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**Panel on “Emerging issues, trends and new approaches to issues affecting
the situation of women or equality between women and men”**

**Theme:
Elimination of all forms of violence against women: Follow-up to the Secretary-
General’s in-depth study at national and international levels**

Written statement*

submitted by

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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations

Elimination of all Forms of Violence against Women: follow-up to the Secretary-General's in-depth study at national and international levels.

Presentation by Prof. Yakin Ertürk, Special Rapporteur of the Human Rights Council on Violence against Women, its Causes and Consequences

1 March 2007, New York

CHECK AGAINST DELIVERY

It is with great pleasure that I address the Commission on the Status of Women for the first time in my capacity as the Special Rapporteur on violence against women. I am most grateful for the opportunity.

Today, I have been asked to focus my presentation on good or promising practices to eliminate violence against women. I would like to start by commenting that I consider my interaction with this Commission today to be a good and certainly also a promising initiative. There is a need to enhance the cooperation between the various institutions and mandates of the United Nations working on women, (whether they meet in New York, Geneva or elsewhere) in order to develop an integrated and effective approach on how to improve women's status and promote women's human rights.

Universality of Violence against Women

I would also like to use the opportunity to congratulate the United Nations General-Secretariat on publishing its in-depth study on violence against women. The study has reiterated that violence against women remains a universal problem. While its specific manifestations may differ in different contexts and places, there is no single state or society, which has effectively curbed, let alone eliminated, this worldwide human rights concern. The Secretary-General's study also underscored that violence against women is not an isolated issue, but intimately linked to patriarchy and other systems of dominance and subordination as well as economic inequalities.

It is especially important to underline the universality of violence against women and its causes, because we are increasingly observing a worrying trend towards singling out certain types of violence and essentializing certain cultures as the source of the problem. This leads to the fragmentation of the global agenda for women's advancement as it creates a superficial division between traditional and modern cultures. Presumably the former represents discriminatory values and practices for women, while the latter a legal-rational order that is understood to be effectively neutralised of gender biases. It is therefore, assumed that while women in modern settings have achieved their emancipation, gender inequality and violence associated with it are problems of "others" out there. The implications of such a discourse are obviously alarming for all women and jeopardise the possibility of a joint and concerted effort to eliminate all forms of discrimination against women.

I have addressed these issues in my latest thematic report to the Human Rights Council on intersections between culture and violence against women.¹ In this report, I have argued that gender inequality is one of the common elements of history that cuts across all civilisations. Historically women everywhere had to organise to resist patriarchy whether in negotiating their representation in public space; unequal nationality, property or personal laws; and the public/private distinction in international human rights law, among others. Women in their struggle against oppression within their homes and societies often aligned themselves with larger resistance movements striving for social and political justice, including resistance movements against colonial and racist oppression or anti-globalisation and environmental movements.

In the process, in many parts of the world, significant deviations from the universal norm of gender inequality has been achieved. This has required and continues to require a firm political commitment, prioritising gender equality as a public policy issue and constantly stimulating and monitoring changes in the culture of major institutions of society through informed political and legislative action.

Good and Promising Practices:

In is respect, as the review process of the implementation of the Beijing Platform for Action has revealed – although we still have a long way to go - many good or promising practices have emerged, which we must celebrate and learn from in order that we may move forward in the agenda for gender equality.

In the following, I hope to provide you with some ideas of good or promising practices from several areas that I consider essential in addressing violence against women: empirical data based on sound research, enabling political and institutional environment, strong legal framework and, perhaps most importantly, effective strategies to empower women and change mentalities grounded in discriminatory gender roles. My observations on these areas are based on specific country experiences, including findings from the 13 official country visits I have carried out so far as a rapporteur.

Sound research

I have not encountered any society that would not condemn the use of violence in principle. Yet, in many countries, this does not necessarily translate into decisive action to eliminate violence against women, which in many cases remains invisible and most often acts of violence are not even perceived as a problem let alone a public policy issue. Marital rape is a classical example. Even if a practice is eventually acknowledged as violence, it is often considered to be rare or only perpetrated by a minority of somehow “deviant” men.

Public discourse grounded in sound empirical research, both qualitative and quantitative, can make brutal realities women across the world face on a daily basis visible and guide informed policy formulation. Studies on female genital mutilation, for instance, have

¹ A/HRC/4/34 ; available at: <http://ohchr.org/english/bodies/hrcouncil/4session/documentation.htm>

proven its harmful effects on the victims' physical and psychological health. This research has been instrumental in changing the minds of many decision-makers and opinion-leaders. For example, on 25 November 2006 a group of distinguished Islamic scholars assembled at Al-Azhar University in Cairo issued a set of recommendations² recognising that "female genital circumcision practised today harms women psychologically and physically" and demanding that "the practice must be stopped in support of one of the highest values of Islam, namely to do no harm to another."

On the basis of sound research, sound policies and laws can be crafted. Sweden,³ for instance, has introduced the specific offence of "Gross Violation of a Woman's Integrity" that takes into account researchers' findings on the normalisation process in situations of intimate-partner violence. A man who repeatedly beats or otherwise violates his wife or partner, is considered as damaging the victim's self-confidence, and will therefore be subject to a more severe punishment that takes into account the particular nature of protracted intimate-partner violence situations.

A number of countries have also conducted comprehensive prevalence surveys based on questions posed to representative samples of the female population. These surveys very often reveal unexpectedly high rates of violence and can galvanise political will to take action. By using data from such surveys, indicators that measure violence against women can be compiled in order to show how well a country is succeeding in making violence against women first more visible and then eliminating it. I am currently working on proposals regarding such indicators, which I expect to present to the Human Rights Council next year.

An enabling political and institutional environment

Political leadership and courage can go a long way in removing obstacles to the elimination of violence against women. For instance, Algeria removed some of the discriminatory provisions from the 1984 Family Code through a special presidential decree that was later confirmed by Parliament.⁴ A second presidential decree has established equality in the Nationality Code: Algerian women can now pass on their nationality to their children and foreign husbands. In late 2006, Pakistan also took a positive step, when it partially reformed the notorious Offence of Zina (Enforcement of Haddood) Ordinance of 1979. Another commendable practice was displayed by a chief judge in a south-eastern province of Turkey, who -influenced by the public debates over the criminal code reform in 2004- gave a life sentence to the perpetrator of a honour related murder and sixteen years imprisonment to eight instigators, even though the law in practice at the time allowed for a reduced sentence for such crimes.⁵

² Available at: http://www.target-human-rights.com/HP-00_aktuelles/alAzharKonferenz/index.php?p=beschluss&lang=en

³ The report on my visit to Sweden in 2006 (A/HRC/4/34/Add.3) is forthcoming and will be available at: <http://ohchr.org/english/bodies/hrcouncil/4session/documentation.htm>

⁴ The press release on the mission is available at: www.unhcr.ch/hurricane/hurricane.nsf/view01/5A799B14B418F8E2C12572750049E262?opendocument

⁵ See my mission report on Turkey (A/HRC/4/34/Add.2) available at <http://ohchr.org/english/bodies/hrcouncil/4session/documentation.htm>

Ultimately, however, only an appropriate institutional framework can ensure that political decisions and legal reforms are fully implemented. In this regard, many countries have created special national machineries to improve the status of women. These institutions have proven to be most successful if they are situated at a central position in the governmental hierarchy and headed by a person at a cabinet-level rank. National machineries need to be provided with the mandate and sufficient resources to effectively monitor and coordinate gender equality measures in all sectors and state apparatuses.

Training programmes for judges, law enforcement authorities as well as health and social workers on violence against women have also proven to be important in the effort to eliminate violence against women. Some countries have successfully cooperated with non-governmental organisations enlisting them to provide gender-sensitivity training to government officials.

Laws on violence against women

Many countries have also introduced specific laws on violence against women. These laws have proven to be particularly effective, especially when combining penal provisions with other interventions. In addressing sexual harassment at the workplace, for instance, it is crucial, that the victim can count on the protection of the criminal law, while also being able to find redress under labour law and civil law.

Women facing violence, particularly in the private sphere, often encounter obstacles that victims of other violent crimes do not face. Denouncing the perpetrator often entails the end of a family union and the socio-economic support network tied thereto. In many countries, women also risk social stigma and ostracization when denouncing sexual violence. Authorities may sometimes share the same sexist prejudices as the perpetrators. Therefore, special measures are essential in order to facilitate women's access to state institutions. A number of Latin-American and Asian countries, have set up special women's police stations, staffed with multi-disciplinary female teams that are equipped to respond to the different needs of victims. These initiatives are commendable provided that women are not at the same time discouraged from registering complaints at other police stations, which may be geographically more easily accessible.

In 2005, Spain began to set up Courts on Violence against Women, which have jurisdiction to deal with both the penal and civil aspects of such violence. This promising practice is meant to facilitate access for victims and to prevent contradictory judgements (e.g. if a divorce is granted due to violence, but the perpetrator is acquitted in the criminal trial).

Given that the health sector is often the first point of contact with state authorities, some state hospitals have established a set of standard questions on intimate-partner violence when taking a patient's history. In some countries, specialised emergency units for rape

victims are established and are specialised in gathering and documenting evidence of sexual violence while providing immediate care to the traumatised victims.

Concerning immigrant women, more and more countries are also taking into account their specific vulnerabilities, whose residence status often poses an obstacle to access the authorities. For instance in some countries, women who hold resident permit that are dependent on their husband, can get an independent residence permit under a domestic violence exception. This allows the woman to leave the perpetrator without risking becoming a migrant with irregular residence status. A number of countries provide victims of trafficking with temporary or even permanent residence permit, although unfortunately this option is typically still linked to the victim's cooperation with the law enforcement authorities. States must go one step further and give women who are forced or voluntary migrants full access to protective mechanisms such as judicial restraining orders, while barring the competent authorities from enquiring about the women's residence status.

With regard to judicial protection orders, in more and more countries courts have been given the authority to order that a violent husband or partner is temporarily excluded and kept away from the couple's home. This provision empowers the victim vis-à-vis the perpetrator, enhances women's protection and is an expression of the basic principle of justice according to which negative ramifications of violence ought to be borne by the perpetrator and not his victim.

Empowerment of women

The root causes of violence against women need to be addressed by removing laws that discriminate against women, enhancing women's political, economic and social empowerment, promoting women's human rights (including their sexual and reproductive rights) and reforming stereotypical gender roles that maintain unequal power relations among women and men in both public and private spheres of life. Almost 30 years after its adoption, the Convention on the Elimination of all Forms of Discrimination of Women remains the blueprint that outlines the minimum measures Governments have to take in addressing these root causes. I would like to congratulate Brunei Darussalam, the Cook Islands, the Marshall Islands, Montenegro and Oman for having acceded to CEDAW in 2006. I would encourage the remaining non-members to CEDAW to follow these examples. All member states should remove their reservations to CEDAW, especially those reservations that are contrary to the object and purpose of the Convention and undermine its overall effectiveness. Most important, all states parties should ensure that they fully comply with their obligations under the Convention.

Concluding Remarks

The SGs report provides us with a new momentum to soberly take stock of the progress made and to identify the remaining challenges in developing our future strategies to combat violence against women and eradicate the underlying gender based inequalities. It is important to maintain a holistic approach to the problem, viewing violence against

women as a dialectical phenomenon with particular and universal manifestations. Furthermore, it is also important to ensure that the agenda to eliminate violence against women is approached within an empowerment rather than a victimisation framework. This means that the problem must be placed at the centre of the wider agenda for equality between women and men as elaborated in the Beijing Platform for Action.

In concluding I would like to emphasise that a life free of violence for women is a fundamental right and not a charity. Ending violence against women promises a step forward in greater emancipation not only for women, but also for everyone. Eradicating the problem and ensuring that human rights are universally enjoyed are, therefore, a shared interest and obligation. States and non-state actors alike have a stake in exercising due diligence to prevent violence against women from occurring and by effectively responding when it does occur.

Thank you for your attention.