

REPORT
Meeting of the international and regional
women's rights mechanisms on violence against women and women's rights
23 May 2019
Council of Europe, Strasbourg

Participants: Dubravka Šimonović (chairing), UN Special Rapporteur on Violence against Women, its causes and consequences; Hilary Gbedemah, Chair of CEDAW; Feride Acar, President of GREVIO; Liri Kopaci-Di Michele Executive Secretary of GREVIO; Daniele Cangemi, Head of Equality and Human Dignity Department at the Council of Europe; Sylvia Mesa Peluffo, President of the Committee of Experts of the MESECVI; Patricia Luz Mejía Guerrero, Technical Secretary of the MESECVI; Eva Villarreal, MESECVI Secretariat; Margarette May Macaulay, the Rapporteur on women's rights of the Inter-American Commission on Human Rights; Maria Fernanda Vanegas, Inter-American Commission on Human Rights; Ivana Radačić, Chair of the United Nations Working Group on Discrimination against Women in Law and Practice; Lucy Asuagbor, the Special Rapporteur on the rights of women in Africa, Silja Kanerva, Federica Donati and Roberta Serrentino (OHCHR)

Feride Acar, the President of GREVIO, opened the meeting of the Platform hosted by the Council of Europe, which preceded the conference on “Women's rights at the Crossroads: strengthening international cooperation to close the gap between legal frameworks and their implementation” organized by the Council of Europe in cooperation with the mandate of the Special Rapporteur on Violence against Women on 24 May 2019. The President of GREVIO expressed her gratitude in seeing all representatives of the independent monitoring mechanisms present at the Platform's meeting and at the conference. The Executive Secretary of GREVIO explained that the conference would represent an opportunity to make the Platform more visible among government representatives from the 47 member states, diplomatic representations, NGOs, independent experts and media representatives. Their meetings with the political leadership of the CoE and the Presidency of the Committee of Ministers provide an excellent opportunity to present the Platform and seek support for its future work and activities.

The Special Rapporteur on violence against women, its causes and consequences (SRVAW) chaired the meeting (agenda in annex I) and thanked the Council of Europe for the excellent organization. She summarized the past work of the Platform and planned the forthcoming activities. The next meeting of the Platform is planned to take place in the African region in autumn, hosted by the African Union with the support of the Special Rapporteur on the rights of women in Africa. The last meeting, under the current project on this Platform, will be held at the CSW64 in March 2020.

During the discussions, all participants affirmed that the Platform has given them an opportunity to expand their knowledge on the role of the mechanisms and reflect on their evolution throughout the years. The SRVAW emphasized the operation of her mandate within the framework of the Convention on the Elimination of Discrimination against Women (CEDAW) and the Declaration on the Elimination of Violence against Women (DEVAW), but also other international and regional instruments, as it is explicitly mentioned in the founding resolution of her mandate. In her forthcoming report on the 25 years of the mandate, to be presented to the Human Rights Council in June 2019, the SRVAW is promoting the role of the Platform as a part of system-wide approach to combat violence against women in which each mechanism should be strongly supported to fulfill its mandate.

The SRVAW stressed that the Platform should find ways to evolve into an institutionalized sustainable space for all independent monitoring mechanisms on violence against women and women's rights. In this regard, all experts had agreed at the previous meeting during CSW63 in New York on sending

letters to the UN Secretary-General, Deputy Secretary-General and to the heads of the parent regional organizations to seek support and sustainable funding including through a possible General Assembly resolution. However, if such strategy will not work, the SRVAW said to be open to use other measures to institutionalize the Platform, as recommended in her report on the 25 years of the mandate, including through advocacy for funding with Member States and other donors. Therefore, it was suggested that the letters should not be addressed only to the UN and regional organizations, but also to their Member States. Letters to the UN Secretary-General, President of the General Assembly, Secretary-General of the Council of Europe, Secretary-General of the Organizations of the American States and to the Chairperson of the African Commission were jointly drafted and approved during the Platform's meeting, while other lobbying strategy remain to be developed.

The Platform discussed about the Beijing +25 Review as an opportunity to present the work of the each mechanism. The SRVAW noted that at the time of the Beijing conference, twenty-five years ago, many of the mechanisms that are part of the Platform did not exist or were nascent. The Beijing Declaration and Platform for Action (BPA) strongly supported the CEDAW Convention and the mandate of the SRVAW, so the objective is to make sure that Beijing+25 review acknowledges and specifically supports all independent monitoring mechanisms on violence against women and women's rights and the Platform as implementation mechanisms that have very important role in the implementation of the BPA. Since the conference in Beijing, all monitoring mechanisms on violence against women and women's rights have developed working methods, strong recommendations, jurisprudence and a variety of important reports which provide guidance to States and other stakeholders on the implementation of the BPA and other women's rights instruments. All participants expressed their endeavor to promote and make the Platform more visible and integrated in the review. The members of the platform further agreed on developing a short online publication ahead of the Beijing+25 review process with a description of the achievements and challenges of each mechanism and a list of possible recommendations. It was mentioned that, although at different levels, all the mechanisms have faced budget cuts and pushbacks and they have kept conducting their core work. Therefore, the experts believe that this publication will also serve to acknowledge the existence and resilience of these mechanisms and recognize their essential role in promoting women's rights. The Chair of the Working Group on Discrimination in Law and Practice (WGDAW) volunteered to develop a template to gather information from each mechanism that will feed in the prospective publication. All inputs should be sent to the OHCHR Secretariat as soon as possible and no later than the end of August.

The President of MESECVI mentioned the 25 years of the Belém do Pará Convention, which will be celebrated with an event in July in Panama, and the Rapporteur on women's rights at the IACHR added that this year they will also celebrate the 70th anniversary of the Inter-American Commission on Human Rights.

The President of the GREVIO and the SRVAW emphasized that the Platform should voice its concerns on more substantive issues and proposed to draft a joint statement on the relationship between violence against women and child custody, in line with the subject of the thematic conference organized on 24 May by the Council of Europe and attended by all representatives, called "Women's Rights at the Crossroads: Strengthening International Co-operation to Close the Gap between Legal Frameworks and their Implementation". The President of GREVIO explained that GREVIO has been focusing in some of its recent reports (eg. Denmark) on the important need for judges to take the existence of domestic violence into consideration in ruling about the custody of children. She recalled that Istanbul Convention provides the most advanced standard and GREVIO is the only mechanism that carefully investigates the dangerous liaison between domestic violence and child custody. She voiced her concerns on the use of the concept of 'parental alienation' in some countries in child custody cases. She mentioned that WHO has included "parental alienation" in the index of international diseases (ICD-11). She encouraged further action to raise awareness on this issue including through a joint statement of the Platform. She explained that the concept of 'parental alienation' is often used to further

discriminate against women who were subjected to domestic violence and were seeking divorce. The President of GREVIO also said that ‘co-parenting’ was emerging in some contexts as another concept that, while it can mean sharing parental responsibilities, was being used in custody cases as a preferred arrangement without necessarily taking into account the existence of domestic violence.

On the importance of the inclusion of domestic violence in child custody cases, the President of MESECVI recalled that the Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls has a specific provision according to which a father will be suspended from the exercise of custody on children if he is the subject of an ongoing investigation. The President and Secretary of MESECVI also warned on the risks of using parental alienation as a reason to deny custody rights to a mother and mentioned that MESECVI adopted a provision which explicitly prohibits the use of “evidence based on the discrediting testimony on the basis of alleged Parental Alienation Syndrome” in the Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights (MESECVI/CEVI/DEC.4/14). They further added that parental alienation is still widely used, although it is not scientifically proven. Brazil was mentioned as having a problematic law on parental alienation. The Chair of the WGDAW and the Chair of CEDAW were also favorable to drafting a statement that would reiterate that judges must take into account violent partners in the determination of custody. The SRVAW mentioned that the statement could also refer to the CEDAW case of *Gonzales Carreño v. Spain* and should uphold existing legal standards. The Special Rapporteur on the rights of women in Africa added that, in the determination of child custody, the Maputo Protocol at article 7(c) clearly says that “in case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance”.

The participants examined and finalized a joint statement in support of a new ILO instrument on violence and harassment against men and women in the world of work. The statement reiterates that violence and harassment against women in the world of work is a human rights violation and calls on all States to respect international agreed standards on violence against women. The statement will be sent to Chair of the drafting committee and all member states that are part of the negotiations.

The last item on the agenda was the identification of a name for the Platform. Several options were advanced, with the agreement to use the long name of “Platform of independent mechanisms on violence against women and women’s rights”. No agreement was reached on a shorter name or acronym.

Action points and timeline:

- **Adopted** : Platform’s statement in support of the women’s human rights language in the new ILO instrument (**end of May**), all mandates should put it in its website and it will be sent to the ILO;
- Finalize and send the advocacy letters to the UN SG, DSG, President of the General Assembly and to the heads of the Organization of American States, Council of Europe and African Commission;
- Start planning the meeting in Africa, with the support of the Special Rapporteur on the rights of women in Africa;
- Finalize by email and disseminate a joint statement on violence against women and child custody; (**end of May - beginning of June**)
- The Platform members to receive a template for the Beijing +25 publication (**by 15 June**);

- For each mechanism to send two pages (one on achievements and one on challenges) to the OHCHR Secretariat (as soon as possible and no later than 31 August)



ANNEX I

Meeting of the international and regional women's rights mechanisms

Wednesday, 23 May from 14.30 to 17.30

Room G4 Agora Building

Council of Europe, Strasbourg

AGENDA

Participants: Dubravka Šimonović (Chair), UN Special Rapporteur on Violence against Women, its causes and consequences; Hilary Gbedemah, Chair of CEDAW; Feride Acar, President of GREVIO; Sylvia Mesa Peluffo, President of MESECVI; Margarete May Macaulay, the Rapporteur on women's rights of the Inter-American Commission on human rights; Ivana Radačić, Chair of the United Nations Working Group on Discrimination against Women in Law and Practice; Lucy Asuagbor, the Special Rapporteur on the rights of women in Africa.

Objectives:

- 1) Approve joint letter of the Platform addressed to SG, DSG, President of the General Assembly, High Commissioner for Human Rights, Executive Director of UNWOMEN and the heads of the OAS, AU and CoE to seek support for the institutionalization of the platform;¹
- 2) Discuss about the platform's publication on the Beijing +25 review to presented at the next CSW64 to highlight what each mechanism has been doing since 1995, identify the remaining challenges and develop new strategies;
- 3) Discuss about the ILO's joint statement and a joint statement on violence against women in children's custody cases;
- 4) Adopt a strategic name of the platform to increase its visibility and strengthen its advocacy;
- 5) AOB.

¹ Recommendation from the SRVAW's report on 25 years of the mandate: **Adopt a General Assembly resolution or other measures to institutionalize the Platform of independent international and regional mechanisms on women's rights and violence against women**

ANNEX II



Picture of the members of the Platform with the Deputy Secretary-General of the Council of Europe, Gabriella Battaini-Dragoni, held on 24 May 2019.