



United Nations Human Rights Council: 26th Session (10th to 27th June 2014)
Item 3: Clustered ID with the SR on Violence against Women
Wednesday 11th June
Speaker: BHA Representative, Amelia Cooper
Existing International Obligations to Prevent Violence against Women

Thank you Mr President.

We welcome the excellent report of the Special Rapporteur on Violence against Women, and thank her for her continued efforts in the field. We support the proposal of *'a universal legally binding instrument on violence against women'*¹ to address the issue as a specific human rights violation.

However, in the absence of such an instrument, it is important to note that discrimination against women, notably inequality before the law, constitutes a violation of both existing international law² and the membership obligations to this Council³. Additionally, it is specified in CEDAW that States are decreed to *'repeal all national penal provisions which constitute discrimination against women'*⁴.

States are further bound to provide an operative criminal justice response for the female victims of violence. The ICCPR compels States to provide *'effective remedy...by competent judicial, administrative or legislative authorities'*⁵ when citizens' rights are violated, while membership obligations dictate that States must *'respect human rights and fundamental freedoms for all, without distinction of any kind...[including] sex'*⁶.

Whilst we applaud the intentions of the Cairo Declaration on Women's Rights, particularly the suggested amendment of existing legislation to ensure that it is rights-based, we sincerely hope that this will translate to the immediate repeal of discriminatory laws and to real enforcement of comprehensive preventative measures.

Quite plainly, Mr President, there is no excuse for the persistence of State discrimination against women, nor for State failure to ensure that victims of violence are adequately redressed. It is unacceptable that there remain such legislative obstacles to equality and non-discrimination across the globe.

Legal inequality legitimizes gender-inequitable attitudes and patriarchal dominance, which are manifested in acts of psychological, physical and sexual abuse against women⁷, and contribute to the widespread culture of impunity. How can such issues be challenged when domestic authorities classify women as second-class citizens?

May we remind States that their *'obligations to achieve non-discrimination and equality are immediate, and not subject to progressive realization'*⁸. This necessarily includes the abolition of laws that penalize or discriminate against women, such as the protective law in Iran and Jordan for men who murder their wives for adultery⁹.

It is incumbent upon States to abide by basic human rights legislation and international law, and upon the Council to monitor this process. By virtue of adhering to agreed, normative human rights standards, many of the pernicious roots of violence against women would be combated.

Thank you.

¹ Paragraph 68, A/HRC/26/38

² See Articles 2, 3, 14 of the ICCPR (<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>). The ICCPR is legally binding; Article 2 affirms the principles of non-discrimination and equality, as well as State obligations to promote human rights in domestic legislation. NB/ States who are not signatories to the ICCPR still fall under Membership obligations.

³ The founding resolution of the HRC states that members are obliged *'to uphold the highest standards in the promotion and protection of human rights'*. This implies that they must, at the very least, uphold the normative standards arising from UN resolutions to which they subscribe. Subscription to 60/251 reaffirms the UDHR, Vienna Declaration and Programme of Action, and ICCPR.

⁴ Article 2(g), CEDAW <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article1> States who have not ratified CEDAW are also obliged to ensure that their domestic legislation is non-discriminatory according to their membership obligations, international law and the founding principles of this Council.

⁵ Article 2.3.b, ICCPR (<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>).

⁶ Page 1, Resolution A/RES/60/251 (http://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf)

⁷ Practices stemming from gender inequality and dominant ideals of manhood were associated with partner violence perpetration, such as gender inequitable attitudes... p.69, 'Why do some men use violence against women, and how can we prevent it? Quantitative findings from the UN Multi Country Study on men and violence in Asia and the Pacific', 2013 http://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/womens_empowerment/RBAP-Gender-2013-P4P-VAW-Report.pdf

⁸ Paragraph 19, p.7, A/HRC/26/29 (Report by the Special Rapporteur on freedom of peaceful assembly and association, June 2014)

⁹Report: Honor Killing in Iran", *Land Info Country of Origin Information Centre*, May 2009. http://www.landinfo.no/asset/960/1/960_1.pdf; Sherifa Zahur, "Criminal Law, Sexuality, and Women in the Middle East" in Pinar Ilkkaracan (ed.), *Deconstructing sexuality in the Middle East* (Ashgate Publishing Company, Burlington, USA, 2008), p.23.