



To: Ms. Dubravka Šimonović

UN Special Rapporteur on violence against women, its causes and consequences

By email: vaw@ohchr.org

1 November 2016

Regarding: Call for submissions to all stakeholders regarding the gap in incorporating and implementing the international and regional standards related to violence against women

1. Do you consider that there is a need for a separate legally binding treaty on violence against women with its separate monitoring body?

Yes.

- There is no specific international legally binding document that addresses the gross violation of rights that is violence against women and girls
- A separate monitoring body focused on violence against women and girls could ensure all countries are upholding their due diligence and a global high standard to protect women and girls and prevent violence

2. Do you consider that there is an incorporation gap of the international or regional human rights norms and standards?

Yes.

- Because there is no specific global legislation or 'hard law' on violence against women and girls, it is up to individual governments to incorporate international 'soft law' or recommendations such as CEDAW General Recommendation 19 into domestic policy
- Regional mechanisms such as the Belem do Para in the Americas, The Maputo Protocol in Africa and the Istanbul convention in Europe may have legally binding provisions for those countries who have signed on, but there are no regional mechanisms in Oceania, Asia or the Middle East

3. Do you believe that there is a lack of implementation of the international and regional legislation into the domestic law?

Yes.

- The current lack of legally binding international legislation means governments must have the political will and drive to implement general recommendations and comments – they are not legally bound to uphold these obligations
- The lack of global standards ensuring effective and meaningful implementation of domestic law across countries represents a significant gap in the protection of women and prevention of violence

- Individual countries implement domestic policies in a piecemeal fashion dependent on current funding trends and political will
- Implementation of domestic policies could be greatly strengthened by a legally binding document holding all governments to a specific level of account

4. Do you think that there is a fragmentation of policies and legislation to address gender-based violence?

Yes

- There is no single, comprehensive legal definition of violence against women within the articles of any of the United Nations human rights treaties
- Countries must be progressive enough or driven by a strong civil society to enact strong domestic law on violence against women and girls
- Without a strong international legal framework addressing violence against women, a country's domestic policies may be strongly influenced by religion, tradition and socio-cultural practices that may prevent effective protection of women

5. Could you also provide your views on measures needed to address this normative and implementation gap and to accelerate prevention and elimination of violence against women?

- Development of a Global Treaty on Violence against Women and Girls, with its own monitoring body, and working in conjunction with CEDAW and other established international and regional mechanisms
- Global recognition that violence against women and girls is a gross, endemic and systematic violation of the rights of women and girls to bodily integrity and life
- Effective and enforceable legislation that supports incorporation of strong domestic policies and education programs addressing violence against women at a family and community level

General comments

We support an international stand-alone VAW treaty subject to certain conditions being considered:

- Work towards a new treaty should take stock of existing instruments and build on these. We recognise that a review of General Recommendation No. 19 is under way. Steps could include the strengthening of CEDAW through this review, building on other international conventions that address violence against women, and building on existing regional agreements such as the Istanbul Convention.
- The benefits gained from CEDAW's existing focus on violence against women, considering the large number of countries who have ratified CEDAW, should be protected and every effort made to ensure any new instrument does not detract from CEDAW and the obligations it imposes.
- Women's organisations working in the area of violence against women should be consulted in the design of the new instrument and contribute to the development of the monitoring processes.

The timeframes and capacity provided for this consultation should be expansive enough to enable meaningful contributions and accountability.

- Any new stand-alone VAW treaty should be a strong treaty.

Thank-you for considering our views.

Yours sincerely,

Merrindahl Andrew

Program Manager

Australian Women Against Violence Alliance

On behalf of the Australian National Women's Alliances

<https://nationalwomensalliances.org.au/>