American University of Afghanistan

**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. It is very important to have an International Treaty on Violence against women to address gross level violations of Women rights and that different countries are legally bound by incorporating these laws in their domestic laws, prioritizing the treaty, and in case if there is any violation of fundamental human rights of Women or that if any violence against women exist, and the domestic laws are not bringing accountability, the treaty can make it compulsory by the countries to be bound by the values and it brings accountability.

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

* 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. Many countries including Afghanistan lack some general legislations regarding Women’s rights in their domestic laws. Even some countries specifically talking about Afghanistan are violating Women’s rights, and talking about CEDAW is even considered a crime in some parts of the country. Therefore, it is very important to address that there shall be a governing body like international treaty on Violence against women to have control and monitoring over these issues.
* 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

Points to consider including:

* 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?***

Points to consider including:

* 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