for him/herself the extent of his/her own dignity and decides for him/herself whether s/he feels that his/her dignity has been offended. Prostitution, pornography or various other manifestations of human sexual activity in postmodern society are not considered degrading. Sexuality is the feature by which a person defines him/herself and defines his/her identity. S/he has complete freedom in this regard, and since postmodern society rejects traditional morality, it cannot be judged in ethical terms. From a postmodern libertarian perspective, the current portrayal of trafficking is discriminatory, as it clearly implies that prostitution is something reprehensible (the very use of the term is considered by those providing such services to be non-neutral and discriminatory). Voluntary prostitution was considered at least morally ambiguous behaviour, or even treated as morally reprehensible; nowadays, one can find numerous statements in the public space and on the internet indicating that attitudes towards this phenomenon have changed (Budyn-Kulik, 2014, pp. 259–264). This can already be seen in the terminology: the term 'sex worker' is now used to describe such activity.⁵ Statements by those who provide such services go in the direction of professionalizing this activity, as well as gaining social acceptance for it and showing respect to those who engage in it (Charkowska, 2010, pp. 138–148, 166–180; Klimczak, 2022; Wiadomości, 2017; Właszczuk, 2021). The inclusion of voluntary sex work by adults in the definition of human trafficking can be seen as a restriction of freedom, as well as a manifestation of discrimination against those

5 This means a person (male or female) who provides paid sexual services. It is considered a neutral, non-deprecatory term; Wikisłownik (2023); Wikisłownik (n.d.).

who engage in such activity (by placing such activity in the catalogue of phenomena degrading human dignity).

It is worth noting in passing that the term ‘forced labour or services’ is undefined. It can be seen as a manifestation of a kind of discrimination that some of their forms are widely accepted and considered legal under the law. One can consider, for example, ‘trade in football players’ from this angle; this is done with the player’s consent, but in most cases s/he cannot change employers without their consent, nor can s/he continue to provide work when the employer wants to ‘sell’ him/her. Usually these transfer moves are justified by financial reasons (the financial condition of the club or the possibility of raising funds from the buyout of the player’s contract by another club).

Conclusion

Protection against violence is extremely important. Taking actions to prevent and combat it both internationally and domestically is necessary. However, realistic goals should be set, because even the most noble but utopian assumptions, impossible to achieve, may undermine the efforts undertaken. It is also important to properly balance protection objectives, in this case between combating a socially harmful phenomenon (violence, including human trafficking) and equalizing inequalities related to a woman’s place in traditional society. An attempt to correct existing irregularities in this area should not lead to the creation of new inequalities. It also remains an open question whether legislation (international, supranational or national) should notice and take into account social changes, even those that, for example from a moral point of view or from a broad social perspective, are unfavourable or harmful to society, even if they are approved of and perceived as beneficial by individuals, or rather perpetuate self-approved social attitudes (Budyn-Kulik, 2023).

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