*M. Human Rights*

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**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. In the current international legal landscape violence against women and girls is treated in a piecemeal manner, inefficiently and ineffectively on the whole. As a gross violation of human rights effecting more than half the world’s population, there is a dire need for a specific treaty and more importantly a monitoring body concentrating specifically on the effective protection and promotion of women and girl's safety and bodily integrity.

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

Yes. While there is a substantial body of 'soft' law on violence against women internationally, and 'hard' law on violence against women and girls in regional treaties in the Americas, Africa and Europe, there is no one specific legal mechanism that comprehensively and globally evaluates, monitors and comparatively analyses implementation of regional and domestic legislation, nor supports governments undertaking the same. This represents a significant gap in the protection of women and girls and the prevention of the ongoing human rights violation that is systemic violence directly linked to an individual's gender.

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

Yes. First, there is no international substantive law specifically on violence against women at the level of other human rights mechanisms such as those assessing violations of economic, social, civil, political and racial rights, and the rights of the disabled, migrant workers and those suffering torture. Consequently, there is a complete lack of implementation at an international level, both in the lack of law and in the lack of a monitoring body tasked with evaluating these violations globally. Second, there are no regional human rights mechanisms in Oceania, Asia or the Middle East regions. While the Council of Europe has extended the offer to other regions to ratify the Istanbul Convention, the nature of this document and the virtue that it was drafted from a European context limits it's applicability in Oceania, Asia and MENA. There is therefore a substantial gap for those countries where there is no regional hard law on violence against women that can be incorporated domestically.

This is a systemic, endemic human rights violation that directly effects, conservatively, one in three women, and subsequently every family and community globally. As such it is deserving of a much more substantive and comprehensive approach from the global human rights system - much more than the CEDAW committee can reasonably expect to provide while also concentrating on their other core mandates.

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

Yes. Currently States must be progressive enough to enact strong domestic law on violence against women without pressure to conform to a set of enforceable parameters defined in international law. This has led to various levels of protection for women and girls from country to country which is unacceptable given the breadth nature of violence against women is frankly unacceptable.

*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?*

CEDAW has without a doubt played a vital role in the recognition and protection of women’s rights. However, when it was created violence against women was not defined nor included within the core 16 articles of the document. While general recommendations made thereafter addressed the definition of violence against women, the fact that this language was not included in the document at the time many states ratified CEDAW, and indeed the fact that the language has not since been incorporated into the articles of the document leaves states open to interpret these non-substantive recommendations at their own will. CEDAW’s mandate is critical, and as such it would be reasonable to allow the treaty body to comprehensively focus on its core mandate, and ensure a separate treaty is specifically drafted to address violence against women and girls as a matter of urgency. This separate treaty must encompass all aspects of this gross violation of human rights, and contain a monitoring body tasked with comprehensively implementing, assessing and enforcing the treaty’s tenets, as well as comparatively analyzing specific data regarding violence against women on an individual state level as well as globally. It must also contain a complaints mechanism, thereby ensuring those suffering a violation of their rights have the ability to have their case heard where their state is either responsible or complicit in the same and the individual has exhausted all domestic remedies to address their case. It would be reasonable to consider this treaty body make good use of new technologies and be created as a collaborative venture between existing treaty bodies and regional mechanisms to facilitate a comprehensive and context/socio-culturally specific approach to violence against women. Further, drafting a specific new treaty at this historic time in the evolution of human rights recognition provides a significant opportunity for women to play a vital role in the creation of an enforceable legal mechanism protecting their rights. A new mechanism should be molded by the voices and experiences of women, and be drafted with implementation at the ground (individual and community) level in focus.