



WOMEN AGAINST VIOLENCE EUROPE

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To the Committee on the Elimination of Discrimination against Women (CEDAW Committee)

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WAVE¹ Comments on the Draft Update of General Recommendations No. 19 (1992) on Gender Based Violence against Women

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Women against Violence Europe (WAVE) very much welcomes the initiative of the CEDAW Committee to update the General Recommendations No. 19 on violence against women. As the Committee points out in the draft, gender-based violence against women, whether committed by State or non-state actors, has persisted in every country, all over the world. There is no place or region on this earth where women are safe from violence, inflicted on them due to their gender. Women experience violence throughout their lifetime, in both their private and their public life, which includes the home, school, workplace, public places, etc. A study done by the European Union Agency on Fundamental Rights (2014) reveals that **every third woman**, from the age of 15, has experienced some type of violence.

It is concerning, that these widespread human rights violations against women still persist, despite all efforts made in the last decades to eliminate violence against women. Intensive and comprehensive measures are needed to eliminate violence against women and such commitments are often missing. The costs of violence against women are huge, as peace for women and efforts to eradicate violence are severely underfunded. Resources are just not adequate and sufficient enough to address the problem properly and to reach sustainable results. INVESTMENT in women's rights to live free from all forms of violence, has to be considerably increased in order to reduce VAW, not in a 100 years, but in 10 – 20 years from now. This could save thousands of lives of women and girls.

WAVE very much welcomes the engagement of CEDAW to **accelerate** the elimination of violence against women. We believe that the draft recommendations should provide concrete guidance on policies and measures needed to prevent violence against women, such as: the call for a 24/7 helpline; the definition of rape should not be based on the use of force but the absence of consent; or the problem of mandatory dispute resolution in cases of gender-based violence.

In the following paragraphs, we provide some concrete comments and suggestions on the draft:

Title of recommendation

The recommendation was entitled Violence against Women, and we strongly suggest keeping this title.

Reason: While we support the use of this concept, and agree that violence against women is gender-based, and that women experience it because they are women and experience it disproportionately,

¹ WAVE is a Network of women's NGOs working to eliminate violence against women and their children since 1994. WAVE has over 100 member organisation in 46 countries, most of which are national or regional networks.

we are worried that the term “gender-based violence against women” might be misunderstood. This is in the sense that not all forms of violence against women are gender-based. This, as a consequence, may lead to a situation in which women have to “prove” that the violence they experience is gender based, in order to receive protection and support. As we always live in societies with patriarchal structures – to varying degrees, as no society is yet free from violence and discrimination against women – this can result in a backlash and in the support of forces which want to restrict women’s rights. Therefore, we suggest maintaining the title of Rec 10: Violence against women.

Scope – Paragraph 11

We would suggest that “undocumented women” should also have a special status, as these women are also affected by particular circumstances or are perceived as belonging to certain groups.

Reason: Undocumented migrant women are the most vulnerable group and are often deprived of any rights at a national level.

General obligations of State parties under the Convention relating to gender-based violence against women

a) Responsibility for acts of omissions of State actors

Paragraph i.

WAVE suggests, at the end of paragraph i., the same obligation to be introduced for state actors, as in b.ii or 14.b:

- *“If there is evidence (legal or other) that state actors have been involved in committing or condoning any form of violence against women or girls, these actors should be immediately removed from any service which includes protecting or serving victims; they should, if such a step is justifiable and safe in the first place, only be allowed back to their job after a probation time and after successfully completing gender-specific anti-violence education. Independent bodies need to be in place to investigate such acts and decide on measures.”*

Reason: WAVE experts often experience in practice, that victims are re-traumatized because state actors do not take violence seriously, do not act to protect, and instead minimize or disregard it. These problems are addressed in b.ii and in 14.b as well, but it might be important to mention it here too, as it is connected to the effective legal and service framework in place to address it.

This might seem as strong wording, but victims and women’s NGOs working to support victims often experience that state actors, who commit or condone acts of violence against women are only removed from the job for a short time, or even not at all, and continue to “serve” other victims of violence. Therefore, we kindly ask the CEDAW Committee to consider our suggestion and to include the concern, albeit in a different wording.

Section Recommendations

Proposal for a new section

The section comprises four sections: Prevention; Protection and redress; Data collection and monitoring; International cooperation. To strengthen the importance of comprehensive policies,

sufficient funding and the important role of women's NGOs, WAVE suggests a section on "Policy, funding and the role of women's NGOs" to be introduced at the beginning of the section.

A coordinated and comprehensive policy, based on women's human rights, is needed to properly address violence against women. Without such policies, there is the danger, that adequate measures or legislation are not sufficiently integrated or coordinated. By addressing this issues, other areas might also be strengthened, as for example article f) (pg. 9). In this section the role of women's NGOs could also be strengthened, which would also be in accordance with the Beijing Platform for Action, which states: "Support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination." (BPfA 125.d). It is crucial to invest in the engagement of women and girls, to support them to organize themselves and to provide them with the necessary financial and personal resources. This is in order to accelerate their work to eliminate violence against women, because they have a genuine interest in social change. Women and girls need to be active agents of change in order to overcome the problems of violence against women and gender inequality.

This section should also address the problems that members of women's organizations often face in their work. They are often marginalized, discredited or even, sometimes faced with persecution, violence or even femicide. The human rights of women working in the field have to also be protected and promoted, as stated in the CSW agreed conclusions 2013, Governments need to "Support and protect those who are committed to eliminate violence against women, including women human rights defenders in this regard, who face particular risks of violence" (57th Session of the Commission on the Status of Women). Women human rights defenders are mentioned in para c) of the prevention section, but only in the context of media, which is not covering the whole problem.

Furthermore, the section on data collection and monitoring addresses the need for a monitoring body, which will be able to coordinate, monitor and assess the implementation and effectiveness of measures taken. As this plays an important role, it should also be mentioned that a body for the development of measures or policies is also important. To be noted is that these two bodies (development and monitoring) should be separate. Monitoring and evaluation should be carried out by an independent body, which should include women's NGOs and other civil society organisations or academics who work in the field of VAW.

Concrete recommendations for a new section on **Policy, funding and the role of women's NGOs:**

- *Ensure that policies on violence against women and girls are nation-wide, coordinated, long-term and follow an integrated and holistic approach based on the human rights and the safety of women and girls.*
- *Establish one or more well-funded coordinating bodies for the effective implementation of such policies, including experts from women's NGOs and academia, working to eliminate violence against women and girls.*
- *Provide sufficient, sustainable and long-term funding, based on secure funding streams, to implement the above policies; sufficient funding should be defined by concrete calculations of the costs of measures to prevent and eliminate all forms of violence against women and should be adequate in relation to the costs of violence.*
- *Promote and support women and girls, including survivors of violence, to organize and empower themselves and fund their activities.*
- *Recognize and strengthen the important role of women's NGOs in eliminating violence against women and girls and provide sufficient funding to them to run empowering women's support services in all regions and at all levels and to carry out prevention work and awareness raising.*

Prevention

b)i. Content-wise, WAVE suggests that the “human rights” approach should also be integrated into the paragraph.

b)ii. WAVE suggests that phrases as “disruptive” and “other agencies involved” should be included in the paragraph, as it follows: “Awareness-raising programmes that emphasise the *disruptive* and criminal nature of gender-based violence (....). b) all education, health, social services, law enforcement personnel and *other agencies involved ...*”

c)i WAVE proposes the following sentence to be added at the end of paragraph c)i: “*consciousness raising and self-reflexion on gender roles, gender stereotypes and gender equality; awareness of sexist, misogynist, racist, homophobic and other discriminatory attitudes in oneself and others and methods to change such attitudes;*”

Reason: We all often have deeply internalized harmful and discriminatory attitudes and therefore self-reflection is of great importance to avoid secondary traumatization of victims.

c)iii Jurisprudence and case law of all relevant human rights treaties should also be included in this article.

d) When it comes to this paragraph, education and training should play an important role and they should be part of a formal educational system for the judiciary, lawyers, law enforcement officers etc. The following phrase should be included at the end of this paragraph: education and training “*must be based on clear management standards and protocols in all agencies and must be based on an institutional policy of gender-equality and non-discrimination*”.

Reason: Experience has shown that education and training not based on clear management standards and protocols in agencies and institutions, has very little sustainable effect on practices, for example when personnel changes and all knowledge and skills are lost as training has to start all over again. This is not efficient and not professional for modern agencies.

e) WAVE is of the opinion, that the public sector should not be excluded here. In many countries services provided by the state, are run by non-profit and civil society organizations (i.e. unemployment services etc.), and they should have specific standards and be included in this article.

“Encourage, including through the use of incentives and corporate responsibility models, the engagement of the private *and public sector*, including businesses and transnational corporations, *as well as public and publicly funded agencies and services, or trade unions...*”

h) This article should also highlight the importance of protective measures. We suggest the following change to this article:

“*ensure that in cases of immediate danger to life, health or freedom of a person, effective protective measures such as emergency barring orders by the police, are applied immediately and that longer-term protective measures and restraining orders are in place in criminal and civil law, to ensure that victims do not experience repeat victimization and to ensure that they have the right to live undisturbed and in peace and without violence in their living environment.*”

Reason: Immediate and effective protection and support are crucial for victims, in order to restore safety and justice.

Protection and redress

In the section, WAVE proposes that the role of specialist women’s support services should be strengthened.

General services such as social and health services have a very important role in providing initial assistance and referring women and girls to specialist services. (Just as with special health problems, general practitioners would not be enough to address specific health problems.) Such specialist women’s support services need to have a gender-sensitive approach and need to be available in sufficient numbers in all regions of a country.

We propose to highlight the important role of women’s support services by dividing paragraph iii. Into two paragraphs, with the new iii.a starting with:

- *States should provide specialized and gender-sensitive women’s support services such as 24-hour helplines, and sufficient numbers of safe and adequately equipped women’s crises and support services, as well as 24/7 immediately accessible women’s shelters in sufficient numbers (minimum standard 1 place per 10,000 inhabitants) for women victims of violence and their children, and other family members. These specialist women’s support services should be available in the whole territory of the State party, accessible to all women, independent of their nationality, religion, residence status or any other status, in particular to those affected by intersecting forms of discrimination, such as women with different abilities, minority ethnic, refugee or undocumented migrant women. Specialist women’s support services should be providing support to women and children on the same premises, to strengthen them and to avoid additional burdens on them. In order to be able to act in the interests of the victim and support them to fully exercise their human rights, specialist women’s support services need to be run by independent women’s NGOs.*

Social and economic rights

Women victims of violence and their children need protection, access to justice, but they also need to be able to exercise their social and economic rights. The importance of this standard should be strengthened by inserting, after paragraph a) iv, a para iv.1 stating:

- *Ensure that women victims of violence can exercise their economic and social rights, such as the right to financial support, when they have no income, the right to child care, to free health care and affordable housing. Education and quick access to the labour market and to employment and free child care facilities are also paramount to realize the right to live free from violence.*

v. It might be important to include, at the end of this paragraph the role that case law plays.

vi. WAVE recommends that this article includes the following: “Establishing and implementing appropriate and *immediate* sanctions as well as *effective protective measures to prevent further violence or victimization* for non-compliance with eviction/exclusion/restraining orders in cases of gender-based violence against women.”

Data collection and monitoring

b) This following paragraph should be changed as follows: “Establish a system to collect (.....), including gender-based killings of women, the number *and types* of protection orders issued (....). *All data should be disaggregated by gender and age of victim and perpetrator, by type of violence and the relationship between the perpetrator and the victim*”.

Reasons: Crime and criminal justice statistics are often not segregated by gender and age. The relationship should always be defined as the relationship between perpetrator and victim to avoid the use of different categories, which are then not comparable.