

ENDING THE CYCLE OF VIOLENCE AGAINST GIRLS IN ASIA-PACIFIC

International human rights standards on prevention and elimination of violence against women and girls

Presented by Violeta Neubauer, Vice-Chair of CEDAW Committee

Ladies and gentlemen,

I am deeply honoured to be with you at this regional seminar and I would like to thank the IPU for this opportunity. My presence here is one of the many examples of the IPU honouring its commitment to promote the Convention on the Elimination of All Forms of Discrimination against Women within the parliamentary community as well as an evidence of cooperation between the CEDAW Committee and IPU established to enhance parliamentary engagement in ensuring full compliance with the Convention.

CEDAW Convention with 188 States parties¹, the second most highly ratified among the nine UN core human rights treaties, is the most comprehensive international legal instrument on human rights of women and protects their rights throughout their life span and implicitly includes girls. The Convention goes beyond the traditional scope of formal equality, pioneering the concept of substantive equality, that is, equality of women and girls in real life. CEDAW requires a transformation of gender relations within States, communities, institutions and families.

The CEDAW Committee which monitors compliance of the State parties' efforts and progress achieved in the implementation of the Convention certainly is **the one UN treaty body** that routinely tries to safeguard women's right to be free from any form of violence.

CEDAW places violence against women and girls in the context of women's inequality, and links it to the many different forms of discrimination they are subjected to. It acknowledges that violence against women is a consequence of the gender order established in a society, of the hierarchy and power relations between women and men. While certain forms of violence are specific to regions and countries, reflecting different historical experiences, they are all connected by a universal pattern, a pattern of domination, generated by the presumed superiority or inferiority of either of the sexes.

Even though the Convention does not contain any specific provision on violence against women, it provides a very comprehensive gender specific framework that encompasses violence against women under its broad definition of discrimination against women. States parties are obliged to take concrete steps to prevent violence against women and girls, protect victims and redress the wrong done to them, and take swift and effective action

¹ Asia-Pacific countries represented at this seminar that are not yet States parties to CEDAW are: Iran (Islamic Republic of), Palau and Tonga. See http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en

against perpetrators. They are also required to modify and abolish social attitudes and cultural patterns and practices which are based on the idea of inferiority or the superiority of either sex or on stereotyped roles for women and men. This obligation entails combating discriminatory gender-based stereotypes in social and cultural life and their elimination in law, public policies and their implementation, all of which State parties are obliged to fulfil loyally, with due diligence, with pursuing all appropriate means, in good faith and without delay.

The CEDAW Committee certainly is **the one treaty body** that routinely tries to safeguard women's right to be free from any form of violence. The Committee has been constantly working to give a dynamic, forward looking and enriching approach to the meaning of the standards and substantive content of the Convention with respect to legal and policy responses required by the State to comply with obligations to prevent and combat violence against women and girls.² Given that intersectional/multiple discrimination heightens the vulnerability of women and their experience of violence, and that most typically results in a continuous chain of violence for women and girls belonging to disadvantaged/marginalized groups States parties are obliged to be cognizant of their situation and to provide them with targeted support. This obligation entails also addressing vulnerability of women and girls to violence in conflict and post conflict situation.

The general standards with respect to legal and policy responses required by the State to comply with obligations to prevent and eliminate violence against women and girls include, but are not limited to the following:

- All forms of violence against women and girls must be addressed as a form of discrimination against women and girls that seriously inhibits their ability to enjoy their rights and fundamental freedoms on the basis of equality and constitute a violation of their human rights. Any integrated approach taken for the fulfilment of women's right to be free from violence must be based on the standards of equality and non discrimination and informed by the inter dependency of women's civil and political as well as social, economic and cultural rights.
- Measures to prevent and eliminate violence must be appropriate and effective and must be developed and implemented without delay. This means that the progress in combating violence lie not just in what the State does, but in what the State achieves in terms of real change for women and girls. It further means that the delay cannot be justified on any grounds, including political, social, cultural, religious, economic, financial or other considerations or constraints within the State.

The effective prevention and elimination of violence require the development and implementation of well-defined, rights-based national pro-active policy under which all forms of violence against women and girls are addressed in a comprehensive and holistic manner.

Given the different legal systems, different culture and traditions, different availability of resources and institutional settings it is clear that there is no single best practice model to

² CEDAW General Recommendation No. 12 (1989), superseded by General Recommendation No. 19 on violence against women (1992), GR No. 14 on female circumcision (1990) and further GRs, such as GR No. 24 on health (1999), GR No. 26 on women migrant workers (2008), GR No. 27 on older women and protection of their human rights (2010), GR No. 28 on the core obligations of State parties under article 2 of the Convention (2010) and GR No. 30 on women in conflict prevention, conflict and post-conflict situations (2013) .

follow in the establishment of an explicit national foundation and framework of law and policy. However, there are basic orienting parameters and legally binding norms and standards to secure the development towards a more equal safety of women and girls across the world.

> Regular collection, analysis and dissemination of quantitative and qualitative data disaggregated by sex, age and other relevant key factors is critical to ensure informed policy making and adoption of appropriate measures and their effective implementation as well as monitoring and evaluation.

> A key element of any holistic and comprehensive national policy is the enactment and enforcement of consistent and comprehensive legislation. Acts of violence against women and girls must be prohibited and criminalized, sanctions for such offences must be commensurate with their gravity, and any legal provisions, including in traditional, customary or religious law, which allows invoking of culture, custom, religion, tradition or so-called honour as justification for any act of violence must be repealed without delay. Criminal law must be complemented with legal provisions that provide clear guidance on prevention, protection, support and follow-up services and assistance for victims, including towards their recovery and social reintegration.

> Furthermore, any discriminatory laws that increase vulnerability of women and girls to violence should be reviewed and adequately amended.

> Introduction of mandatory reporting for professionals and institutions, such as medical personnel, social workers and teachers to report actual incidents of violence or the risks of such acts to the relevant authorities is critical for enhancing identification of victims or potential victims.

> Training for parliamentarians, legislators, the judiciary, law enforcement personnel, national human rights institutions, social and health service providers, teachers and other relevant professionals to adequately understand and address violence against women and girls and respond to in compliance with existing and new legislation is a critical investment in prevention, protection and prosecution and cannot be overemphasised.

> National efforts must be coordinated horizontally across all the relevant sectors and between local, regional and national level actors and with religious and traditional authorities. To ensure adequate protection and support to victims of gender-based violence enhanced coordination among law enforcement and judicial officers and cooperation with all parts of the criminal justice system and relevant NGOs must be supported.

> Legal and practical barriers to access to justice and remedies for women and girls victims of violence must be identified and rectified to ensure availability of redress and end of impunity (limitation period for initiating legal provisions, subsidized or free legal assistance, counselling and assistance);

> Adequate provision of mandated protective and support services, including through availability of shelters for victims, toll-free, 24-hour hotline to report instances of violence and provide referral to the services needed need to be established and adequately resourced.

> To challenge socio-cultural norms and attitudes that underlie the persistence of violence against women and girls, comprehensive public information and awareness raising campaigns and education programmes to change such attitudes, customs and practices that perpetuate violence against women and promote gender equality, mutual respect and non-violent conflict resolution in interpersonal relationships that are part of long-term strategies to eliminate violence must be undertaken.

> Intervention programmes for perpetrators with a view to preventing and minimising the risks of repeated offences and not as a substitute for sanctions which must be established to ensure that offences are punishable.

All States are also bound to apply the »**due diligence**« standard in relation to violence against women, now widely accepted in international human rights law.

Clearly, the efforts so far have brought results; nevertheless, there are millions of women and girls, live monuments of human rights violations accusing the inaction of States and there are silent accusations of those women and girls who died and will forever burden our conscience. Women and girls are not only victims of abuse. They are also victims of silence, victims of indifference and victims of neglect. That is why under CEDAW violence against women and girls is placed in the context from where it originates: persistent gender inequalities and stubborn lack of respect of human rights and dignity of women and girls.

Taking proactive measures to ensure respect for the human rights of girls and women and to prevent harm caused by their violations, rather than merely provide remedies after violations have already taken place is therefore a panegyric to elimination of violence against women and girls. **An ounce of prevention is worth significantly more than a pound of cure . . . Prevention is the first imperative of combating gender based violence.**

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