

International Women’s Day - 8 March 2022

Using the international and regional legal framework to stop all forms of violence against women and girls

Strasbourg (8 March 2022) – *Gender equality is still far from being a reality for many women and girls the world over. The international and regional legal frameworks offer the tools needed to eliminate all forms of discrimination and violence against women and girls, international and regional experts* said today.*

“Gender-based violence against women and girls continues to occur at alarming levels across the world. It does not halt on International Women’s Day. Over the past decades, the international community has established important normative frameworks on gender equality and non-discrimination. Chief of them is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Though violence against women was not explicitly mentioned in this convention, in its interpretation the CEDAW Committee has made it clear that violence against women is a human rights violation and a severe form of discrimination against women that is prohibited under international law.

Today, CEDAW continues to be the most widely ratified fundamental human rights treaty that addresses the rights of women and the responsibilities of states towards ensuring them, including their right to be free from violence. It rightly stresses that discrimination against women can be multi-layered due to their experience of multiple forms of discrimination based on race, migration status, disability, and other factors. CEDAW has proven to be resilient and relevant to the fight to end violence against women, including to address sexual and gender-based violence during times of conflict. International and regional human rights mechanisms have relied on this important instrument to develop jurisprudence on new forms of violence that have emerged long after CEDAW was created, such as digital forms of violence against women and girls.

CEDAW’s standard-setting has been strengthened by the many additional regional human rights instruments for the protection of women and girls against violence. Several of them have gone beyond CEDAW’s standards. For example, the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) recognised women’s human right to live free from violence, which includes the right to live free from all forms of discrimination; it also established the state duty to apply due diligence in order to prevent, punish and eradicate violence against women. This regional convention and the 2003 Protocol to the African Charter on Human and People’s Rights on the Human Rights of Women (Maputo Protocol) have both included economic violence as a form of violence against women. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) established, in 2011, a far-reaching and comprehensive set of legal standards to ensure the prevention of violence against women in all its forms, the protection and support of victims and the prosecution of perpetrators in a holistic manner. Its applicability to the growing digital dimension of violence

against women has just been demonstrated through GREVIO's General Recommendation No.1.

Together, these legal instruments increase the protection standards for women and girls. Their implementation is supported by international and regional independent monitoring mechanisms, united in the Platform of Independent Expert Mechanisms on the Elimination of Discrimination and Violence against Women (EDVAW Platform). On the basis of firm legal standards and in view of the on-going epidemic of violence against women, particularly during times of conflict, the EDVAW Platform calls on the international community, first and foremost states, to reaffirm the existing legal frameworks and to allocate greater efforts towards their effective implementation in order not to erode the established rights that these frameworks protect. “

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Iris Luarasi, President of the EDVAW Platform and President of the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence

Reem Alsalem, Special Rapporteur on violence against women, its causes and consequences

Melissa Upreti, Chair of the UN Working Group on Discrimination against women and girls

Genoveva Tisheva, Chair of the Working Group on Violence against Women of the UN Committee on the Elimination of discrimination against women

Julissa Mantilla Falcón, Inter-American Commission on Human Right's Rapporteur for Women's Rights

Janet R. Sallah Njie, Special Rapporteur on the Rights of Women in Africa

Marcela Huaita, President of the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention

Background information

At the international level, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is recognised as instrumental in safeguarding women's right to equality, and, under that angle, has become a key treaty to protect women from violence. The CEDAW Committee's General Recommendations No. 19 (1992) and No. 35 (2017) have built upon this principle and provide detailed recommendations, including on legal measures, prevention, protection, prosecution and punishment, reparations, and monitoring. The Committee's rich body of jurisprudence provides states parties with detailed guidance on how to respond to gender-based violence against women. Together with the country-specific and thematic reporting of the UN Special Rapporteur on violence against women, its causes and consequences, states are offered roadmaps to realise women and girls' right to live a life free from violence.

Additionally, regional frameworks introducing specific obligations to prevent and combat violence against women include the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará Convention), and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The respective monitoring bodies and mechanisms as well as regional human rights courts have consistently given specific meaning to the existing legal standards, further developing their implementation and scope of application.