

**INPUTS AND COMMENTS OF THE
ASEAN COMMISSION ON THE PROMOTION AND PROTECTION OF THE
RIGHTS OF WOMEN AND CHILDREN (ACWC)
TO THE QUESTIONS OF THE SPECIAL RAPPOREUR ON VIOLENCE AGAINST WOMEN,
ITS CAUSES AND CONSEQUENCE**

13 June 2016

1. Do you consider that there is a need for a separate legally binding treaty on violence against women with its separate monitoring body?

It is not necessary for a separate legally binding treaty focused on VAW with its separated monitoring body.

This will not be desirable for the following reasons:

a) there are already CEDAW and General Recommendation no. 19 on VAW. Thus, it will compete attention and resources;

b) reporting to another women's human rights body will pose an added burden to governments in terms of resources;

c) VAW should not be isolated in terms of its socio-cultural, economic and political-security contexts; and

d) consolidating and institutionalizing CEDAW is still the best strategy and not imposing another treaty which in the end might undermine the power and authority of CEDAW Committee.

Instead, the role of the CEDAW Committee to monitor the implementation of GR 19 by all States Parties should be maximized through their reporting to CEDAW Committee under GR 19. In March 2015, the CEDAW Committee decided to update the GR 19 which was issued in 1992 and recognizes VAW as a form of discrimination under CEDAW and clarifies state obligation to address it as a violation to women's human rights.

In addition, since VAW has been incorporated in the CEDAW and CRC, if the Convention on the EAW is to be legally binding separately, this should also apply to the Convention on EVAC and some other Conventions.

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

Definitely there always be a gap of the international or regional human rights norms and standards because each region will have its own norms, cultures, religious practices, political systems, historical backgrounds, initiatives and strategies in addressing VAW, as well as capacities that may be different from international standards. Those may give impact to different level of realisation of human rights.

This is where the ASEAN Regional Plan on Action on Elimination of Violence Against Women (RPA-EVAW) can make itself useful by connecting with regional organisations and

working towards the incorporation of VAW efforts in the region. This will help ensure that cooperation among ASEAN Member States through sharing of information, research outputs and other strategic programmes, dialogues and other engagements can be better disseminated to regional organisations to help sharpen their analyses and practices on VAW, refine their strategies, and think of strategic and joint initiatives in terms of research, information drives and timely interventions.

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

This challenge is faced by most countries in ASEAN. Countries have different levels of effectiveness in implementation depending on the level of authority of implementing mechanisms, the available resources to the pillars of justice and the capacity of law enforcement, judicial and government agencies to pursue cases to their final conclusion.

Nevertheless, ASEAN is in the beginning of a new era to combat VAW by using the RPA-EVAW to be its reference.

Within the RPA-EVAW, all elements are specified whether it is at the national or regional level. Domestic laws will be looked at seriously.

The RPA-EVAW can also compile model cases on implementation. It would be useful for instance to have regional training on VAW with these examples as reference points.

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

Yes, there is still fragmentation of policies and legislation at the national level to address gender-based violence.

When the fragmentation of policies and legislation to address gender-based violence occurs, this is where the RPA-EVAW plays its significant role so that at least in ASEAN, we are moving in the same direction by monitoring the set of indicators.

5. Could you also provide your views on measures needed to address this normative and implementation gap and to accelerate prevention and elimination of violence against women?

Government's commitments to institutionalize integrated plans to combat VAW and strengthen accountability mechanisms to show concrete results is critical.

In addition, look at the indicators set for the first five year of the RPA-EVAW whether they have accomplished the goal or not.