Center for Transitional Progress – Metamorphosis

**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.**

Violence against women is a widespread phenomenon, however, no single treaty seems to cover this specific type of human rights violation and the protection offered to women in other treaties can be qualified, at best, as patchy if not deficient. The gaps in the current normative system for preventing violence against women, protecting women from such violence and ensuring them access to effective remedies is visible and documented in numerous cases and situations. Since there is no specific international legally binding document that addresses the gross violation of rights that is violence against women and girls, violence against women and girls will remain the most frequent human rights violation.

A separate monitoring body focused on violence against women and girls can ensure all countries are upholding their due diligence and a global high standard to protect women and girls and prevent violence.

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

**Yes.**

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. Additionally, we are witnessing frequent avoiding of incorporation of the international/regional human rights norms and standards in the national legislation, which results with the insufficient/inadequate legal mechanisms towards the women’s and girls protection against violence.

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. Additionally, even it the countries who signed above mentioned regional documents, there is still an unequal level of implementation and enforcement.

***3.    Do you believe that there is a lack of implementation of the international and regional legislation into the domestic law?***

**Yes.**

Precisely the lack of single, unique, universal and legally binding mechanism allows governments to partially and sometimes insufficiently implement and enforce laws related to the violence against women and girls. The current lack of legally binding international legislation means governments must have the political will and drive to implement general recommendations and comments – they are not legally bound to uphold these obligations

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 modest and insufficient manner and it dependent on current funding trends and/or political will. We are witnessing numerous examples where lack of national legislation that includes and covers all the aspects of violence against women and girls does not exist, or partially exist, insufficiently protect women and girls.

The implementation of domestic policies could be greatly strengthened by a legally binding document holding all governments to a specific level of an implementation mechanism.

***4.    Do you think that there is a fragmentation of policies and legislation to address gender-based violence?***

**Yes.**

The fact that there is no single, comprehensive legal definition of violence against women within the articles of any of the United Nations human rights treaties allows fragmented and insufficient implementation of the laws related to the women and girls protection against violence into the national legal systems worldwide.

Countries must be progressive enough or driven by a strong civil society to enact strong domestic law on violence against women and girls. New, legally binding and globally recognized Global Treaty of Violence against Women and Girls will lead to the strengthening of civil society towards the further improvements of the national legislation and full implementation and enforcements of legal mechanisms related to the 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 the prevention and elimination of violence against women?***

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 the incorporation of strong domestic policies and education programs addressing violence against women at a family and community level .