



## **Economic and Social Council**

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### **Commission on the Status of Women**

#### **Fifty-seventh session**

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**Follow-up to the Fourth World Conference on Women and  
to the special session of the General Assembly entitled  
“Women 2000: gender equality, development and peace  
for the twenty-first century”: implementation of strategic  
objectives and action in critical areas of concern and  
further actions and initiatives**

### **Statement submitted by Forum for Women and Development, a non-governmental organization in consultative status with the Economic and Social Council**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



## **Statement**

### **Violent intersections: the need for a legally binding international framework on violence against women**

All women have the right to be free from violence in the public and private spheres. Since the adoption of the Declaration on the Elimination of Violence against Women in 1993 and the Fourth World Conference on Women, held in Beijing in 1995, a number of regional conventions, protocols and declarations on violence against women have been adopted.

Nevertheless, there is still no specific global convention on the elimination of violence against women.

Although almost universally ratified, the Convention on the Elimination of All Forms of Discrimination against Women is the United Nations human rights treaty with the highest number of reservations entered by States parties. At the same time, the Convention does not contain an explicit article on violence against women or domestic violence, although it addresses them implicitly. In its general recommendation No. 19, the Committee on the Elimination of Discrimination against Women provides a clear explanation of gender-based violence against women as a form of discrimination. This is, however, inadequate.

Although the Optional Protocol to the Convention has proven useful in providing justice to some women survivors of violence, the Committee on the Elimination of Discrimination against Women has little power to demand changes in national legislation. Many States still lack specific legislation to deal with violence against women, including domestic violence, marital rape, incest, female genital mutilation, trafficking and forced and early marriage. In those States that have such laws, implementation is often far from effective. Some examples of this are the absence of implementing regulations and procedures, high case dismissal and withdrawal rates, low prosecution and conviction rates, lack of legal aid for victims, failure to apply measures to protect victims and the use of discriminatory customary law and practice, which often offer less protection to women than statutory law.

In order to strengthen the international normative basis and to bring national laws, policies and practices into line with international standards, to secure their effective implementation and to give a better definition of States' responsibilities to prevent and investigate reported violence, as well as to protect and provide redress to victims, there is a need for a United Nations convention on violence against women.

#### **What the convention should include**

The convention should clearly define violence against women and contain a comprehensive set of legally binding standards to combat it. In addition, the convention should be framed within the wider context of gender equality and discrimination against women, especially with regard to the topic of intersectionality, which we will address hereunder.

An international convention on violence against women should build upon previously adopted international and regional conventions, protocols and declarations, as well as the Platform for Action of the Fourth World Conference on

Women. As we know from experience, a convention is only as useful as it is implemented. For this reason, it is paramount that States also approve a strong and effective monitoring mechanism, which should be independent, inclusive of civil society and provide for binding recommendations.

### **Intersectionality of violence and discrimination**

Available data clearly state that violence against women is a worldwide phenomenon. At the same time, the prevalence of violence against women does vary in both space and time and between and within communities, indicating that such violence is not something inevitable, natural or God-given.

Much can be said about the various forms and manifestations of violence against women. Without dwelling on any particular form, we would like to draw attention to an issue that has not been given much space in high-level discussions on the topic: the intersectionality of multiple and overlapping forms of discrimination and violence against women.

While there may be some commonality of experience on the basis of gender, the interaction of gender with other identities can produce a substantively distinct experience of violence for each individual woman. The fact that a woman belongs to a distinct racial, ethnic, linguistic or indigenous group, is of a particular religion, is a migrant, displaced or a refugee, is poor, is institutionalized or incarcerated, has a disability, is HIV-positive, is lesbian, bisexual or transgender, or is old or widowed, for example, can make her more vulnerable to violence and create additional barriers to dealing with it. For example, a lesbian might be anxious about reporting domestic violence because she fears that the police will have a homophobic reaction or that she will be forced to come out. Her abusive partner is well aware of this and takes advantage of this fear.

To take another example, women with disabilities are particularly vulnerable to abuse, violence and exploitation of all kinds. It is estimated that women with disabilities are twice as likely to experience violence in close relationships as non-disabled women. In addition, an older disabled woman could find it difficult to report violence because of her physical disability and because she knows that appropriate services are most likely unavailable.

Intersectionality allows us also to understand why, within marginalized communities such as indigenous groups, women who are subjected to partner violence are often reluctant to report it to the authorities. They often argue that gender issues are internally divisive and that raising such issues advances the agenda of the women from the dominant group. At their most extreme, some of these women can claim that gender violence is not a problem in their community. They may also fear that the authorities will ascribe domestic violence to the indigenous culture or will not be willing to take a report because the woman does not speak the official language. We cannot hope to address the concerns of those women without addressing the structural and cultural discriminatory practices to which they are subject. Here, an intersectional approach to understanding and tackling multiple systems of discrimination is crucial.

Any factor of discrimination robs women of the social and cultural capital necessary to protect and defend themselves. In addition to having their personhood denied because they are female, their personhood is further degraded because of

some other permanent or temporary characteristic, which indisputably puts them at greater risk of violence.

With regard to sex trafficking of women, for example, we need to take a closer look at who the victims are. It is important to determine why women from certain nationalities and from certain segments of society make up the majority of women in prostitution in the North. Their risk of and vulnerability to abuse by organized crime groups and the police arise not just because they are women but also because they are poor and powerless in their homelands. Such powerlessness is partly a function of their culture, colour, religion and ethnicity. These are vulnerability factors of which the traffickers intentionally take advantage when recruiting such women.

### **Holistic approach**

It is high time to adopt a holistic, multifaceted approach to combating violence against women. A holistic approach takes into account the indivisibility and interdependence of civil, political, economic, social and cultural rights. If we are truly serious about ending all forms of violence against women, we cannot afford to continue ignoring how this violence intersects with other forms of discrimination and abuse.

Only by committing ourselves to the notion of the interdependence and indivisibility of all human rights can we make substantial progress in combating violence against women. This is why we call upon States to ratify all United Nations human rights treaties and optional protocols, without reservations. The next step should be to review policies on violence against women in terms of their efficacy in addressing the problems faced by women with various intersecting identities. Informed by this review, States should devise holistic action plans to tackle both gender inequality and other identity and situational factors that together produce violence against women.

### **Recommendations**

We recommend that:

- (a) Member States should develop and adopt a global convention on violence against women;
- (b) The convention should clearly define violence against women and contain a comprehensive set of legally binding standards to combat it;
- (c) The convention should include violence against all women, including lesbians, bisexuals and transgender persons;
- (d) The convention should also establish a clear link between violence against women and women's sexual and reproductive health and rights;
- (e) To ensure its implementation, an independent, inclusive and binding monitoring mechanism should accompany the convention;
- (f) Member States should ratify all United Nations human rights treaties and optional protocols, without reservations;

(g) Member States should review policies on violence against women in terms of their efficacy in addressing the problems faced by women with various intersecting identities;

(h) On the basis of the above-mentioned review, Member States need to devise holistic action plans to tackle both gender inequality and other identity and situational factors that together produce violence against women.

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