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Understanding of violence against women

It is my honour and privilege to moderate this panel using my experience as the Chairperson of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). At the global level the United Nations Convention on the Elimination of All Forms of Discrimination against CEDAW Convention provides an international legal framework that prescribes legal and other measures for the elimination of discrimination against women, including violence against women. The Convention has been ratified or acceded to by 185 States. We still miss few ratification, including a host country, in order to achieve the goal of universal ratification.

Through the work of the Committee on the Elimination of Discrimination against Women - CEDAW Committee that monitors implementation of the Convention it becomes a dynamic or “living” women’s human rights instrument. The Committee provides further interpretation and understanding of the Conventions provisions and rights through its General Recommendations, Concluding observations addressed to the individual State parties and cases or inquires under the Optional Protocol.

General Recommendation 19 on violence against women

As we all know, the Convention does not explicitly refer to violence against women. The CEDAW Committee through its General Recommendations 19 on violence against women made it clear that violence against women falls squarely within the scope of the definition of discrimination and thus, is covered by the Convention. General recommendation No. 19 on violence against women states that gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality with men. It also explicitly states in paragraph 6 that “...The definition of discrimination [in article 1 of the Convention] includes gender based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, treats of such acts, coercion and other deprivation of liberty.”

Furthermore, general recommendation No. 19 enumerates some of the human rights and fundamental freedoms that may be impaired or nullified because of this type of violence: the right to life, the right not to be subjected to torture, cruel, inhuman or degrading treatment, the right to liberty and security of the person and to equal protection under the law, to equality in the family and the right to the highest attainable standard of mental and physical health. This rights based approach is very important for the recognition of violence against women as a human rights violation.

The CEDAW Committee in its General recommendation No 19 emphasized that discrimination under the Convention is not restricted to action by or on behalf of Governments, and points out that States parties have an obligation in accordance with article 2(e) of the Convention to take all appropriate measures to eliminate discrimination against women by any person. The Committee also clarifies that “Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”

According to this concept, a State discharges its human rights obligations only if it acts with due diligence to prevent, investigate, punish and compensate women’s human rights violations, whether they occur in public or in the private sphere.

Concluding observations

I will now move to the Concluding observations of CEDAW Committee. All State parties to the Convention have an obligation under Article 18 of the Convention to report on its implementation to CEDAW Committee. Based on its consideration of reports submitted and the constructive dialogue that it holds with the concerned State, CEDAW adopts tailor made “concluding observations” which include recommendations to enhance implementation of the Convention, including those directed at the obligation of State parties to combat violence against women, including domestic violence.

In its concluding observations relevant for understanding of violence the Committee has called attention to the lack of social awareness and the persistence of patriarchal attitudes, which consider violence against women, particularly domestic violence, private matters that are acceptable or normal. It has also consistently called attention to the limited data available on various forms of violence against women, recognizing that data and research are necessary to highlight the prevalence of particular types of violence, to create social awareness and to establish and properly implement policies and programmes.

Cases under the Optional Protocol

The Optional Protocol to the Convention, adopted in 1999 and in force since 22nd December 2000 provides the Committee on the Elimination of Discrimination against Women with a mandate to consider communications (complaints) submitted by or on behalf of individuals or groups of individuals who claim to be victims of a violation of any of the Convention’s rights as well as to conduct inquiries into grave or systematic violations of the Convention’s provisions by a State party to the Convention and the Optional Protocol.

The Committee has in its views adopted with respect to some cases examined under the Optional Protocol provided further guidance regarding obligations of the States parties concerned to prevent domestic violence against women.

In conclusion of this introductory part, we can see that the Convention on the Elimination of All Forms of Discrimination against Women and the work of the CEDAW Committee provide us with an important international legal framework that establishes an obligation of State parties to understand, combat and prevent violence against women.

