

THE
CARTER CENTER



**Comments on
Draft Update of CEDAW General Recommendation No. 19**

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The Carter Center is a not-for-profit, nongovernmental organization that has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University to advance peace and health worldwide.

The Carter Center's Democracy Program works globally to promote democratic elections and governance consistent with human rights. The Center has monitored more than 100 elections in 38 countries since 1989, forging many of the techniques now common to the field. Recognizing that democratic transitions involve much more than elections, the Center also conducts long-term monitoring of political transitions and works to strengthen civil society organizations to support democratic governance. The Democratic Election Standards (DES) initiative aims to build consensus on standards for democratic elections, based on state obligations under public international law.

The Carter Center's Human Rights Program undertakes activities to support individuals and nations striving to realize the civil and political rights and responsibilities enumerated by the U.N. Universal Declaration of Human Rights and a growing body of public international law.

The following comments on the draft revised General Recommendation No. 19 of the CEDAW Committee are submitted on behalf of the Human Rights and Democracy Programs of The Carter Center.

Paragraph 1

Following the first sentence of this paragraph, suggest including the definition of gender based violence included in the first iteration of the General Recommendation (para. 6) and expanded upon in para. 9 of the current draft: "...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, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence."

Paragraph 10

In line 6 of this specific paragraph, suggest clarifying the statement by adding text in brackets: "The Committee regards [gender-based violence] to be rooted..."

Paragraph 11

In footnote 17, a suggested change from "criminalization of prostitution" to "criminalisation of [prostituted persons and those exploited for commercial sex]", is requested. This will clarify that the purchase of and profiting from the sale of sex are crimes in most jurisdictions, and that these two groups represent the driving force behind "prostitution", which is a market that is comprised of supply and demand. The exploited person should never be criminalized, while exploiters should be subject to severe deterrent criminal penalties.

Paragraph 12:

In line 2 of this paragraph, suggest adding text in brackets: "These include the family, the community, the workplace, [the political arena], leisure, sport..."

In line 8 of this specific paragraph, suggest rewording in brackets "In all these settings, [gender-based violence] can result from..."

Paragraph 13:

In line 6 of this paragraph, where it states "including on cultural or religious grounds...", please add "or failure to appropriate necessary funding for effective prevention and restorative programs."

In line 7, of this paragraph, where it states "...in respect of gender-based violence against women..." we suggested rephrasing to "General Recommendation No. 19 indicates that the obligation to prevent violence gender-based violence against women, comprises two aspects..."

13.a.i.g.: Suggest text is in brackets. "States parties must have [, and provide adequate funding for,] effective legal services framework..."

Paragraph 14

In sub-paragraph A, suggested text is in the brackets. “This legislation should include gender-sensitive...in cases of such violence. [Consistent and reliable appropriations should be allocated for effective preventive and reparative programs.]

We also suggest in sub-paragraph A, the following addition: “...including family law, criminal law, evidentiary and procedural law, [and other official rules that regulate government functions], such as provisions...”

In line 6 of sub-paragraph C, it is unclear to whom the sentence refers when it says “their responses to such conduct.” Suggest clarifying.

Paragraph 15:

In sub-paragraph b, suggested text is in brackets “...such as women’s organizations [women *religious scholars and actors, women academics and political leaders*]”

15.b.i: Suggest adding the text in brackets: “promoting values of respect and equality and non-discrimination, including [positive portrayals of women and girls] and comprehensive...”

15.b.ii.: Suggested text is in quotes. After religious leaders: “with an emphasis on amplifying the research and voices of women religious actors”;

15.c: Suggested addition in brackets: “including negative and stereotyped portrayal of women and girls, including women [in the political process and] human rights defenders.”

15.j: This section suggests that all legal provisions be repealed including customary, religious, and indigenous laws. This does not address laws and regulations that are not codified.

15.j.i. Suggested edit in brackets: “provisions that allow child marriage and legislation that [limits access to healthcare or family planning or] that criminalizes abortion,...”

Suggest a new sub-paragraph to include: Adopt and implement effective measures to promote women’s participation in public affairs, free from all forms of gender based violence. Such measures may include: the engagement of political parties in efforts to eliminate gender based violence; special training and capacity building programs for election officials and the judiciary on the impact of gender based violence on women’s participation in political processes; and other measures to facilitate women’s participation as laid out in General Recommendation 23.

Protection and Redress, page 11:

In sub-paragraph C, suggested text is in brackets: “Provide effective...violence [, including those who have been trafficked or otherwise exploited for forced labor or commercial sex]”