

Mandate of the Special Rapporteur on Violence against Women, its Causes and Consequences

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**Women's rights at the Crossroads: strengthening international cooperation to close the gap
between legal frameworks and their implementation
Council of Europe, Strasbourg
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Opening speech by the Special Rapporteur on violence against women, Dubravka Šimonović

Good morning excellences, Mr. Secretary-General of the Council of Europe, colleagues and friends, it is a pleasure to see you all at this conference with such an important title: "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 my mandate supported by OHCHR.

This year my mandate celebrates 25 years since its establishment in 1994 by the then Commission on Human Rights as the very first independent monitoring mechanism on violence against women entrusted to integrate violence against women in the international legal framework and its mechanisms.

In the past twenty-five years we have seen great progress in the advancement of women's rights, we have drafted important legal instruments to prevent and combat gender based violence against women and girls and created monitoring mechanisms.

Let me start by mentioning our global instruments: the CEDAW Convention of 1979 that celebrates its 40th anniversary this year, the International Declaration on the Elimination of Violence against Women of 1993, the Beijing Declaration and Platform for Action of 1995 and regional instrument such as the Belém do Pará, the Maputo Protocol and the Istanbul Convention as the newest one and I am very proud that I participated as a co-chair of its drafting committee and I am happy to see familiar faces in this room.

All legally binding treaties have established their monitoring mechanisms: the CEDAW Committee was established to implement CEDAW and today we have its chair, Hilary Gbedemah; the MESECVI, which is the monitoring body of Belém do Pará with her President Sylvia Mesa Peluffo, the African Commission on Human Rights and the Special Rapporteur on the rights of women in Africa, Lucy Asuagbor, which oversees the application of the Maputo Protocol; the Working Group on Discrimination Against Women in Law and Practice with its

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Chairperson, Ivana Radačić and the GREVIO, which monitors the implementation of the Istanbul Convention and its President, Feride Acar.

We have to focus on the work of those mechanisms. These independent expert monitoring mechanisms have all developed a rich jurisprudence, general comments and recommendations relating to the rights of women and girls and States' due diligence obligations to prevent and combat gender-based violence against women and to uphold the right of women to live a life free from violence.

Despite this progress, gender-based violence against women persists and is deeply rooted in the fabric of our societies, it affects women all around the world and from all social layers and has become normalized as a way of life.

Recent collection of prevalence and administrative data on violence against women have showed the pervasive nature of gender-based violence against women. Let me mention the FRA and OSCE reports and the IPU and CoE PACE report on violence against women in politics that all revealed that gender-based violence against women concerns all aspects of life, which is a shocking reality. The most striking data are from 2018. The UNODC global study on Homicide - gender-related killing of women- revealed that in category of intimate partner killings worldwide, 82 % of victims are women. We have to focus on data that shows us such reality. We have to see how to support popular movements like the #MeToo, #NiUnaMenos, #BreaktheSilence and women's marches which have broken the silence and are calling for changes. We are also witnessing backlashes coming from regressive groups in all regions of the world which are slowing down implementation of international and regional instruments on violence against women and gender equality. We adopted a specific statement to send a message on pushbacks. Some States are challenging the ratification of the Istanbul Convention by misinterpreting the term "gender" and reading in it the so-called "gender ideology" despite the fact that the term gender is used in numerous UN documents, including now in the 2030 SDG Agenda in our global goal 5 on achieving gender equality.

Therefore, I very much welcome this conference which gives us an opportunity to discuss about what is yet to be done to address all those challenges and pushbacks. The title is emblematic: "strengthening international cooperation to close the gap between legal frameworks and their implementation".

But what does this mean in practice?

We need to close the implementation gap but we also need to finish the unfinished job of ratification, incorporation and implementation of all existing

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Conventions on violence against women and show synergies between those instruments. For example, some of those States that oppose the ratification of the Istanbul Convention ratified the CEDAW Convention, which has similar obligations. The new CEDAW General Recommendation 35 on gender-based violence provides the most advanced standards and roadmap on combating violence against women. Let me praise the work of President Acar as the head of the Working Group that drafted General Recommendation 35. It's our job to use General Recommendation 35, which asserts that the prohibition of gender-based violence against women has evolved into a principle of customary international law. This General Recommendation is comparable with standards of the Istanbul Convention and in order to address these backlashes we need to promote and implement it along with the Istanbul Convention and the CEDAW Convention.

Implementation of international and regional conventions is not the only challenge at the national level. In my report on adequacy of international framework on violence against women (A/72/134), I pointed out that there is a certain fragmentation and disconnection between the global and regional instruments and agendas and independent mechanisms addressing violence against women and I have called for the elaboration of a system-wide response on violence against women and how we can cooperate to send this message. This is the reason why in 2017 I launched a thematic platform of cooperation between international and regional independent monitoring mechanisms on violence against women with a view to improving the implementation of recommendations and the existing legal and policy framework. This is a project supported by Switzerland, Spain and the Republic of Korea. This platform aims at applying holistic and integrated policies on prevention, protection and prosecution of violence against women and it calls for a full implementation of global and regional treaties on women's rights and violence against women.

What's the added value? Just to mention, this platform already produced a joint statement focused on femicide and call on all States to collect data and establish femicide watches. To mention the important role played by the mechanisms and the concrete results, I would like to say that the day before this conference we had meeting of with the Platform's members hosted by the CoE and GREVIO President, Ms Feride Acar, and we have agreed to send letters to the UN Secretary General, the UN Deputy Secretary General, the President of the General Assembly, heads of all regional organizations including the CoE, the High Commissioner for Human Rights and the Deputy High Commissioner, the Executive Director of UNWOMEN and to seek their support for institutionalization of this Platform. We also need support of all of you present

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here. We have further agreed to prepare a joint booklet on Beijing +25 on achievement and challenges of monitoring mechanisms.

Additionally, we have agreed to prepare a joint statement on violence against women and custody of children based on the provision of Istanbul Convention about also on jurisprudence of the CEDAW and other regional mechanisms on this topic. In the CEDAW case *González Carreño v. Spain*, CEDAW found that Spain had violated her human rights under the CEDAW Convention since it did not consider violence against women when determining custody and visitation rights regarding children. In 2018, the Spanish Supreme Court acknowledged that the provisions of international treaties to which Spain is a party, form part of its law and that the recommendations of CEDAW are binding in nature and recommended the authorities to implement the CEDAW's recommendations.

Excellences, dear colleagues,

As we are heading toward the Beijing +25 review next year and we have the five-year review of the 2030 Sustainable Development Goal n. 5, as a platform we agreed to create a booklet in order to send the message that such process should include the monitoring mechanisms. Twenty-five years ago we didn't have some of those mechanisms and they are not invited to the review process. We should be integrated in this process and we should move fast towards the elimination of violence against women.

Finally, I believe that we must use this momentum to establish a **system wide approach to eradicate violence against women and girls that would include strengthening international cooperation through institutionalization of the platform of independent monitoring mechanisms on violence against women and women's rights and accelerate our effort to close the gap between legal frameworks and their implementation.**

Thank you.