

INTERNATIONAL HUMAN RIGHTS STANDARDS

International & regional law has recognised the need for States to underpin their efforts to eliminate violence against women.

THE ISSUE

States' legal obligations to eliminate violence against women are enshrined within a range of international, regional and national legislative and policy frameworks, and case law. These frameworks recognize violence against women as a form of discrimination and a human rights violation that is pervasive, systemic and rooted in power imbalances between women and men.

While States have increasingly ratified the relevant instruments and frameworks, there is a long way to go to ensure normative obligations are fully implemented. International and regional law and policy has recognized the need for States to underpin their efforts to eliminate violence against women and provide protection with national action plans, in order to provide the institutional mechanisms, resourcing and monitoring necessary to effectively address such a systematic and pervasive problem.

SELECTED INTERNATIONAL INSTRUMENTS & FRAMEWORKS¹

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), (1979)

- State responsibility to eliminate violence against women is supported by the foundational treaty on women's human rights, CEDAW, specifically its [General Recommendation No. 19](#) on Violence against Women (1992).
- General Recommendation 19 defines violence as a form of discrimination against women and establishes the obligation of States to act with 'due diligence' to prevent and respond to violence against women and girls.

The Declaration on the Elimination of Violence against Women (1993)

- The Declaration on the Elimination of Violence against Women defines violence against women as "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" (Article 1).
- It recognizes violence against women as "a manifestation of historically unequal power relations

between men and women", and asserts that states have an obligation to prevent, protect and punish acts of violence against women, whether committed by the State or in the private domain.

The Beijing Declaration and Platform for Action (BPfA), (1995)

- The Platform for Action, adopted by 189 countries at the Fourth World Conference on Women in 1995, reaffirms that violence against women is both a violation of women's human rights, an impediment to the full enjoyment by women of their human rights, and a manifestation of the historically unequal power relations between men and women.
- It identifies violence against women as one of the [twelve critical areas of concern](#) that require urgent actions to prevent and eliminate violence against women to achieve the goals of equality, development and peace.
- These include an obligation on States to 'refrain from invoking any custom, tradition or religious consideration to avoid their obligations' to eliminate violence against women and girls¹.
- Three [strategic objectives](#) are outlined: taking integrated measures to prevent and eliminate violence against women; studying the causes and consequences of violence against women and the effectiveness of preventive measures; and eliminating trafficking in women and assisting victims of violence due to prostitution and trafficking.
- Governments are urged to formulate and implement plans of action to eliminate violence against women; a recommendation that has been reiterated by the General Assembly and international and regional treaty bodies.
- Violence against women, including trafficking and in armed conflict, was emphasized at the [Beijing +5 review](#), as among those challenges requiring urgent attention. During its five, ten and fifteen year reviews, the call for preventive action on violence was re-iterated.

1. Further relevant international human rights instruments that address violence against women include the Convention against Trafficking, the Convention Against Torture, the Convention on the Rights of Persons with Disabilities, and the work of the Special Rapporteur on violence against women, its causes and consequences.

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Further actions and initiatives to implement the Beijing Declaration and Platform for Action, 2000 ("Beijing +5")

- A review, five years after the Beijing Declaration set out the areas where progress had been made and areas of concern, as well as setting out "further actions and initiatives to implement the Beijing Declaration and Platform for Action". This document is commonly known as "Beijing +5".
- It recognized marital rape as a form of violence against women and called on states to take action against harmful traditional practices such as female genital mutilation, early and forced marriage and so-called honour crimes.
- It also asserted that reproductive health goes beyond simply the absence of illness, but also implies that people are able to have a satisfying and safe sex life and the capability to reproduce and the freedom to decide if, when and how often to do so. It recognized as a right access to safe, effective, affordable and acceptable methods of family planning of their choice, and included sexual health "the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases" under this rubric.
- Finally, it affirmed "the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence."

The International Conference on Population and Development Programme of Action (ICPD PoA, 1994)

- The International Conference on Population and Development Programme of Action, agreed in Cairo by 179 countries in 1994 affirmed that empowering women and meeting people's needs for education and health, including reproductive health, are necessary for both individual advancement and balanced development.
- Advancing gender equality, eliminating violence against women and ensuring women's ability to control their own fertility were acknowledged as cornerstones of population and development policies.
- It recognized the basic right of all couples and individuals to decide freely and responsibly the number,

spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. This also includes the right to make decisions concerning reproduction free of discrimination, coercion and violence.

- The ICPD PoA called on countries to "take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and girls" and its concrete goals focused on providing universal education; reducing infant, child and maternal mortality; and ensuring universal access by 2015 to reproductive health care, including family planning, assisted childbirth and prevention of sexually transmitted infections including HIV/AIDS.

Regional instruments

Many regional instruments also identify the obligation on states to prevent and respond to violence against women and girls. These include the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) (The Maputo Protocol); the ASEAN Declaration on the Elimination of Violence Against Women; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belem do Para) (1994); and the Council of Europe Convention on preventing and combating violence against women and domestic violence (2011) ('the COE Convention').

RECOMMENDATIONS

We ask member states to:

- Re-affirm their commitment to the full implementation of agreed human rights principles and standards on violence against women enshrined within international and regional law, and ensure no regression from existing standards.
- Take decisive action to accelerate implementation of agreed standards and norms to eliminate violence against women in all its forms, including through legislative and policy development, adequate resource allocation, and systems for coordinated and sustained action.