

Safer Sooner

Toward a Global Binding Norm to
End Violence Against Women and Girls

everywoman.org



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An aerial photograph showing a river winding through a landscape. The river flows from the top left towards the bottom right. On the left bank, there is a dense, dark green forest. On the right bank, there are agricultural fields with visible furrows and a mix of green and brown colors. The overall scene is a blend of natural and cultivated environments.

**Treaties unite nations.
This one unites humanity.**

An aerial photograph of a lush green landscape. The central part of the image is dominated by a dense, dark green forest. Surrounding the forest are several large, open fields with distinct, curved patterns, likely from agricultural machinery. The overall scene is vibrant and natural.

**Who
We
Are**

Every Woman Treaty is a coalition of more than **1,700** women's rights activists, including **840** organizations, in **128** nations working to advance a global binding norm on the elimination of violence against women and girls.

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Claudia



Claudia

I signed the Every Woman Treaty so that there is no more violence worldwide, because I do not want any more violence in my community.

#isigned | everywoman.org

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TREATY**

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Introduction

Global Goal: Prioritize policies to ensure safety of women and girls

The objective for any advocate for women and girls is to make the world safer, as soon as possible. A global binding norm provides that path.

Over the last three decades, the international community has recognized that violence against women is one of the most widespread human rights violations today and is a public health crisis.¹ Multiple international and regional instruments have been put in place to stop it.

These tools have made extraordinary strides in women's protection and security, yet rates of violence against women and girls persist globally. More than one in three women worldwide experience sexual or domestic violence—more than 1.3 billion women, eclipsing the number of people affected by HIV/AIDS, measles, Ebola, and malaria combined.²

Adding to the urgency: The increasing destruction of the environment is fueling a rise in violence against women, the International Union for Conservation of Nature found in its January 2020 report *Gender-Based Violence and Environment Linkages*. Online violence, cyberstalking, sextortion, and other more recent forms of violence reflect an evolving world that demands a full response.

Without a clear framework on ending violence against women, a robust mechanism for accountability, and dedicated funding, women and girls in every community across the globe will continue to suffer from violence, and nations will continue to bear the cost, both economically and socially.

The proposed binding norm will:

- Mandate comprehensive national legal reform to remove harmful laws that perpetuate violence
- Prioritize laws and policymaking to protect women and girls from all forms of violence, in all spheres
- Require the training of, and hold accountable, members of enforcement and implementing agencies, including the security and justice sectors to ensure public authorities enforce laws
- Mandate health system responses as developed by the World Health Organization's Global Plan of Action to strengthen the role of the health systems within a national multisectoral response to address interpersonal violence

- Ensure services for survivors
- Provide prevention education
- Develop data and monitoring that is measurable and objective
- Create a globally applicable instrument
- Close the enforcement gap with an innovative narrative + metrics-based approach
- Catalyze funding for implementation
- Lower rates of violence and costs associated with violence
- Support the fulfillment of Sustainable Development Goal Number 5
- Strengthen women’s rights movements globally

Decades of research by civil society, governments, and international entities, demonstrates that a whole-of-society, whole-of-government approach lowers rates of violence.

A global binding norm mandating a comprehensive package of proven interventions—implemented at the national level, scaled globally—will ensure that we protect the maximum number of women as quickly as possible. It will ensure that we’ve given our daughters and granddaughters, and our sons and grandsons, a chance to live in a world free from violence.

The idea of a binding norm on violence against women and girls was first introduced in 1996 by the first UN Special Rapporteur on violence against women, its causes and consequences, in her report to the Commission on Human Rights.³ Today, there is unprecedented momentum on women’s safety, spurred by horrific acts of violence around the world, including the brutal gang rape and murder of a young woman in India in 2012 and the abduction of school girls in Nigeria by Boko Haram. The widespread revelations revealed by the global #MeToo movement⁴ also have activists demanding action, seen in a powerful way with the viral 2019 protest “The Rapist is You,” ignited by Chilean feminist group Las Tesis. People across the globe are asking for systems change. Strong models for rapid institutional and cultural change are available, as are global best practices that combine proven interventions and strategies from human rights and public health.

With these practices contained in a global binding norm on violence against women and girls, the current system of impunity can shift to one of safety and accountability, **bringing forward a safer, more just world for women and girls everywhere.**

Executive Summary

The Problem:

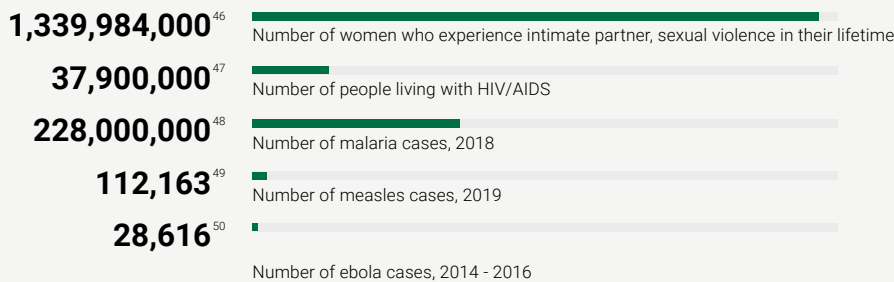
Pandemic levels of violence against women and girls

Violence against women is a public health and human rights crisis that affects the social fabric of every nation. Statically, one in three women—or 1.3 billion women and girls—experience sexual assault or intimate partner violence.

Violence against women creates devastating consequences

Survivors and their children can experience a wide range of physical and mental health problems, as well as financial hardship. Social stigma and lack of access to care can result in untreated trauma for both women and children.

Prevalence of Violence Against Women Compared to Other Public Health Emergencies



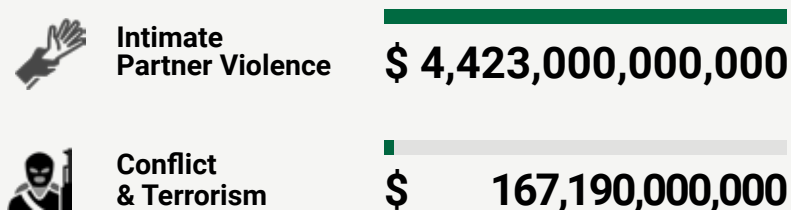
Violence against women creates a large economic burden on nations.

Survivors experience higher health care costs and significant lost wages. Nations’ judicial, social services, education, and healthcare systems are stressed. The private sector bears the brunt of reduced productivity resulting from this violence against women. Globally, the cost of violence against women and girls is 5.5 percent of the global economy or US\$4.7 trillion dollars.

Intimate partner violence alone costs more than conflict and terrorism combined.

Cost of Violence Against Women

Intimate partner violence alone costs more than conflict and terrorism combined.⁶⁷



For many women around the world, there is no easy path to justice. Laws, government systems, and social norms favor perpetrators. In courtrooms, media, communities, and homes across the world, female victims of violence are often blamed, ignored, and not believed, entrenching the world in a system of silence and impunity.

The international community has come together to solve the problem through various instruments, including regional treaties, recommendations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and treaties specific to a certain form of violence, such as torture and trafficking. The lack of a binding global framework specific to violence against women and girls has resulted in a patchwork of protection with wide normative, geographical, and enforcement gaps in women's safety.

The supermajority of the world's women lack access to a treaty that specifically addresses violence against women.

The Solution:

A global binding norm on violence against women

Over the last six years, from 2013 to 2019, the Every Woman Global Working Group engaged in a global, inclusive dialogue on the need for a treaty and conducted deep analysis of the existing legal framework with members of the Every Woman coalition and additional experts. The global consultation found that a binding global norm would close the existing normative, geographic, and implementation gaps in women's security, as well as provide global backup to existing mechanisms, and create a framework at the highest level of international law in which all entities, from governments to civil society to the UN, could work together to eradicate this human rights crisis.

A proposed treaty on violence against women will:

- Create a binding international standard on women's right to a life free from violence, closing the normative and geographic gap in international law
- Create a globally applicable instrument
- Mandate a whole-of-government, whole-of-society approach at the national level using proven interventions
- Close the enforcement gap with an innovative narrative + metrics-based approach
- Mobilize funding
- Reduce rates of violence and costs associated with violence
- Support the fulfillment of Sustainable Development Goal Number 5
- Strengthen women's rights movements globally

In 1996, the first UN Special Rapporteur on violence against women introduced the idea of a binding norm on violence against women. The time has come to act and create a safer world for women and girls everywhere.

The Problem

1 in 5

women experience sexual assault or intimate

An aerial photograph of a city street scene, rotated 90 degrees counter-clockwise. The image shows a multi-lane road with white lane markings and arrows. Several cars are visible on the road. On the left side of the road (top of the image), there is a large, multi-story building with a white facade and a red roof. To the right of the road (bottom of the image), there are green trees and a modern building with a white grid-like facade. A large, white, semi-transparent number '1.3' is overlaid on the center of the image, with the '1' on the left and the '3' on the right.

1.3

partner violence, or 1.3 billion women.⁵

Dah Maya

दाहमाया

I signed the Every Woman Treaty because I stand
for a life free from all forms of violence.

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1.1

Violence Against Women and Girls is a Global Crisis

More than **one in three women worldwide experience sexual assault or intimate partner violence**, or 1.3 billion women.⁵

As many as **38 percent of murders of women are committed by a male intimate partner.**⁶

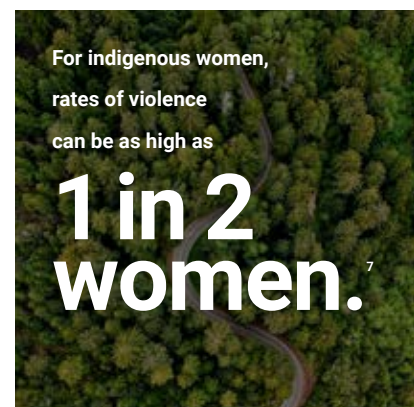
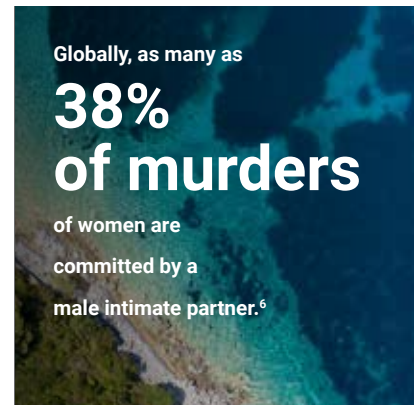
For indigenous women, rates of violence are reportedly as high as **one in two women.**⁷

79 percent of all detected trafficking victims **are women and children.**⁸

The total number of **girls married in childhood stands at 14.2 million per year.**⁹

As the international community's understanding of violence against women has developed, the problem has been characterized in a number of ways: No longer a private matter, violence against women is a social problem, a welfare and criminal justice issue, a public health concern, and more recently, a human rights violation in and of itself.¹⁰ Violence against women defies a single category as violence affects all levels of government and all parts of society.

Considering violence against women as a human rights violation, a public health emergency, and an economic crisis paints a comprehensive picture of the problem's wide-reaching and devastating effects—and provides a clearer view of why a global treaty is needed to address this global problem.



Violence Against Women and Girls is a Human Rights Pandemic

Violence against women and girls is a violation of human rights. At its most basic, violence against women violates a woman's right to "security of person," as guaranteed in the Universal Declaration of Human Rights.¹¹

Violence against women, however, does not constitute a single breach in the human rights framework. Rather, it is a gross violation of multiple human rights.

Acts of violence of any nature, whether physical, sexual, psychological, or economic, infringe on the fundamental right to achieve the highest attainable standard of health.¹² Violence against women can also limit a woman's right to an education, her freedom of movement, her right to equality, her right to decent work, her right to own property, and ultimately robbing her of her full agency and right to self-determination.

In 2003, the Commission on Human Rights at its 59th session issued Resolution 2003/45:

"Strongly condemning all acts of violence against women and girls and in this regard called, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasized the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims."

A woman impacted by violence is often denied the following rights:

The Right to Equality

Freedom from Discrimination

The Right to Life, Liberty, and Personal Security

Freedom from Slavery

Freedom from Torture and Degrading Treatment

Freedom from Arbitrary Arrest and Exile

The Right to Free Movement in and out of the Country

The Right to Own Property

The Right to Participate in Government and in Free Elections

The Right to Rest and Leisure

The Right to Education

The Right to Participate in the Cultural Life of Community

The Right to Decent Work

Community Duties Essential to Free and Full Development

Freedom from State or Personal Interference in the above Rights

In extending the Special Rapporteur on violence against women, its causes and consequences mandate in 2003, the Commission on Human Rights affirmed that “violence against women constitutes a violation of the human rights and fundamental freedoms of women and that violence against women impairs or nullifies their enjoyment of those rights and freedoms.”¹³

Violence Against Women is a Public Health Emergency

with devastating consequences on women, families, and communities

At least one in three women worldwide have experienced physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.¹⁴ In 2017, 58 percent of women killed were murdered by a partner or family member.¹⁵ UN Women estimates that violence against women is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of poor health than traffic accidents and malaria combined.¹⁶

Low- and middle-income nations report higher rates of violence against women¹⁷ where access to healthcare is less available.¹⁸

For example, the World Health Organization estimates that 45 percent of women in sub-Saharan Africa experience violence¹⁹, while a recent study found that access to quality care was the lowest in countries in sub-Saharan Africa.²⁰



Violence has devastating physical health consequences on women and can also lead to grave mental and emotional health problems.

Survivors of multiple forms of violence, including intimate partner violence and sexual assault, can experience:

Acute and long-term physical injuries:

- Bruises
- Abrasions
- Lacerations
- Punctures
- Burns
- Bites
- Fractures
- Broken bones or teeth²¹
- Serious injuries include those to the head, eyes, ears, chest, and abdomen and can lead to disabilities
- Gastrointestinal conditions
- Chronic pain syndromes
- Chronic headaches
- Chronic pelvic pain²²
- Sexual Injuries
- Forced pregnancies
- Forced miscarriages

Mental health issues:

- Depression
- Sleeping disorders
- Eating disorders
- Stress and anxiety disorders
- PTSD (post-traumatic stress disorder)
- Self-harm
- Poor self-esteem
- Suicidal thoughts, attempts^{23, 24}

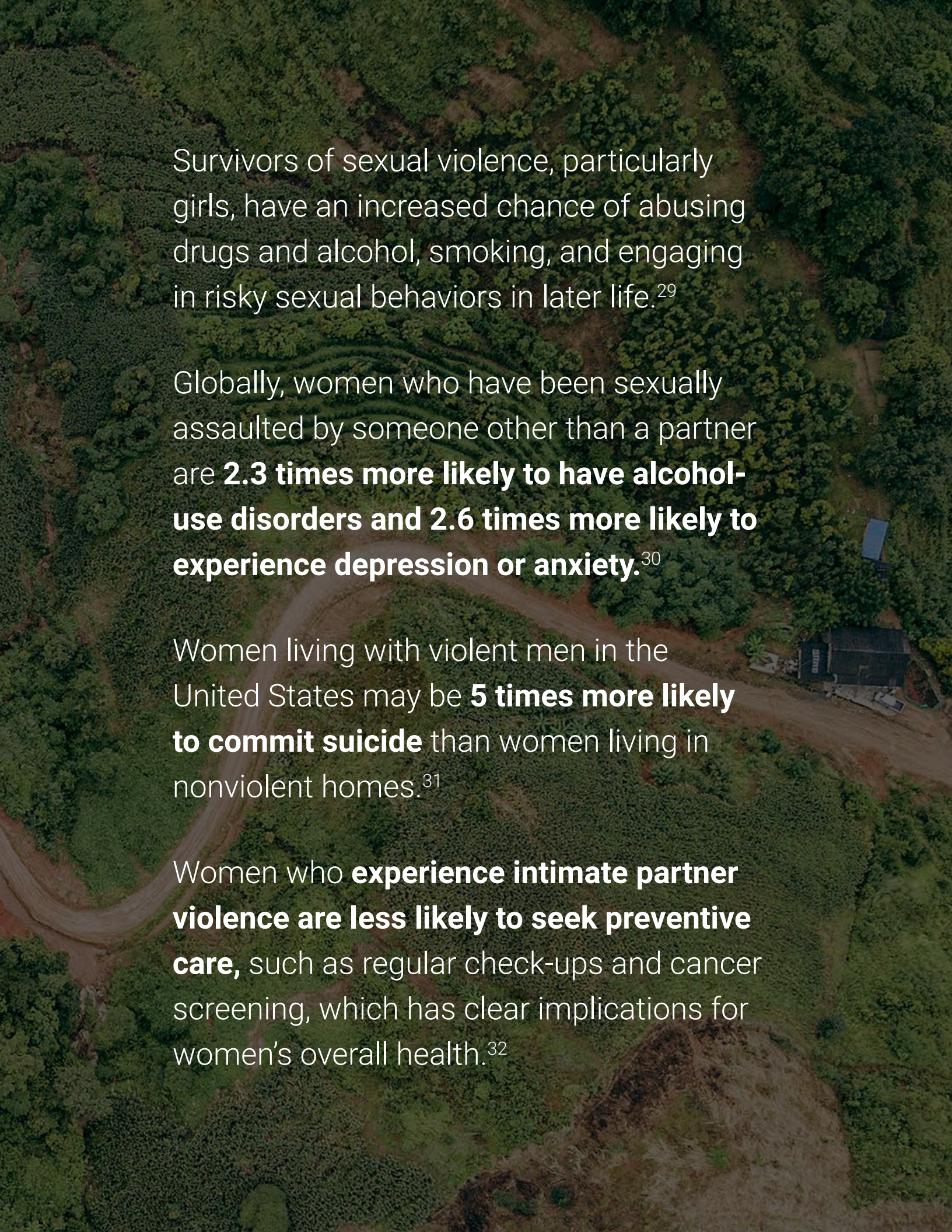
Health Consequences of Violence Against Women

42 percent of women who experience intimate partner violence report an injury as a result of violence.²⁵

Survivors of intimate partner violence are **55 percent more likely to be HIV positive.**²⁶

Women who have been physically or sexually abused by their partners are almost **twice as likely to experience depression.**²⁷

Women who experience intimate partner violence are **2.7 times more likely to be diagnosed with cervical cancer.**²⁸



Survivors of sexual violence, particularly girls, have an increased chance of abusing drugs and alcohol, smoking, and engaging in risky sexual behaviors in later life.²⁹

Globally, women who have been sexually assaulted by someone other than a partner are **2.3 times more likely to have alcohol-use disorders and 2.6 times more likely to experience depression or anxiety.**³⁰

Women living with violent men in the United States may be **5 times more likely to commit suicide** than women living in nonviolent homes.³¹

Women who **experience intimate partner violence are less likely to seek preventive care**, such as regular check-ups and cancer screening, which has clear implications for women's overall health.³²

Rukaiya

रुकाईया

I signed the Every Woman Treaty to have stricter laws
and stronger punishments for criminals.

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Different Forms of Violence Can Cause Specific, Devastating Health Repercussions

Acid attack survivors experience intense physical pain and life-long health complications from the burns, disfigurement, loss of sight, loss of lips, and other damage that can result from an acid attack. Social stigma and isolation contribute to anxiety, depression, and suicide attempts.³³⁻³⁵

Child marriage endangers girls' development through social isolation and early pregnancy. In fact, complications in pregnancy and childbirth are the leading cause of death in young women aged 15–19.³⁶ Child marriage also increases girls' risk for sexually transmitted diseases and depression. Child marriage often leads to early widowhood and poverty due to lack of education and training. This further leads to intergenerational poverty.

The short-term health consequences of **female genital mutilation** include excessive bleeding, infection, and death; long-term problems include pain during urination, prolonged and difficult labor, trauma, and other psychological issues.³⁷

Conflict-related sexual violence (CRSV) can lead to complex and long-term health complications for survivors, including traumatic genital inflammatory disease, sexually transmitted diseases, and traumatic gynecological fistula, which is largely unseen in any other setting and associated with high levels of violence and brutality of conflict-related sexual violence.^{38,39}

Psychological abuse can lead to anxiety and post-traumatic stress disorder.⁴⁰

Sexual slavery can lead to chronic pain, vaginal infections, and incontinence, as well as post-traumatic stress disorder.⁴¹

Girls who experience physical and sexual child abuse can have lifelong health implications including alcohol, tobacco, and drug abuse; and lower rates of contraceptive and condom use, as well as anxiety disorders and depression; and increased risk of other types of violence later in life.⁴²

Ahrielle



Ahrielle

I signed the Every Woman Treaty
because I believe in ending violence against women.

#isigned | everywoman.org



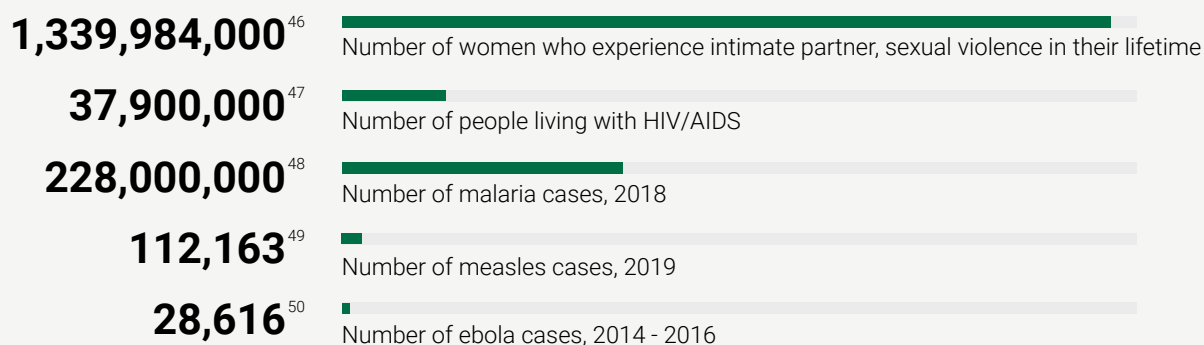
Women Suffer, So Do Their Children

The mental and physical health effects of violence are intergenerational. Children of mothers who experienced violence can have poorer physical health and a greater number of emotional, psychological, and behavioral problems,⁴³ including self-harm, aggressive and antisocial behaviors, depression, and anxiety.⁴⁴ An acid survivor in Pakistan reported that due to her disfigurement, her children became afraid of her, a painful outcome that can affect the emotional and psychological health of mother and child.⁴⁵

Violence Erodes Our Society, Our World

Social stigma and lack of access to care can result in untreated trauma for both women and children. Mental and emotional challenges can be lifelong for survivors and can follow children into adulthood, leading to alcohol and drug abuse, self-harm, and other problems, including an increased likelihood of becoming a perpetrator of violence (more common in men) or a victim of violence (more common in women). Nation by nation, across the globe, violence against women and girls is a threat to human flourishing.

Prevalence of Violence Against Women Compared to Other Public Health Emergencies



Violence Against Women and Girls is an Economic Crisis

The economic cost of violence against women and girls is vast. An analysis of global violence estimates that violence against women costs the global economy US\$4.7 trillion per year, or 5.5 percent of the global Gross Domestic Product.⁵¹ UN Women estimates that violence against women costs approximately 2 percent of the global gross domestic product (GDP), or US\$1.5 trillion.⁵²

Costs to States

The costs of violence against women are multifaceted, taxing a nation's healthcare, judicial, and welfare systems.⁵³

- Increased healthcare expenses⁵⁴
- Lost wages for survivors
- Decreased productivity for businesses
- Costs related to access to justice⁵⁵
- Costs associated with children's health
- Costs associated with children missing school⁵⁶

The World Bank estimates that violence against women costs some countries up to **3.7 percent of their GDP, more than double what most governments spend on education.**⁵⁷

Cost of lost productivity due to intimate partner violence ranged from 1.2 percent of GDP in Brazil to 2 percent of GDP in Chile.⁵⁸ Those figures did not include costs associated with long-term emotional health and generational consequences.

Companies in Papua New Guinea **lose an average of 11 days of work per staff member, per year to gender-based violence.**⁵⁹

In Vietnam, lost earnings and out-of-pocket expenses, such as fees for medical care and legal support, represented a cost of nearly 1.4 percent of GDP in 2010.⁶⁰

In the United States, **intimate partner violence resulted in a loss of nearly 8 million days of paid work**—the equivalent of more than 32,000 full-time jobs—and nearly 5.6 million days of household productivity annually.⁶¹ **The annual cost of intimate partner violence in the US is US\$9.3 billion**, according to one analysis.⁶²

Survivors Suffer Economically

A survey of women experiencing abuse in the US found that their health care costs were 42 percent higher than costs for women not experiencing violence.⁶³

Survivors in Vietnam not only incurred medical and legal expenses, but the loss of productivity indicates that **women experiencing violence earn 35 percent less** than those not abused.⁶⁴ Indian women **lose five days of work per incidence of violence**, which represents 25 percent of each woman's monthly salary per incidence.⁶⁵

Girls forced to marry young often do not complete school, which limits their economic potential.⁶⁶

Cost of Violence Against Women

Intimate partner violence alone costs more than conflict and terrorism combined.⁶⁷



**Intimate
Partner Violence**

\$ 4,423,000,000,000



**Conflict
& Terrorism**

\$ 167,190,000,000

Tawakkol



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women are free from gender-based violence.

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1.2 Gaps in the Current Legal Framework

“**How do I hold States accountable if there is no specific legally binding instrument on violence against women?”**

– former UN Special Rapporteur on violence against women
Rashida Manjoo, 2012

The right to be free from violence is a universal human right, presupposing a standard—that no violence is acceptable—that applies to all women in all places at all times. Yet, violence against women continues at pandemic levels around the globe, indicating that forward-looking normative and enforcement solutions are needed. A new global treaty to end violence against women and girls is grounded in an analysis of the gaps in existing legal frameworks: normative, geographic, and enforcement.

Normative Gap

Violence against women is not comprehensively covered in any single specialized treaty.

Although references to violence against women in global and regional treaties are numerous, they differ in substantive scope and nature. Some international norms address specific aspects of this global problem, including violence in armed conflicts, workplace violence, or violence as a form of discrimination, for example.

Some international norms address how particular groups of women experience violence due to social forces that create additional disadvantages and risks, including women with disabilities, indigenous women, and older women. But no global treaty comprehensively addresses all aspects of a State's duty to respect, protect, and fulfill every woman's right to live free from violence, creating a normative gap in the international framework.

Indeed, in 2015 the then-Special Rapporteur on violence against women, Rashida Manjoo, discussed the lack of a binding norm on violence against women in her report to the UN Human Rights Council, stating that, "the current norms and standards within the United Nations system emanate from soft law developments and are of persuasive value but are not legally binding. The normative gap under international human rights law raises crucial questions about the State responsibility to act with due diligence and the responsibility of the State as the ultimate duty bearer to protect women and girls from violence, its causes and consequences."⁶⁸

A new treaty focused solely on violence against women would provide much-needed normative specificity, while creating clarity over definitions and responsibilities.

When a specific human rights issue is deemed sufficiently important, the international community usually adopts a specialized treaty to address it, even if the issue is already addressed tangentially in an existing general treaty like the International Covenant on Civil and Political Rights (ICCPR). The adoption of a specialized treaty on violence against women would therefore be in line with previous efforts to address the normative gaps left by the broad scope of other international treaties.

Specialized Treaties Close Normative Gaps

One pertinent example of a specific treaty closing the normative gap is the Convention Against Torture (CAT). Although torture was already prohibited under the International Covenant on Civil and Political Rights, States decided to adopt a separate specialized treaty to better address this human rights violation. The same can be said of other specialized treaties that address issues covered broadly in general treaties, such as racial discrimination and enforced disappearance, and those that address categories of individuals already protected by general treaties, such as children, migrant workers, and persons with disabilities. These specialized treaties complement the existing general treaties, and provide more comprehensive protections that fill the normative gaps left by general treaties. In line with this trend, a specialized treaty on violence against women would provide comprehensive protection for this complex human rights violation and public health crisis.



Photo credit: Terry Boynton

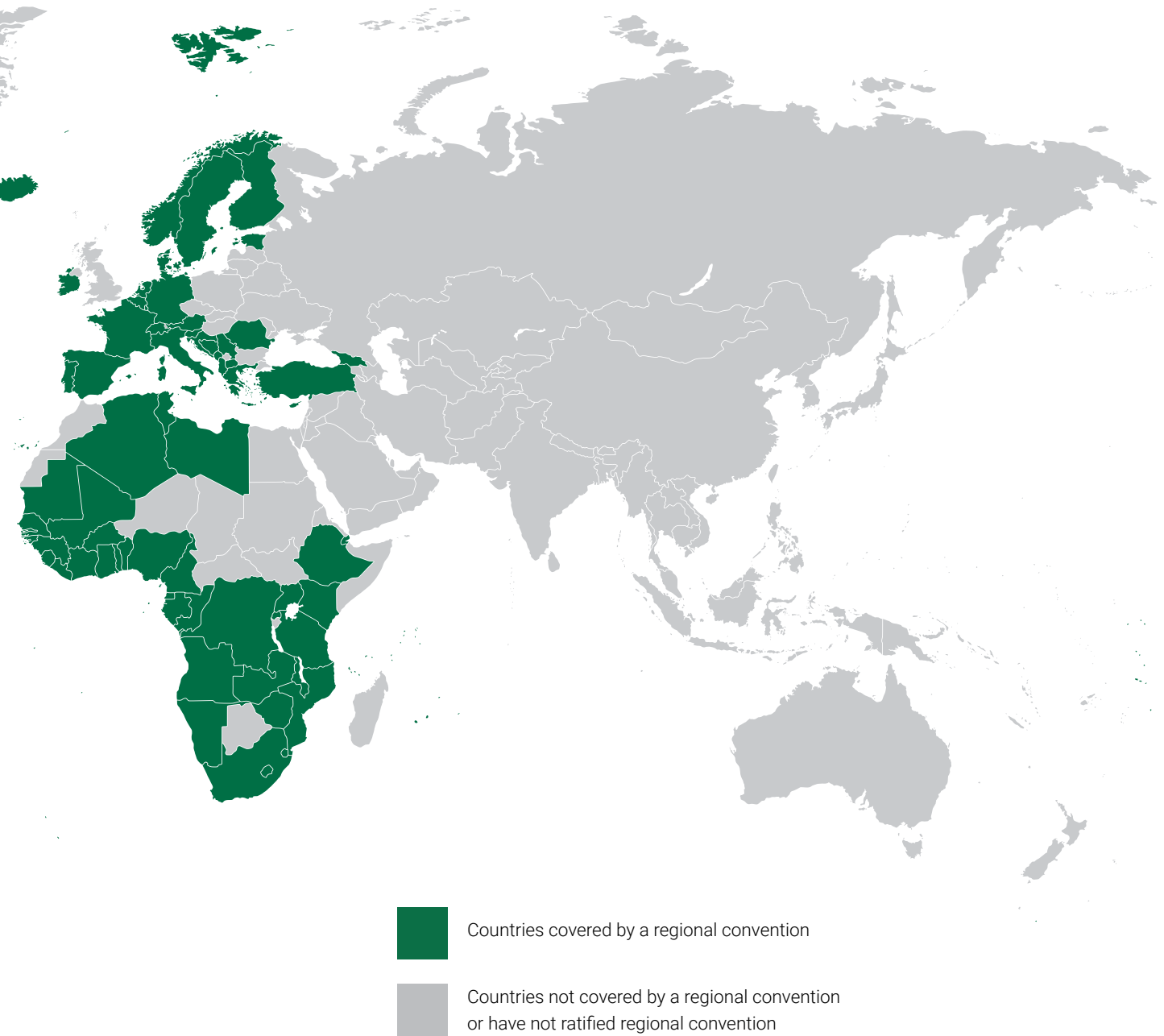
Geographic Gap

Regional treaties on violence against women—the Convention of Belém do Pará in the Americas, the Maputo Protocol in Africa, and the Istanbul Convention in Europe—have had some success in minimizing the normative gap. However, these regional standards do not apply globally. Women outside these regions, such as Asia and the Middle East, lack access to a binding standard specific to violence against women.

A supermajority of the world's women lack access to a treaty specific to violence against women and girls.⁶⁹

While the regional instruments have provided a framework for addressing the problem, their standards and definitions are inconsistent, and offer survivors and victims varying degrees of protection and recourse.





Americas: Belém do Pará (1994)

In 1994, the Organisation of American States (OAS) adopted a treaty specific to violence against women.⁷⁰ The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, also known as the Belém do Pará Convention, entered into force in 1995, and has been ratified by 32 of the 34 OAS states, excluding Canada and the United States.⁷¹

Belém do Pará was the first treaty in the world to focus solely on ending violence against women.⁷² It was created in response to the gap in the legal framework on the issue, as an analysis of the Inter-American Human Rights System notes: “...**the jurisprudence of the Inter-American Commission and Court has made clear general human rights treaties do not address with sufficient specificity the particular complexities and nuances that arise in cases of violence against women.**”⁷³

Belém do Pará recognized women’s rights, including the protection, exercise and enjoyment of all human rights, and freedoms embodied in regional and international human rights instruments. This linkage to the global human rights system framed violence against women as a human rights violation in and of itself. It also presented the convention as a tool that complements existing instruments, while providing specific content and language applicable to violence against women.⁷⁴

Belém do Pará made significant advances in addressing violence against women. It established a framework and context for addressing the problem, and cemented a regional understanding and definition of violence against women and how it should be addressed. A key strength is the specific mention of marginalized communities including women with disabilities, refugees and displaced women, and women of minority ethnic groups.⁷⁵ It also incorporates a due diligence standard that is both a negative duty on the state and a positive obligation for the state to respond appropriately to prevent, analyze, and execute appropriate sentencing and provide redress.⁷⁶

Belém do Pará has led to norms and jurisprudence resulting in the development of domestic legislation and public policy reforms that provide greater protection for women.⁷⁷ A prime example is the Maria da Penha Law in Brazil, which acknowledged different types of domestic violence and outlined protective measures for victims and preventative arrest of offenders.⁷⁸

The treaty requires States Parties to submit reports to the Inter-American Commission of Women. However, to improve enforcement, the Statute of the Follow-up Mechanism to the Belém do Pará (MESECVI) was created in 2004 as a follow up mechanism to these reports⁷⁹—a testament to the OAS’s commitment to the eradication of violence against women and the challenge of monitoring implementation. MESECVI is composed

of two bodies: (1) a Conference of States Parties, the political organ, made up of state representatives that meet periodically to discuss best practices and issue guidelines and resolutions; and (2) a Committee of Experts, a more independent group, which receives reports and issues recommendations with the technical assistance of the Inter-American Commission of Women.⁸⁰

MESECVI publishes hemispheric reports on the progress and challenges of the convention. It has found that lack of data on violence against women and lack of resources inhibit the treaty's effectiveness.⁸¹ A further limitation is that Belém do Pará limits justiciability to a single article of the convention, which makes it unclear which governing body has jurisdiction to hear individual communications.⁸²

“ The Belém do Pará Convention has proven to be a tremendous tool in changing the narrative of violence against women as a human rights issue. It has helped harmonize the definition of violence against women, and served as inspiration for important changes in domestic laws and practices in the Americas. We have learned much over the last 20 years about the strengths and weaknesses of this regional treaty. Now, we have the opportunity to build upon this wealth of experience and create a better and more effective global legal framework and monitoring mechanism to prevent, punish, and eradicate this human rights violation.”

– Francisco Rivera Juaristi, JD, LLM, Puerto Rico/USA, founding director of the International Human Rights Clinic at Santa Clara University in California, Every Woman Treaty Steering Committee Member



Photo credit: Maria da Penha Institute.

The Power of a Treaty: MARIA DA PENHA vs. BRAZIL

When Maria da Penha was electrocuted and shot in the head in 1983 by her then-husband, she sought protection from the Brazilian justice system. Maria's case languished for two decades, allowing her husband to remain free. She filed a landmark case with the Inter-American Commission on Human Rights, citing the Government's failure to comply with the Convention of Belém do Pará. The Commission found Brazil had condoned domestic violence through ineffective judicial action.⁸³ Her husband was jailed. Maria received compensation and an apology from the government.⁸⁴

The regional convention gave Maria legal recourse when her country's system failed her—an avenue for redress and justice that should be available to every woman in every country.

Based on the Commission's recommendations, Brazil passed the Maria da Penha Law in 2006.⁸⁵ Five years after it was enacted, more than 331,000 cases of domestic violence had been prosecuted, and 110,000 received final judgments. By then, Brazil's new national call center had received nearly two million calls.⁸⁶

Africa: The Maputo Protocol (2003)

The Protocol to the **African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as the Maputo Protocol, was adopted in 2003 and entered into force in 2005.** Its adoption was born out of concern that “despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties...women in Africa still continue to be victims of discrimination and harmful practices.”⁸⁷ Indeed, provisions for areas of concern such as polygamy, harmful traditional practices, sexual orientation, and women's right to control fertility were contentious during drafting.⁸⁸

Adoption of the protocol was driven largely by women's rights NGOs, a testament to the strength of the women's rights movement and organizations in Africa.⁸⁹

While the Maputo Protocol is a women's rights treaty, it has a strong definition of violence against women,⁹⁰ which includes acts that are not often viewed as violence themselves, but acts that could lead to physical, sexual, psychological, or economic harm, such as restrictions of freedom.⁹¹ In this regard, the Maputo Protocol addresses the contextual elements of violence against women, and the elements of power and control that restrict women's human rights.

The Protocol was a move toward a more specific and comprehensive approach to addressing violence against women and girls. It includes a provision on abortion, which marked the first time such provisions were included in an international or regional human rights instrument.⁹² It expanded on CEDAW in a context-specific manner, in particular outlining the private sphere as a space for rights to be realized.⁹³ It requires the criminalization of rape within marriage and sets the minimum age of marriage at 18. And it provides greater protection for women in armed conflict and spells out socioeconomic rights in greater detail than seen in CEDAW.⁹⁴

Notably, the preamble states that African values are based on the principles of equality, freedom, dignity, justice, solidarity, and democracy, an important clarification “as research indicates that violence, including wife beating, has been considered or perceived to be one of the values of African families in some societies.”⁹⁵

The Protocol outlines the responsibilities of the state for legal and nonlegal measures in addressing violence against women, including enactment of legislation, application of punishment or sanctions, provision of services including public awareness raising, and prioritizing adequate budgets for these interventions.⁹⁶

Drawbacks of the Protocol center on the narrow language that deters some States from ratifying the convention (42 of 55 nations have ratified the protocol⁹⁷) and aspirational provisions that create legal obligations states cannot meet.⁹⁸ African NGO shadow reports are largely absent or underutilized in the African Human Rights system. Lack of resources and political will also hamper the Protocol's success. To date, the African Charter Court on Human and Peoples' Rights has yet to issue a judgment on a single case related to violence against women.

“ Even though the Maputo Protocol was a great step forward for Africa, the rights of women and girls and the struggle for the elimination of violence against women must not be bound by any regional border.”

– Dr. Morrisanda Kouyate, initiator of the Maputo Protocol,
Every Woman Treaty Steering Committee Member



Europe: The Istanbul Convention (2014)

The Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as **the Istanbul Convention is the first legally binding instrument on violence against women in Europe**. It entered into force in 2014, and in terms of scope, it is the most far reaching regional treaty to address violence against women. It is notable in its encapsulation of best practices in combating violence against women, and for its confirmation that all forms of violence against women, including interpersonal violence, are human rights violations for which states are responsible. As of December 2019, 34 of 47 states had ratified the convention.⁹⁹

The Convention outlines specific actions for nations, including reforming domestic laws, introducing practical measures for prevention, and allocating resources for implementation.¹⁰⁰ It also mandates special services for women and children, which recognizes the unique nature of violence against women, and that providers are trained to meet survivors' specific needs, both short- and long-term, in an adequate geographical distribution.¹⁰¹

The Convention also has strong provisions on custody issues, requiring an assessment that takes into account acts of violence;¹⁰² on previous sexual history, which can only be introduced as evidence in legal cases when relevant;¹⁰³ and for perpetrators to vacate a shared home and not to contact the victim and/or children.¹⁰⁴ Notably, it recognizes violence against women as a form of persecution within the meaning of the Refugee Convention,¹⁰⁵ which is a step forward in the provision for migrant women and women seeking asylum.

Further, the Istanbul Convention takes a survivor-centric approach, requiring nations to adopt comprehensive and coordinated policies that place the rights of victims at the center of all measures, and to involve all relevant actors, including government agencies, national, regional and local authorities, civil society organizations and other relevant entities.¹⁰⁶

The Council of Europe recognizes the Convention as complementary to CEDAW, as it asserts that the elimination of violence against women is not possible without gender equality.¹⁰⁷ The Convention recognizes the role of men and boys,¹⁰⁸ with provisions for awareness raising and education on equality, non-stereotyped gender roles, and nonviolent conflict resolution.¹⁰⁹

The Istanbul Convention is the first treaty that requires a gender perspective in the implementation and evaluation of interventions.¹¹⁰ It is also the first treaty to explicitly address sexual orientation and gender identity, ensuring protection for and the requirement of action in response to intimate partner violence in SOGI relationships.¹¹¹ A concern has been raised

regarding the possibility that the neutrality “simultaneously positions domestic violence as a gender-neutral phenomenon, while acknowledging that domestic violence disproportionately affects women...and that it contradicts accepted international understandings of gender-based violence.”¹¹²

One of the most important elements is the Convention’s monitoring body Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). States Parties must submit an initial report based on a detailed questionnaire prepared by GREVIO. At the commencement of each subsequent monitoring round, GREVIO will choose the specific provisions of the Convention on which the evaluation procedure will be based and will send out a questionnaire accordingly. This should allow the aspect of state compliance chosen for monitoring to be analyzed in greater detail than would otherwise be the case.¹¹³ Also, it may enable GREVIO to carry out its work in a more efficient manner and help to avoid the backlog.

The Istanbul Convention encompasses detailed information on what will be expected of States Parties in relation to the reporting procedure, which in itself is advantageous. Importantly, the inquiry procedure has been incorporated into the main provisions of the Istanbul Convention and no reservations can be entered in respect of this aspect of the Convention.¹¹⁴ One shortfall with the monitoring procedures, however, is that there is no individual communications mechanism.¹¹⁵

The Convention is open to accession by any country in the world. However, no state outside of Europe has signed or ratified the treaty.¹¹⁶ The Convention was written by Europe and input from other regions was not considered in the drafting process, lending to the perception it is an export of western values including by Steering Committee members Dr. Eleanor Nwadinobi (Nigeria), Dr. Morrisanda Kouyate (Ethiopia), Simi Kamal (Pakistan), and Meera Khanna (India).

Angelina

Angelina

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in ending violence against women and girls.

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●
EVERY
WOMAN
TREATY

Limited by Region

These regional conventions provide strong frameworks for an effective response to violence against women and girls. However, the conventions vary in standards and definitions, offer survivors different degrees of protection and recourse, and as regional tools, they cannot protect all women and girls everywhere.

Customary Law

Additionally, the geographic gap outlined here cannot be adequately filled by references to customary international law; that is, unwritten law deriving from practice accepted as law. References to customary international law are useful, particularly in situations where a state has not ratified a relevant treaty. However, in many human rights situations, the content of customary international law is not identical to that of treaty law;¹¹⁷ that is, **in the area of human rights generally and violence against women specifically, there is a normative gap between customary international law and treaty law.**

Moreover, customary law is “not created through purposeful acts of law-making.”¹¹⁸

Instead, customary law emerges from less formal processes that raises questions, including whether a customary norm is a state obligation, and what specific actions are expected from states.¹¹⁹ A specialized treaty provides a greater level of protection and

obligation due to its specificity.¹²⁰ The Convention Against Torture is a strong example.

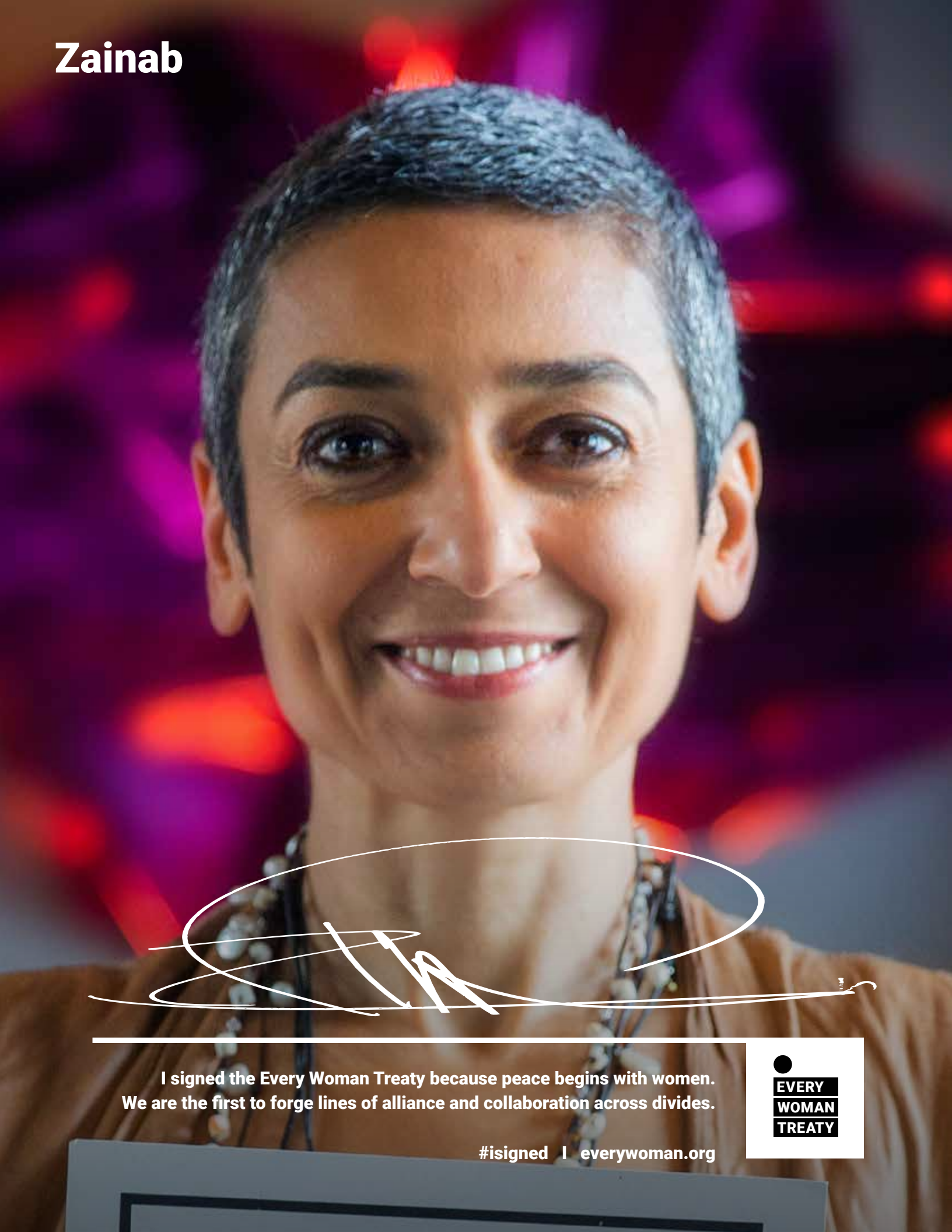
Torture was considered a violation of customary law and prohibited under the International Covenant on Civil and Political Rights (ICCPR). However, the Convention Against Torture was adopted due to the desire “to make more effective the struggle against torture”¹²¹ by clearly defining torture and firmly establishing the absolute ban on torture under international law.¹²²



In order for the regional systems to reinforce universal human rights standards, as contained in international human rights instruments, it is essential that the United Nations system adopts a legally binding framework on violence against women and girls.”

– Former UN Special Rapporteur on violence against women Rashida Manjoo, 2012

Zainab



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International Law and Violence Against Women: A Patchwork of Protection

A number of international instruments have contributed to crucial strides in women's rights and security. But these instruments do not cover all women and all forms of violence in all situations. This patchwork of protection leaves millions of women around the world vulnerable to multiple forms of violence. A binding treaty specific to violence against women and girls will close this gap in international law.

- The Declaration on the Elimination of Violence against Women (DEVAW) is not a binding document.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is binding against discrimination, but violence isn't specific to the treaty text and therefore many States do not interpret addressing all forms of violence as part of its obligations.
- CEDAW does not mention the words "rape," "violence," or "assault" in its text. The most prevalent forms of violence against women, domestic violence, and sexual violence do not appear in the text. Though specific forms of violence against women and girls, such as child marriage and forced marriage, are mentioned, CEDAW covers violence against women mostly in General Recommendations, which are not binding obligations.
- The Beijing Platform for Action, adopted at the Fourth World Conference on Women in 1995, calls on governments to adopt, implement, and review legislation to ensure its effectiveness in eliminating violence against women, but there is no legal obligation for states.
- The International Labour Organization's Convention on the Elimination of Violence and Harassment in the World of Work and Violence is limited to the world of work, including informal work.
- Security Council Resolutions on Peace, Security, and Women (numbers 1325, 1820, 1888, and 1889) apply to violence against women in conflict.
- The Rome Statute considers widespread or systematic violence directed at women and girls in civilian populations a crime against humanity.
- The Convention Against Torture is specific to this human rights violation.
- The Convention on the Rights of the Child is specific to children.
- The Convention for the Protection of All Persons from Enforced Disappearance considers enforced disappearances a crime against humanity.
- The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children addresses this form of violence.
- Regional conventions—Latin America's Belém do Pará, Africa's Maputo Protocol, and Europe's Istanbul Convention—have tried to fill the gap in protection, but their geographic specificity means they are not a substitute for a global binding norm.

The International Labour Organization Experience

The adoption of ILO Convention 190, the Convention on the Elimination of Violence and Harassment in the Workplace and its Recommendation

The issue of gender-based violence came to the fore during the 2009 International Labour Conference's General Discussion of gender equality. Through 2010 and 2011 research was undertaken showing that while many ILO instruments mentioned sexual harassment, violence, or abuse, and while the case law of the supervisory system examined sexual harassment as part of sex discrimination within Convention No. 111—the widely ratified, fundamental international labor standard on equality at work—there was a normative gap for harassment and violence in the workplace.

After three years of debate, in which the idea of a new convention on harassment and violence in the workplace was discussed seven times, the Governing Body in 2015 placed the idea of a new convention on the International Labour Conference agenda for the 2018 and 2019 sessions and a tripartite meeting of experts was held in 2016 to prepare.

In May 2017, the secretariat distributed a questionnaire asking for Member States' feedback on form and content. States responded with a resounding "yes" on the need for a convention, and a majority favored a convention supplemented by a recommendation.

In the questionnaire and at subsequent conference sessions,

no state raised an objection to a new convention based on the existence of other international labor standards that touched on violence, harassment, or abuse.

Rather, the urgency of the subject, as well as the economic cost, directed states and their civil society partners to concentrate on achieving the best possible binding text with a supplementary nonbinding guide, leading to the adoption in June 2019 of the International Labour Organization's Convention on Violence and Harassment in the Workplace.

While the convention only covers the world of work, it includes domestic violence, and the spillover of domestic violence, into the workplace. The significance of this cannot be understated, both for women and families, but also organizations and companies.

Globally, however, the treaty landscape on violence against women has many gaps. The ILO Convention, for example, is good but the specificity is work-related. It covers workers' commutes, but not general transportation safety. With a global binding norm to end violence against women and girls everywhere, in all spheres and situations, we stand to close gaps and loopholes. The sooner we do that, the sooner we can get on with doing what human beings do—innovate, educate, connect, thrive.

Jane Aeberhard-Hodges

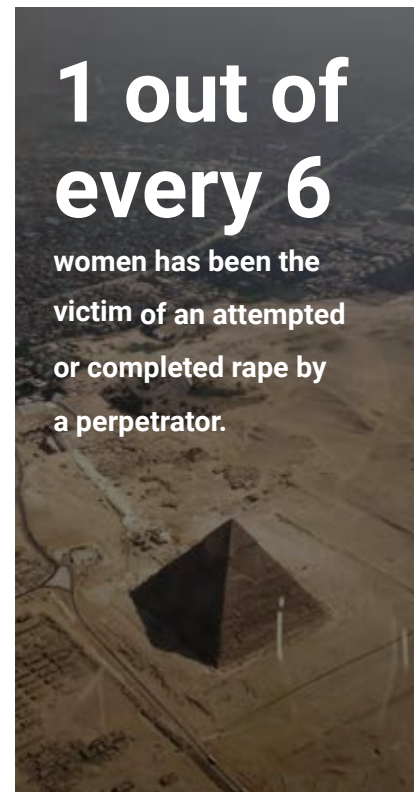
Initiator of the ILO Convention on Violence and Harassment in the Workplace; former director, ILO Gender, Equality and Diversity

Enforcement Gap

Existing international and regional monitoring mechanisms do not adequately hold states accountable on issues related to violence against women. At the global level, lack of resources and an inefficient system have hindered monitoring bodies' effectiveness, contributing to high levels of impunity. While states are required to periodically submit reports, 80 percent of states submit reports late.¹²³ Additionally, neither the UN nor the ten treaty body committees require states to submit a report that specifically and exclusively addresses violence against women. Regional enforcement mechanisms do not have jurisdiction outside their regions.

Efforts are underway to strengthen the human rights treaty body system. In 2020, the General Assembly of the United Nations, in accordance with UN Resolution 68/268, will discuss means of streamlining and simplifying the reporting and monitoring systems. The Chairpersons of the ten UN treaty body committees have proposed bringing treaty bodies closer to the people through expert member dialogue with states in their region. Civil Society groups have put forward a Joint NGO Proposal with suggestions including a fixed and synchronized reporting calendar, and four-year reporting structure with two levels of focused review.¹²⁴

The proposed binding global instrument will generate the momentum necessary to innovate while developing stronger frameworks for domestic plans of action, budget commitments, and enforcement mechanisms, all of which should be measurable, as required by SDG 5 indicators. On-going discussions on reforming the treaty-body system will inform the monitoring and implementation mechanisms of a new treaty on violence against women.



Source: RAINN (Rape, Abuse & Incest National Network), United States



Source: RAINN (Rape, Abuse & Incest National Network), United States

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Needs a Companion Convention

- CEDAW primarily covers violence against women in General Recommendations, which are not binding obligations.
- A stronger reporting mechanism specific to violence against women with measurable objectives would lead to stronger enforcement.
- A new binding framework specific to violence against women would complement the work of CEDAW, creating two strong conventions working together to create an equal, just, and safe world for women everywhere.

CEDAW's Global Impact: A Snapshot

- Argentina: developed a program to prevent teen pregnancy and care for teen mothers, especially homeless teen mothers.
- Austria: amended policies for maternity protection and paternity leave.
- Botswana: overturned a law giving citizenship to children of men married to foreigners but not to children of women married to foreigners.
- Cambodia: created Ministry of Women's Affairs.
- Canada: created an institute to address health disparities between women and men.
- Honduras: created policies to make agricultural training and loans available to female farmers.
- Nepal: passed domestic violence law.
- India: outlawed fetal femicide; included sexual harassment in workplace law; introduced Section 498-A in the penal code to protect married women from being subjected to cruelty by the husband or his relatives.
- Philippines: improved maternity leave and child care for women working outside the home.
- South Africa: passed domestic violence laws.
- Turkey: raised the legal marriageable age to 17 and now allows women to keep maiden names, work outside the home, and keep their own wages without permission from their husbands.
- Uganda: funded programs to reduce domestic violence.
- United States: led to cities implementing CEDAW ordinances; for example, San Francisco adopted an ordinance outlining an action plan to address discrimination, which led to a coordinated approach to deal with inter-partner violence, resulting in the elimination of domestic homicides for a record 44 months (2010–2013).^{125 - 127}

In 1981, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) went into effect, becoming the first human rights treaty specific to women. At present, 189 states are party to the Convention,¹²⁸ one of the most widely ratified human rights treaties in the world.

CEDAW has made monumental strides in advancing women's rights around the world and dismantling gender inequality. CEDAW has codified women's rights as human rights on a global scale and opened a wide-ranging, essential, and ongoing dialogue on barriers to rights and equality, and the systemic issues inhibiting progress. It has also increased data collection on equality, led to an avenue for individual complaints via the Optional Protocol, and brought the pandemic of violence against women fully onto the world stage with General Recommendations 12, 19, and 35. CEDAW has led to the adoption of legislation and policies on women's equality in nations around the world, including in the United States, one of the few states that has not ratified the convention. (See CEDAW's Impact, page 51.)

CEDAW has been cited by states in legal arguments. In Argentina, for example, legislators referenced CEDAW provisions during dialogue on modifying the penal code on femicide.¹²⁹

CEDAW has bolstered coverage of women's rights issues. Mexico is one example. The news outlet *El Universal* reported on the CEDAW Committee's "critical questioning of the Mexican representative during the periodic review of August 2006."¹³⁰

Text is Not Explicit on Violence

CEDAW was written at a time when violence against women was not widely accepted as a human rights issue. While CEDAW does address some forms of violence, such as human trafficking and child and forced marriage, the most common forms—domestic and sexual violence—are not part of the treaty text. In fact, CEDAW does not mention the words "rape," "assault," or even "violence." Additionally, while there is no doubt that violence against women and girls results from intersecting forms of discrimination, **in a legal sense the word violence is not synonymous with the word discrimination.**

Number of References in CEDAW Text

Discrimination	29
Equal	42
Equality	22
Traffic in women	1
Violence	0
Rape	0
Assault	0
Forced Marriage	0

Source: Text of the Convention on the Elimination of All Forms of Discrimination against Women

The CEDAW Committee addressed this gap in 1989 by introducing General Recommendation 12, which requires States Parties to “protect women against violence of any kind occurring within the family, at the workplace or in any other area of social life.”¹³¹ The Committee updated General Recommendation 12 with General Recommendations 19 and 35. The three Recommendations have been essential in furthering women’s protection. General Recommendation 19 brought the pandemic of violence against women into focus, pulling it out of the private sphere and into the realm of human rights. General Recommendation 35, an update to General Recommendation 19 adopted in 2017, expanded the definition of violence against women and states’ responsibilities for addressing it. It contains strong language on state accountability, the roots of violence, and the need to change social norms and strengthen national laws on women’s protection.¹³²

Recommendation 35 also expands the definition and scope of violence against women, including that violence occurs in the home as well as in the public spheres, including virtual and online spaces and at work. It acknowledged that violence against women “remains pervasive in all countries, with high levels of impunity” and states as its explicit aim the goal of “accelerating the elimination of gender-based violence against women.”

Recommendations are Viewed as Soft Law

States generally view Recommendations as persuasive guidelines, or soft law, rather than binding obligations.

This view is based on the fact that Recommendations are not part of the treaty text ratified by states.

The CEDAW Committee suggests in General Recommendation 35 that the prohibition of violence against women has evolved into a principle of customary international law.¹³³ However, the Committee did not specify the content of customary international law as it pertains to violence against women. The scope of customary international law in the area of violence against women is uncertain and vague, and potentially limited to female genital mutilation and trafficking. Although customary international law is an important source of legal obligations, it lacks the specificity necessary to comprehensively address and proactively prevent all aspects of violence against women, as noted on page 45.

States' Reservations to CEDAW

Sixty-one states have made reservations to CEDAW, which have included Article 2, which condemns all forms of discrimination; Article 9 on equal nationality rights; Article 15 on equality before the law; and Article 16 on equality in family life.

The high number of reservations demonstrate that States Parties have varying levels of commitment to the principles of CEDAW, undermining its ability to push progress in key areas, including violence against women.¹³⁴

A number of reservations are based on contradictions between cultural or religious beliefs and practices. For example, some Islamic countries claim that Articles 9 (equal nationality rights), 15 (equality before the law), and 16 (equality in family life) counter Sharia law.¹³⁵ These reservations allow states to avoid creating a legal framework

for equality and the elimination of violence against women based on arguments of culture, tradition, and religion. This is a situation noted in General Recommendation 35, paragraph 7, which states:

“In many States, legislation addressing gender-based violence against women is non-existent, inadequate or poorly implemented. An erosion of the legal and policy frameworks that aim to eliminate gender-based discrimination or violence, often justified in the name of tradition, culture, religion or fundamentalist ideology... weaken States responses.”



CEDAW Enforcement Mechanisms

CEDAW is enforced through two mechanisms: (1) Reporting, including state reports to the CEDAW Committee and the Committee's Concluding Observations; and (2) The Optional Protocol, which is an avenue for individuals, groups, and the CEDAW Committee to arbitrate state compliance to the treaty articles.

Reporting

CEDAW asks States Parties to **report on a wide range of areas related to discrimination and equality, thus limiting states' abilities to focus on violence against women.**

In their initial reports to the Committee, states reported on foundational elements, including:

- Customary or religious law affecting women's equality in and before the law;
- The existence of specific anti-discrimination legislation, equal opportunities legislation, and legislation prohibiting violence against women;
- Whether the legal system allows for or mandates special measures;
- The number of court cases on allegations of sex discrimination;
- The institution(s) serving as the national machinery for women;
- The gender dimension of national human rights institutions;
- The existence of gender budgeting and its results; and
- Women-targeted human rights education.

Source: Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties, HRI/GEN/2/Rev.6, Chapter 5, C.1, 3 June 2009



Define Reporting Expectations on Specific Topics:

- Increase of statistical information on the status of women in a social and economic areas (General Recommendation 9)
- Violence against women (General Recommendations 12, 19, 35)
- Equal remuneration for work of equal value (General Recommendation 13)
- Female circumcision general recommendation (General Recommendation 14)
- Women and AIDS general recommendation (General Recommendation 15)
- Unpaid women workers in rural and urban family enterprises (General Recommendation 16)
- Measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product (General Recommendation 17)
- Disabled women (General Recommendation 18)
- Equality in marriage and family relations (General Recommendation 21)
- Women in political and public life (General Recommendation 23)
- Women and health (General Recommendation 24)
- Women migrant workers (General Recommendation 26)
- Older women (General Recommendation 27)
- Economic consequences of marriage, family relations, and their dissolution (General Recommendation 29)
- On women in conflict prevention, conflict, and post-conflict situations (General Recommendation 30)
- Gender-related dimensions of refugee status, asylum, nationality and statelessness of women (General Recommendation 32)
- Women's access to justice (General Recommendation 33)
- Rights of rural women (General Recommendation 34)
- Right of girls and women to education (General Recommendation 36)
- Gender-related dimensions of disaster risk reduction in the context of climate change (General Recommendation 37)

States report on these topics in different ways. For example, in its most recent report to the Committee, Bosnia and Herzegovina reported by Convention article and included data and progress on violence against women in various places.

Article 1: Discrimination against women

Articles 2 & 3: Measures to eliminate discrimination against women

Article 4: Promoting equal rights between women and men

Article 5: Elimination of stereotypes and prejudice

Article 6: Combating trafficking in women and exploiting women for prostitution

Article 7: Political and public life

Article 8: Participation in diplomacy and international organizations

Article 9: Citizenship

Article 10: Education

Article 11: Work, pensions, and social protection

Article 12: Equal access to health care

Article 13: Other areas of economic and social life

Article 14: Rural women

Article 15: Equality before the law

Article 16: Marriage and family relations

Sixth periodic report submitted by Bosnia and Herzegovina under article 18 of the Convention, due in 2017* [Date received: 19 April 2018], CEDAW/C/BIH/6.



Indonesia approached its most recent report by topic, with violence against women covered in topics 9 to 14.

1. Gender Equality – Overview
2. National Machinery for the Advancement of Women
3. Awareness Raising
4. Constitutional and Legislative Framework
5. Government, Presidential, and Ministerial Regulations
6. Local Government Regulation
7. Formulation of National Strategy
8. Discriminatory laws
9. Violence against Women (VAW)
10. Child Early and Forced Marriage
11. The Revision on the Law of Marriage
12. Efforts to Eliminate Female Genital Mutilation/Circumcision
13. Violence against Women in Conflict Situation
14. Trafficking and Exploitation of Prostitution
15. Participation in Political and Public Life
16. Nationality
17. Education
18. Employment and Economic Participation
19. Health
20. Women Migrant Workers
21. Women Facing Multiple Forms of Discrimination
22. Marriage and Family Relations
23. Ratification of Other Treaties

Source: Eighth periodic report submitted by Indonesia under article 18 of the Convention, due in 2016* [Date received: 22 October 2019], CEDAW/C/IDN/8.

Dr. Kouyaté



I signed because I dedicate my entire life to the fight to restore women and girls all the rights that are wrongly confiscated to them.

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The CEDAW Committee took steps to simplify the process in 2014 by asking states to respond to a List of Issues, which included violence against women.¹³⁶ For Gabon, for example, “Gender-based violence against women” and “Trafficking and exploitation of prostitution” were among the topics on the Committee’s List of Issues.¹³⁷

The CEDAW Committee’s General Recommendations, Concluding Observations, and List of Issues demonstrate the Committee’s commitment to ending violence against women and its expectation of having an ongoing dialogue with states on ending violence against women. However, the state reporting process under CEDAW demonstrates the need for a new global treaty that focuses solely on violence against women. Existing reporting practices under CEDAW do not allow states, or the Committee, to fully focus on violence against women.

Optional Protocol

When CEDAW was first adopted in 1981, it did not include a complaint mechanism like other conventions. Some delegates at the time suggested that such a procedure was reserved for serious international crimes such as apartheid and racial discrimination.¹³⁸ Thankfully, by 1999, the General Assembly viewed discrimination against women as serious and adopted an Optional Protocol to CEDAW.¹³⁹

However, since a complaint mechanism was put in place, the Committee has only heard 18 cases of violence over the last 20 years, 14 of which were cases from either Canada or a European nation, suggesting that the **complaint mechanism is not effective for the majority of the world’s women, particularly for those in the Global South**. The average length for resolution with the Committee was 2.7 years, with total time averaging 8.5 years. (See “CEDAW Cases on Violence Against Women,” pages 66 to 71).

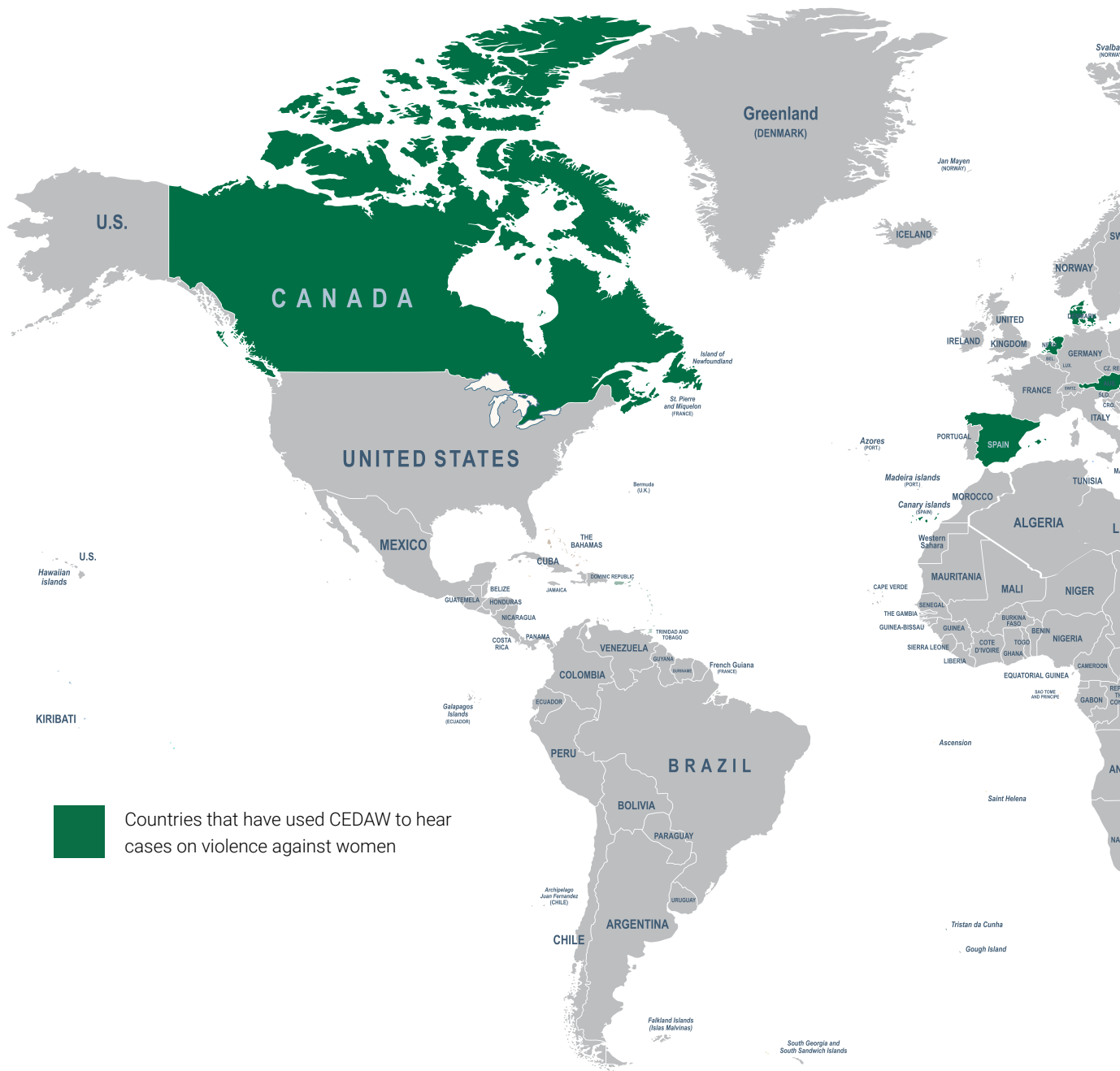
Further, the optional protocol to CEDAW expressly prohibits the complainant from filing anonymously, a practice counter to widely accepted standards. A new binding comprehensive treaty would avoid that current systemic weakness.¹⁴⁰

Additionally, a word search in the UN case law database using “domestic violence” resulted in 270 cases for all treaties, but only 24 were under CEDAW, while there were more than 100 cases each for the Convention Against Torture and the Convention on Civil and Political Rights, “clearly demonstrating the inability of the CEDAW to adequately and effectively deal with domestic abuse cases.”¹⁴¹

The existing enforcement mechanisms under CEDAW do not allow states or the CEDAW Committee to fully monitor and address all aspects of violence against women. A new global treaty with enforcement mechanisms focused solely focus on violence against women is therefore needed to address this enforcement gap.

CEDAW Cases on Violence Against Women

The CEDAW Committee has only heard **18 cases on violence against women**; 70% were from Canada or Europe, regions that represent only 10% of the world's women, demonstrating the complaint mechanism is not effective for most women.





The CEDAW Committee has only heard

18

An aerial photograph of a city street grid, showing various buildings and streets. The image is darkened to serve as a background for the text. The text is centered and reads:

**cases of
violence
over the
last 20 years.**

CASE	DOMESTIC REMEDIES EXHAUSTED	BEFORE THE CEDAW COMMITTEE	TOTAL TIME
<p>8. S.V..P v. Bulgaria CEDAW/C/53/D/31/2011</p>	<p>Violence against a child occurred in 2004</p> <p>A plea bargain was concluded with the perpetrator in 2006</p> <p>The Regional Court fined the perpetrator in 2008</p> <p>4 years</p>	<p>Initial submission: 2010</p> <p>Adoption of views: 2012</p> <p>2 years before the Committee</p>	<p>6 years</p>
<p>9. Isatou Jallow v. Bulgaria CEDAW/C/52/D/32/2011</p>	<p>Violence begun in 2008</p> <p>Police received notice of the violence in 2008</p> <p>In 2010, the author felt that she had exhausted all domestic remedies</p> <p>2 years</p>	<p>Initial submission: 2010</p> <p>Adoption of views: 2012</p> <p>2 years before the Committee</p>	<p>4 years</p>
<p>10. R.P.B v. The Philippines CEDAW/C/57/D/34/2011</p>	<p>Rape occurred in 2006</p> <p>First hearing of case in 2007</p> <p>J acquitted in 2011</p> <p>5 years of exhausting domestic remedies</p> <p>Note: The legal system did not allow her to appeal the final decision</p>	<p>Initial submission: 2011</p> <p>Adoption of views: 2014</p> <p>3 years before the Committee</p>	<p>8 years</p>

CASE	DOMESTIC REMEDIES EXHAUSTED	BEFORE THE CEDAW COMMITTEE	TOTAL TIME
<p>11. X and Y v. Georgia</p> <p>CEDAW/C/61/D/24/2009</p>	<p>Violence against X initially happened in 1987</p> <p>Made first complaint on behalf of Y in 1993 to the police</p> <p>Made first complaint about violence against Y in 1996 to the police</p> <p>The Tbilisi Court of Appeal rejected final appeal in 2006</p> <p>13 years of exhausting domestic remedies</p> <p>***Filed a case before the European Court of Human Rights in 2008. The court found their application inadmissible.</p>	<p>Initial submission: 2009</p> <p>Adoption of views: 2015</p> <p>6 years before the Committee</p>	<p>19 years</p>

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<p>10. R.P.B v. The Philippines CEDAW/C/57/D/34/2011</p>	<p>Rape occurred in 2006</p> <p>First hearing of case in 2007</p> <p>J acquitted in 2011</p> <p>5 years of exhausting domestic remedies</p> <p>Note: The legal system did not allow her to appeal the final decision</p>	<p>Initial submission: 2011</p> <p>Adoption of views: 2014</p> <p>3 years before the Committee</p>	<p>8 years</p>

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CASE	DOMESTIC REMEDIES EXHAUSTED	BEFORE THE CEDAW COMMITTEE	TOTAL TIME
<p>12. Inga Abramova V. Belarus</p> <p>CEDAW/C/49/D/ 23/2009</p>	<p>Threat of violence occurred in 2007</p> <p>Survivor reported the incident in 2007</p> <p>District court dismissed her case on procedural grounds in 2008</p> <p>1 year</p>	<p>Initial submission: 2009</p> <p>Adoption of views: 2011</p> <p>2 years before the Committee</p>	<p>3 years</p>
<p>13. Cecilia Kell v. Canada</p> <p>CEDAW/C/51/D/ 19/2008</p>	<p>Violence begun in 1991</p> <p>Filed first court case in 1995</p> <p>In 2006, the Northwest Territories dismissed the author's case</p> <p>11 years of exhausting domestic remedies</p>	<p>Initial submission: 2008</p> <p>Adoption of views: 2012</p> <p>4 years before the Committee</p>	<p>15 years</p>
<p>14. V.K. v. Bulgaria</p> <p>CEDAW/C/49/D/ 20/2008</p>	<p>Domestic violence begun in 1995 when she got married</p> <p>The author first filed an application with the court in 2007</p> <p>In 2008, the Regional court dismissed her appeal. In 2009, the Regional court dissolved the marriage between the author and the husband</p> <p>13 years</p>	<p>Initial submission: 2008</p> <p>Adoption of views: 2011</p> <p>3 years before the Committee</p>	<p>16 years</p>
<p>15. Karen Tayag Vertido v. The Philippines</p> <p>CEDAW/C/46/D/ 18/2008</p>	<p>Violence occurred in 1996</p> <p>The victim reported the incident in 1996</p> <p>The accused was acquitted by the Regional Court in 2005</p> <p>9 years</p>	<p>Initial submission: 2007</p> <p>Adoption of views: 2010</p> <p>3 years before the Committee</p>	<p>12 years</p>

CASE	DOMESTIC REMEDIES EXHAUSTED	BEFORE THE CEDAW COMMITTEE	TOTAL TIME
<p>16. Sahide Goekce (deceased) v. Austria</p> <p>CEDAW/C/39/D/5/2005</p>	<p>First violent attacks that the authors are aware of took place in 1999</p> <p>The Vienna public prosecutor stopped prosecution against him stating there was insufficient reason to prosecute him</p> <p>In 2002, he shot her with a handgun</p> <p>3 years</p>	<p>Initial submission: 2004</p> <p>Adoption of views: 2007</p> <p>3 years before the Committee</p>	<p>6 years</p>
<p>17. Fatma Yildirim (deceased) v. Austria</p> <p>CEDAW/C/39/D/6/2005</p>	<p>Threat of violence against the deceased first occurred in 2003</p> <p>The police were informed of the situation</p> <p>However, the perpetrator was convicted later that year for murdering the victim</p> <p>1 years</p>	<p>Initial submission: 2004</p> <p>Adoption of views: 2007</p> <p>3 years before the Committee</p>	<p>4 years</p>
<p>18. A.T. V. HUNGARY</p> <p>CEDAW/C/2/2003 (2005)</p>	<p>Violence occurred between 1998 and 2001</p> <p>There were civil and criminal proceedings against the perpetrator, but he was never detained</p> <p>In 2003, court allowed perpetrator back in the apartment</p> <p>5 years</p>	<p>Initial submission: 2003</p> <p>Adoption of views: 2005</p> <p>2 years before the Committee</p>	<p>7 years</p>

Journey of a Survivor

R.P.B. v. the Philippines



2006

Rape occurred in 2006

R.P.B., a deaf and mute woman from a poor family in suburban Manila, was 17 when she was raped by J, a 19-year-old neighbor, in her own residence.

2011

Survivor spent 4.5 years exhausting domestic remedies, 2006 to 2011

Reported rape to the police same day as incident. First hearing took place in 2007.

R.P.B. testified in court in 2008. On 31 January, 2011, Regional Trial Court of Pasig City acquitted J. The legal system did not allow for appeal.

Case spent 3 years with the Committee

On 23 May 2011, R.P.B.'s lawyers filed initial submission to CEDAW Committee. The Committee accepted the case under Article 1 and Article 2 (c), (d) and (f) of the Convention. The state challenged the admissibility. R.P.B. challenged the State Party's observations on admissibility. State Party reiterated its disagreement. The Committee delivered its final decision in February 2014.

May 2011

2014

CEDAW delivered judgment in 2014

The Committee found the Philippines had violated the rights of the survivor under Article 2 (c), (d) and (f), read in conjunction with Article 1 of the Convention and general recommendations Nos. 18 and 19 of the Committee. It recommended compensation and counseling for the survivor, and changes to the definition and legal code on rape.



The committee highlighted discrimination in its report

In its report, the Committee noted the state court’s observations about the survivor, which stated that “her failure to even attempt to escape...or at least to shout for help despite opportunities to do so casts doubt on her credibility and renders her claim of lack of voluntariness and consent difficult to believe.” The Committee “finds that those findings in themselves reveal the existence of strong gender stereotyping resulting in sex and gender-based discrimination and disregard for the individual circumstances of the case, such as the author’s disability and age.”

Source: Communication No. 34/2011, CEDAW/C/57/D/34/2011



Marina

M Pisklakova-Parker

I signed the Every Woman Treaty and joined my community
in ending violence against women and girls.

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In blunt terms: Russia ignores General Recommendations. The CEDAW Committee has twice recommended that Russia enact comprehensive laws on domestic violence. Instead, ten years later, there still is no legal definition of domestic violence in the legislation. And what we had, the criminalization of some forms of battery, has been decriminalized.¹⁴²

I'm an activist who has been working on domestic violence in Russia for more than 25 years and right now there is no solution. Our women's movement uses all available international mechanisms to attract attention to violence against women for both the legislative changes and protection of women from violence. However, there is no means of holding states accountable.

Discrimination is fundamental to violence and violence is a consequence of discrimination. CEDAW addresses the fundamentals of violence. A stand alone treaty will address the specifics of discrimination.

We need a binding commitment on violence against women that clarifies in concrete terms state responsibility, allocation of funding, and a strong enforcement approach. The Draft Core Platform we developed contains all those elements. We took the global experience of what works and included it in a concrete framework.

The framework provides a comprehensive definition of violence against women that does not currently exist; a clear, unequivocal approach to enforcement; and dedicated funding for interventions.

A new treaty would also bring much-needed visibility to the issue not only in Russia but globally. Currently, the Russian government finds it easy to ignore European Court decisions, but as an influential state in the international arena, it's more responsive to global conventions. Even if the Russian Federation did not ratify a new treaty, it would be influenced by the treaty. Global conversations and action on violence against women would create additional pressure on the government of my country, push it in the right direction, and provide activists like me with support for the policies we propose and services we work to provide survivors.

The treaty will be a statement that says the world is ready to view this issue differently.

Marina Pisklákova-Parker, PhD, Russia

Steering Committee Member, Every Woman Treaty
 Founder and Chair of the Board, Center for the Prevention of Violence - ANNA,
 coordinating center for a network of 150 organizations

The Solution

**A Proposed
Global
Binding**



g Norm

Rukiya

Rukiya Selmi

I signed the Every Woman Treaty and joined my community
in ending violence against women and girls.

#isigned | everywoman.org



2.1

The Solution:

A Global Binding Norm

In January 2013, a woman named “Hodan” was arrested in Somalia for making “false accusations against the government.” She had allegedly spoken to a journalist about being raped by government soldiers. The Somali government convicted her based on the archaic and abusive two-finger test, which determines if there was penetration based on the size and elasticity of her vagina.

The case had devastating consequences for women’s rights advocates. Fartuun Adan and her daughter Ilwad Elman had founded Sister Somalia, the nation’s first rape crisis center, about a year earlier. Suddenly, the survivors they worked with stopped speaking to advocates, to journalists, even to each other. In one abusive government gesture, a year and a half of progress vanished.

That same week, then-president Hassan Sheik Mohamud met with 27 foreign ministers, courting funds for investment in the new, progressive Somalia. Extensive press coverage about Hodan prompted then-US Secretary of State Hillary Clinton to bring her up in the meeting. And after 700,000 citizens around the world signed a petition, Hodan was released.

But what happens to the millions of women whose abuses do not lead to global media coverage or a diplomatic mention?

Where do they turn?

What happens to them?

What is the path to justice?

These questions brought women’s rights activists together to explore creating a campaign for a binding norm to end violence against women. Dialogue began in 2013 with a small group of advocates, including Fartuun Adan of Sister Somalia, indigenous women’s rights activists, and advocates from Congo, Croatia, South Africa, the UK, and the US.

Through extensive and inclusive outreach, a global working group of 125 members from 72 countries was formed, with expertise in human rights, violence against women, public policy, public health, and direct services. These experts represented every region in the world, and included key stakeholders such as frontline practitioners, former CEDAW committee members, experts on the different regional frameworks and survivor needs, attorneys, activists, and legal and health scholars.

Over the last six years, from 2013 to 2019, the **Every Woman Global Working Group engaged in a global, inclusive dialogue on the need for a treaty** and conducted deep analysis of the existing legal framework with members of the coalition and additional experts. The outcome of this global consultation is agreement that a binding norm would close the existing normative, geographic, and implementation gaps. It stands to mobilize funds for various stakeholders working on violence prevention, provide global backup to existing mechanisms, and create a framework at the highest level of international law in which all entities, from governments to civil society to the UN, could work together to eradicate this global crisis.

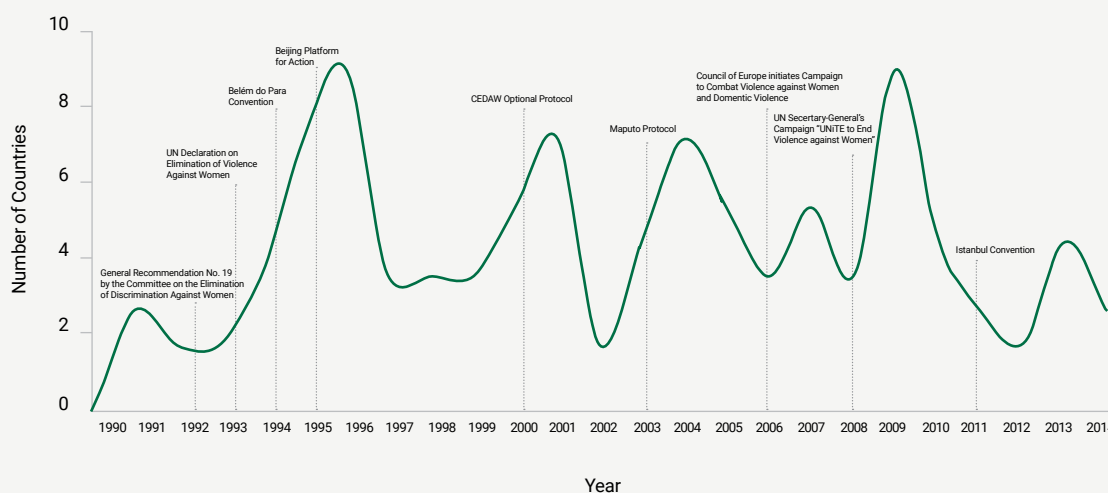
A Proposed Global Binding Treaty Will:

1. Close the Normative and Geographic Gaps in International Law
2. Create a Globally Applicable Instrument
3. Close the Enforcement Gap with an Innovative Narrative + Metrics-based Approach
4. Mobilize Funding
5. Lower Rates of Violence and Costs Associated with Violence
6. Support the Fulfillment of Sustainable Development Goal (SDG) Number 5
7. Strengthen Women's Rights Movements

Close the Normative and Geographic Gaps in International Law

- **Establish a global definition** of violence against women covering all forms of violence, for all women and girls, in all situations; remove ambiguity in the law to unequivocally accept that all acts of violence against women and girls are a violation of her human rights in and of itself; and make it states' responsibility to protect women in both the public and private spheres.
- **Bring public visibility to the issue**, which will work to break down social norms, including the construct that women are viewed only in relation to family, as wife, sister, daughter-in-law, and property, thus ensuring equality and equity in relation to all other human beings
- **Close legal gaps at the national level.** The positive effect of previous instruments show that international instruments accelerate national legislation. For example, the World Bank found in its 2016 report, "Women, Business, and the Law, Getting to Equal," that passage of specific laws against domestic violence have been driven largely by international and regional human-rights conventions and campaigns. (See graph below.)¹⁴³

Countries Introducing Laws on Domestic Violence



- **Improve the quality and consistency of laws globally.** A key strength of international norms lies in their ability to create uniformity in both concept and application of law. “With the guidance of a universal norm (emanating from a specific international instrument), domestic laws should diffuse somewhat evenly across countries, providing a more-equitable pattern of access to redress for this human rights violation” (Manjoo).¹⁴⁴
- **Mandate a whole-of-government, whole-of-society approach.** In line with global experts on violence prevention, including the World Health Organization, the World Bank, and UN Women, Every Woman’s Core Platform takes a comprehensive approach involving actors across all levels and sectors of government and civil society, combining the best of human rights and public health. In her statement to the Commission on the Status of Women in 2017, Special Rapporteur on violence against women, Dubravka Šimonović, called for “stronger cooperation between global and regional mechanisms dealing with violence against women and for a joint and complementary use of global and regional instruments on violence against women with the aim of ensuring synergies.” A unifying global treaty would provide that synergy.



Create a Globally Applicable Instrument.

A draft core platform was created through a multi-phase consultation with more than 300 experts from 92 countries over a five-year period. The multi-phase, global approach facilitated an inclusive and substantive global dialogue that formed the basis for a treaty framework that is both globally applicable and complementary to current global and regional frameworks.

This multi-phase consultation was led by Every Woman cofounders and Working Group members—which, as noted above, include experts in the fields of human rights, violence against women, public policy, public health, and direct services, from every region in the world, and key stakeholders such as survivor experts, frontline practitioners, former CEDAW committee members, experts on the different regional frameworks, attorneys, activists, and legal and health scholars.

The Four Phases of the Global Consultation

Phase 1: The Violence Against Women Initiative, based at the Carr Center for Human Rights Policy at Harvard University, collaborated with a wide range of legal scholars, practitioners, attorneys, and country experts in every region of the world to understand what implementation looks like in country, on the ground. The Initiative also partnered with frontline experts who spoke with a wide range of stakeholders in order to understand what access to justice looks like for a survivor in different regions of the world.

The Initiative also conducted an extensive review and deep consultation with experts on the Convention to Eliminate All Forms of Discrimination Against Women, the Belém do Pará Convention, the Maputo Protocol, the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Cairo Declaration on Human Rights In Islam, and the Declaration on the Elimination of Violence Against Women in the ASEAN region.

The Global Research Collaboration¹⁴⁵, a research partnership with law schools from 15 countries, deepened our understanding and analysis of the need for a global treaty (2013–2016).

Phase 2: Every Woman Working Group held Regional Expert Consultations to inform and guide the development of a global treaty on violence against women. The outreach approach: “We want to design a consultation with grassroots women to understand how they experience violence against women and what prevents them from seeking and using legal remedies” (2014). We consulted with approximately 300 experts and learned that laws, judicial and other government systems, and social norms favored perpetrators. In courtrooms, media, and homes across the world, female victims of violence are often blamed, ignored, and not believed, entrenching the world in a system of silence and impunity that perpetuates the problem.

Phase 3: Expert Special Committees were formed with members from 50 countries with expertise in 16 areas of violence against women and girls. The committees produced a memo detailing the specific type of violence, the current international legal framework concerning that violence, and recommendations for how a global treaty could effectively address that type of violence. The committees also suggest definitions and draft treaty language (2017).

Types of Violence

1. Domestic Violence
2. Non-State Torture
3. State Sponsored Violence
4. Trafficking and Slavery
5. Workplace Violence

Vulnerable Groups

6. Violence in Conflict
7. Violence Against Indigenous Women and Girls
8. Violence Against Disabled Women and Girls
9. Inclusive groups, which focused on women and girls living with HIV/AIDS, and those who face discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics

Life Stages

10. Violence Against Girls and Students
11. Violence Against Older Women
12. Violence Against Widows of All Ages

Prevention

13. Advocacy/Rights-Based Program
14. Training and Mandatory Education

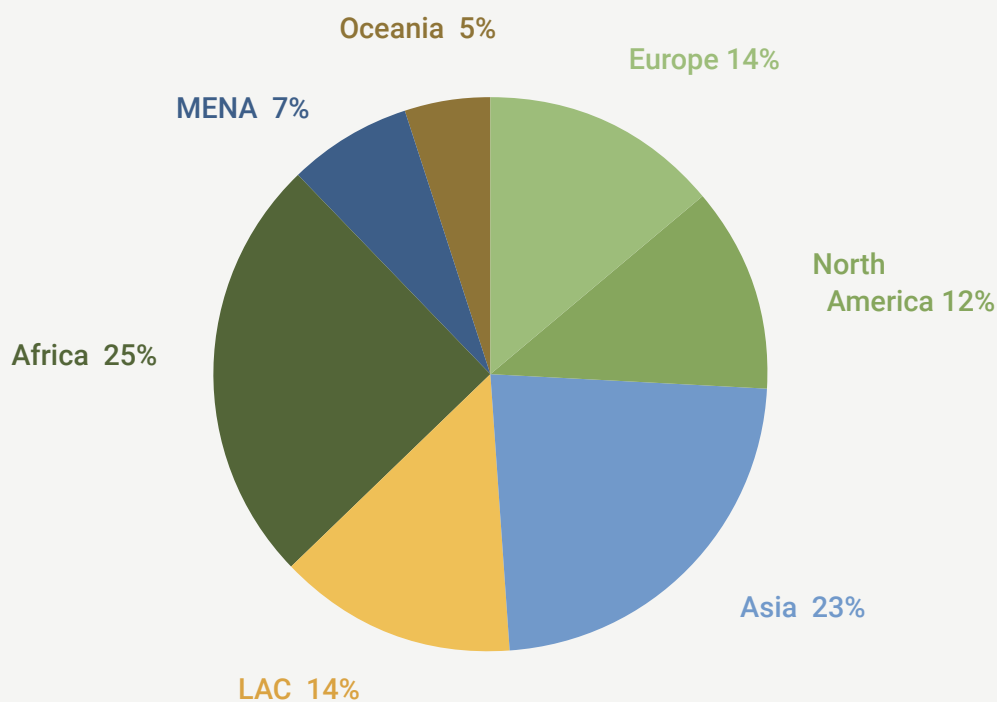
Implementation

15. Implementation Assessment
16. Governing Bodies

Based on the 16 Expert Committee Memos¹⁴⁶, a draft core platform was written by a team of human rights lawyers and legal scholars from multiple countries (2018). Additional resources used by the drafting team included current regional frameworks on violence against women and the Handbook for Legislation on Violence against Women by UN Women.

Phase 4: The draft core platform was sent to more than 5,700 diverse individuals and organizations in every region of the world for review and feedback (2019). Responses have been received from 92 countries in total.¹⁴⁷ This feedback is being integrated into a revised core platform.

Global Consultation Survey Respondents By Region¹⁴⁷





Draft Core Platform Summary

ASK: Commit to Ending Violence against Women and Girls Everywhere

PURPOSE: Establish a global binding norm to prevent and eradicate all forms of violence against girls and women of all ages.

SCOPE: The binding norm shall mandate multisectoral, whole-of-government, whole-of-society, whole-of-United-Nations responses for the prevention and eradication of all forms of violence against girls and women during their life course in public, private, and online and virtual spheres, including harmful practices. Particular consideration will be given to vulnerable and marginalized populations, including those with disabilities, the elderly, widows, survivors of conflict, refugees, and indigenous peoples, regardless of health status, faith orientation, gender identity, sexual orientation, age, geography, race, ethnicity, class, caste, or perpetrator.

APPROACH: Include civil society and faith-inspired actors with a focus on the inclusion of diverse groups of women who represent those most impacted by violence for full participation in design, decision-making, accountability, and monitoring, from community to global levels.

STATES PARTIES COMMITMENTS

1. Develop a National Action Plan with a whole-of-government, whole-of-society approach, including a national coordinating body and mandatory participation of plural legal systems, which shall include a leading role for civil society.

2. Deliver Comprehensive Legal Reform consistent with the UN's Handbook for Legislation on Violence against Women. Create and implement processes for comprehensive, equitable, and inclusive access to and response by law enforcement and the judicial system to ensure the safety of girls and women from all acts of violence and accountability for all perpetrators.

3. Training & Accountability for Security and Justice Sectors to ensure that public authorities, officials, agents, and institutions understand and

enforce laws and systems as outlined in legal reform (above) and refrain from engaging in all acts of violence against girls and women.

4. Health Systems Responses facilitated by the implementation of the World Health Organization's (WHO) Global Plan of Action to strengthen the role of the health system within a national multisectoral response to address interpersonal violence, in particular against women and girls, and against children, including training and system strengthening for doctors, nurses, community health workers, and other practitioners.

5. Provide a Core Package of Services that includes prevention, protection, and support for survivors, family members, and witnesses (including health, psychological, economic, and social).

6. Prevention Education shall be employed by States Parties that has been proven to reduce rates of violence and increase help-seeking and justice, including both a whole-of-society prevention education programming and curricula, with particular focus on youths ages 8–22.

7. Data and Monitoring that is comprehensive, measurable, objective, and disseminated at regular intervals.

8. Fund Programs and Interventions relative to national Gross Domestic Product.

GLOBAL OBLIGATIONS

1. Contribute to a Global Implementation Fund of US\$4 billion per year, or US\$1 per female on earth.

2. Monitor with Indicators and Benchmarks modeled after the Framework Convention on Tobacco.

3. Create Multisectoral Treaty Body with rigorous data and reporting from all States Parties and relevant UN agencies (i.e., UNICEF, UNAIDS, UN WOMEN, WHO, World Bank, UNFPA, UNHCR, UNHCHR, and ILO).

Close the Enforcement Gap with an Innovative Narrative + Metrics-based Approach

A narrative approach paired with a metrics-based scorecard combines the best of human rights and public health monitoring systems. Narrative allows for context and dialogue, while a scorecard lays out key indicators. Each intervention outlined above—legal reform, training for security and justice sectors, health response, services, violence prevention education, and funding—would come with a set of measurable indicators. For example, a scorecard would quantify the following questions:

- Have pro-violence laws been eliminated?
- Have new laws been passed that strengthen protection?
- What percentage of police forces, judges have been trained?
- What percentage of convictions are coming out of cases that were filed?
- How many women who show up at a police station are being sent to established femicide courts, how many sent home?

Modern treaties demonstrate that principle-based conventions can be even more effective when combined with a metrics-based monitoring system.

Consider these examples:

Tobacco Treaty: Key Outcomes

Introduced in 2003 and employing unprecedented engagement with NGOs at every stage, the World Health Organization Framework Convention on Tobacco Control entered into force in 2005, with specific interventions required by signatory nations. Since 2005, supported by funding from Bloomberg Philanthropies, the treaty has secured 180 ratifications covering 90 percent of the world's population and led to these extraordinary outcomes:

- 63 percent of the world's population are protected with at least one best practice tobacco control measure, (4.7 billion in 2017, up from 1.1 billion in 2007).
- Comprehensive smoke-free legislation is currently in place in 55 countries.
- 39 low- and middle-income countries have adopted complete smoke-free laws.
- Appropriate cessation treatment is in place for 2.4 billion people in 26 countries.
- Strong graphic package warnings cover almost 3.5 billion people in 78 countries – almost half the global population.
- 3.2 billion people live in a country that aired at least one comprehensive national anti-tobacco mass media.

Source: WHO Report on the Global Tobacco Epidemic 2017
https://www.who.int/tobacco/global_report/2017/en/

Mine Ban Treaty: Key Outcomes

Initially dismissed as unnecessary, the campaign was launched in 1991 by NGOs. In 1997, it won the Nobel Peace Prize. By 1999 the Mine Ban Treaty had 40 ratifications and entered into force. By 2003, weapons stockpiles were being destroyed by States Parties. As of 2019, the Mine Ban Treaty had 164 States Parties. According to the UN: "Its positive impact includes a marked reduction of casualties, an increased number of mine-free States, destroyed stockpiles and improved assistance to victims."

- Global stockpiles reduced from about 160 million antipersonnel mines to fewer than 50 million today.
- More than 55 million stockpiled antipersonnel mines have been destroyed by States Parties.
- 33 states have completed mine clearance in their borders and have been declared mine-free.
- 86 States Parties have declared that they don't retain antipersonnel mines, including 34 states that stockpiled antipersonnel mines in the past.
- 41 states have ceased production of landmines, including 4 not party to the treaty.
- 9 non-States Parties have moratoriums on the export of landmines (including China, India, Israel, Pakistan and the US).
- All States Parties but one have submitted reports. 49 percent are current on their reporting.

Source: 2019, 2017 Landmines Monitor

A clear, metrics-based approach to monitoring was a key driver to the landmines and tobacco treaties' strong outcomes. Historically, human rights reporting—Universal Periodic Review, CEDAW reports—follows a narrative structure; it asks states to report on their progress, rather than holding nations accountable to meeting specific benchmarks. The Mine Ban Treaty, for example, required states to report on such measurable objectives as the number of square kilometers that had been cleared, and the number of antipersonnel mines that had been destroyed. The tobacco convention employed the MPOWER framework, an acronym that corresponds to one or more articles of the Framework Convention and their specific monitoring indicators.

Combining narrative reporting and a metrics-based approach would result in more targeted implementation of key indicators and accountability.





Combining narrative reporting & a metrics-based approach

would result in more targeted implementation
of key indicators and accountability



Additional implementation and monitoring measures include:

- Creation of a national entity in charge of implementing and monitoring treaty compliance, with a leading role for civil society.
- Development of National Action Plan (as noted in the Draft Core Platform Summary, page 87)
- Allow for monitoring body to review state compliance even when the State Party has not submitted the required report.
- Require States Parties to widely disseminate the State's report and the Committee's recommendations nationally.

Mobilize Funding

Current Spending on Violence Against Women

Current spending on violence against women does not match the problem's scope, prevalence, and importance.

- From 2012 to 2107, US\$408 million was allocated annually to address violence against women, or 0.002 percent of the total overseas development assistance.¹⁴⁸
- For 2016 to 2017, of the 38 percent of aid the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee committed to support gender equality and women's empowerment, 4 percent of that aid supported equality as the primary, rather than secondary, objective.¹⁴⁹

Past Treaties Show Potential

Previous conventions demonstrate that treaties have the power to catalyze funding.

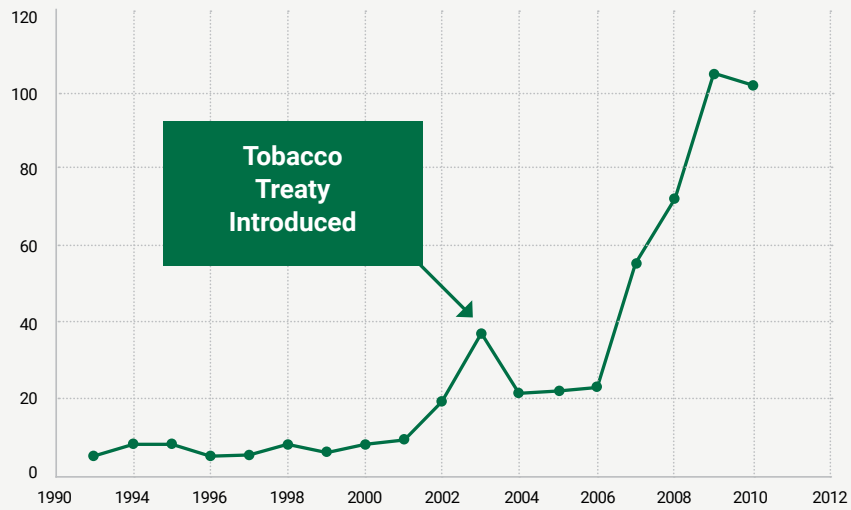
Tobacco Treaty

- Global spending on international tobacco control prior to the treaty (1990s, early 2000s): US\$8 million in the 1990s and early 2000s.
- Spending 3 years after the convention entered into force: more than US\$100 million.¹⁵⁰

Landmines Treaty

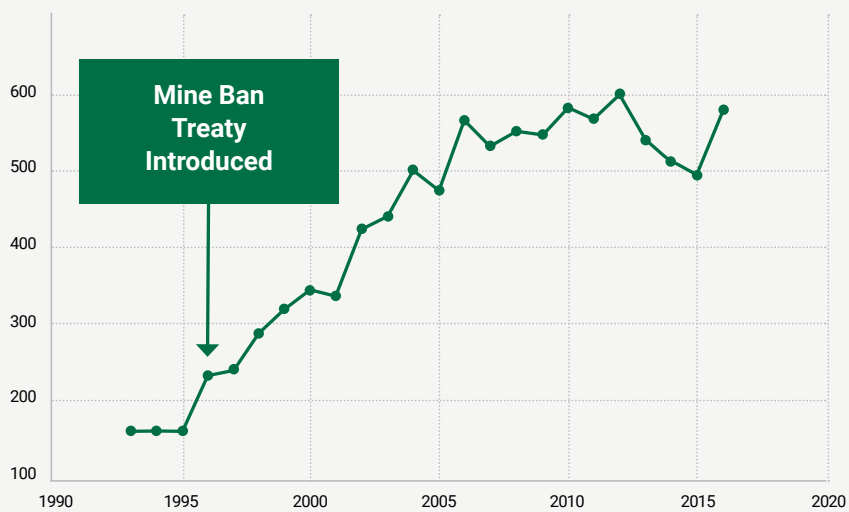
- Thirty-six hours after the Landmines Treaty was introduced in 1997, US\$500 million had been pledged toward implementation.
- Annual international support for mine action rose from US\$431 million in 2007 to US\$673 million in 2017.
- In 2017, donors and affected states contributed approximately US\$771.5 million in combined international and national support for mine action, an increase of \$203.6 million (36%) compared to 2016 contributions.¹⁵¹

International Tobacco Control Funding (Millions of US Dollars)



Data: Institute for Health Metrics and Evaluation / Council on Foreign Relations

International Mine Action Funding (Millions of US Dollars)



Data: Landmine Monitor, 2000 - 2017

Funding

The Every Woman coalition is calling for a global investment of US\$4 billion annually, or US\$1 per female on earth.

This is on par with the Global Fund to Fight AIDS, Tuberculosis and Malaria, which invests more than US\$4 billion per year to fight these epidemics.¹⁵² Like tobacco and landmines funding, contributions will come from state commitments as well as corporations, philanthropic organizations, and institutional donors.

A Smart Investment

Cost of violence against women:

US\$1,175

per woman annually¹⁵³

Spending on violence against women:

US\$0.10

(ten cents) per woman annually¹⁵⁴

Increasing that to US\$1 per woman would have a tremendous impact on women's safety globally.

Reduce Rates of Violence and Costs Associated with Violence

A cost-benefit analysis of the US Violence Against Women Act estimates that over a five-year period, an investment of US\$1.6 billion yielded a savings of US\$16.4 billion in averted costs of property losses, healthcare, police and victim services, lost productivity, reduced quality of life, and premature deaths. The Act's net benefits are estimated at US\$14.8 billion.¹⁵⁵

Support the Fulfillment of Sustainable Development Goal Number 5

A global binding treaty on violence against women and girls would support the international community's efforts to meet SDG 5's objectives, which includes eliminating "all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, eliminate all forms of discrimination against women and girls (5.2), and eliminating harmful practices such as child, early and forced marriage, and female genital mutilation (5.3)."¹⁵⁶

Strengthen Women's Rights Movements

Research shows that strong, autonomous women's rights movements are crucial to driving policy change and addressing the unequal gender power that leads to violence against women and girls. One study that examined the connection between feminist movements and violence against women policy over four decades found that the strength of a nation's women's rights movement was more important for policy development than factors such as the number of women in government or a nation's wealth.¹⁵⁷ In fact, the authors found that:

"Feminist organizations can promote international and regional agreements, conventions and declarations – such as the 1994 Inter-American Convention on Violence Against Women, and the 1995 Platform for Action adopted at the Fourth World Conference on Women in Beijing. Feminists have cooperated across national boundaries to create such conventions, which turn out to be helpful in shifting public opinion within many nations."

Additional research shows that women's rights movements are also central to the quality and effectiveness of violence-prevention programs.¹⁵⁸ A binding convention will bolster the work of all women's rights advocates around the world, as well as work to unite women's rights leaders.

The Power of a Whole-of-Society, Whole-of-Government Approach

Research and recommendations by the WHO, UN Women, and other experts show that a multisectoral, community-based approach to ending violence against women leads to lower rates of violence, increases reporting and help-seeking, and changes the mindsets that allow violence to persist.

Legal. Comprehensive national legislation to end violence against women works to lower rates of violence and save lives. For instance, in the United States, domestic violence rates dropped 67 percent in 18 years following enactment of national reform through the Violence Against Women Act in 1994.¹⁵⁹ Furthermore, in nations with domestic violence laws, mortality rates for women are 32 percent lower.¹⁶⁰ This remarkable data points to a difference in life expectancy from the simple existence of domestic legal reform.

Training and accountability. Education in prevention measures, laws, and women's rights for police, judges, and other personnel in the security and judicial sectors can lead to greater and more efficient prosecution and more satisfaction for survivors. For example, an analysis of a program in Wales, UK, found that trained prosecutors in protocols on intimate partner violence prompted prosecutors to take domestic violence cases seriously. Furthermore, **when working in concert with the Women's Safety Unit, which provides services for survivors, prosecutors said they could more effectively handle the cases, and survivors reported greater satisfaction in outcomes.**¹⁶¹

Other examples: In Cameroon, training judges on gender issues led to changes in policies and practices for women in the areas of property and inheritance rights, equality, parity, and access to justice.¹⁶² A program in Indonesia that gave a guidebook on legal principles on the fair treatment of women found that it was widely used and referenced by and for justice sector personnel, as well as civil society groups and community leaders.¹⁶³ **Creating and training specialized prosecutors has been shown to reduce barriers to justice.**

Health Systems Response. The WHO notes that women who are experiencing violence are more likely to seek health services, putting them in direct contact

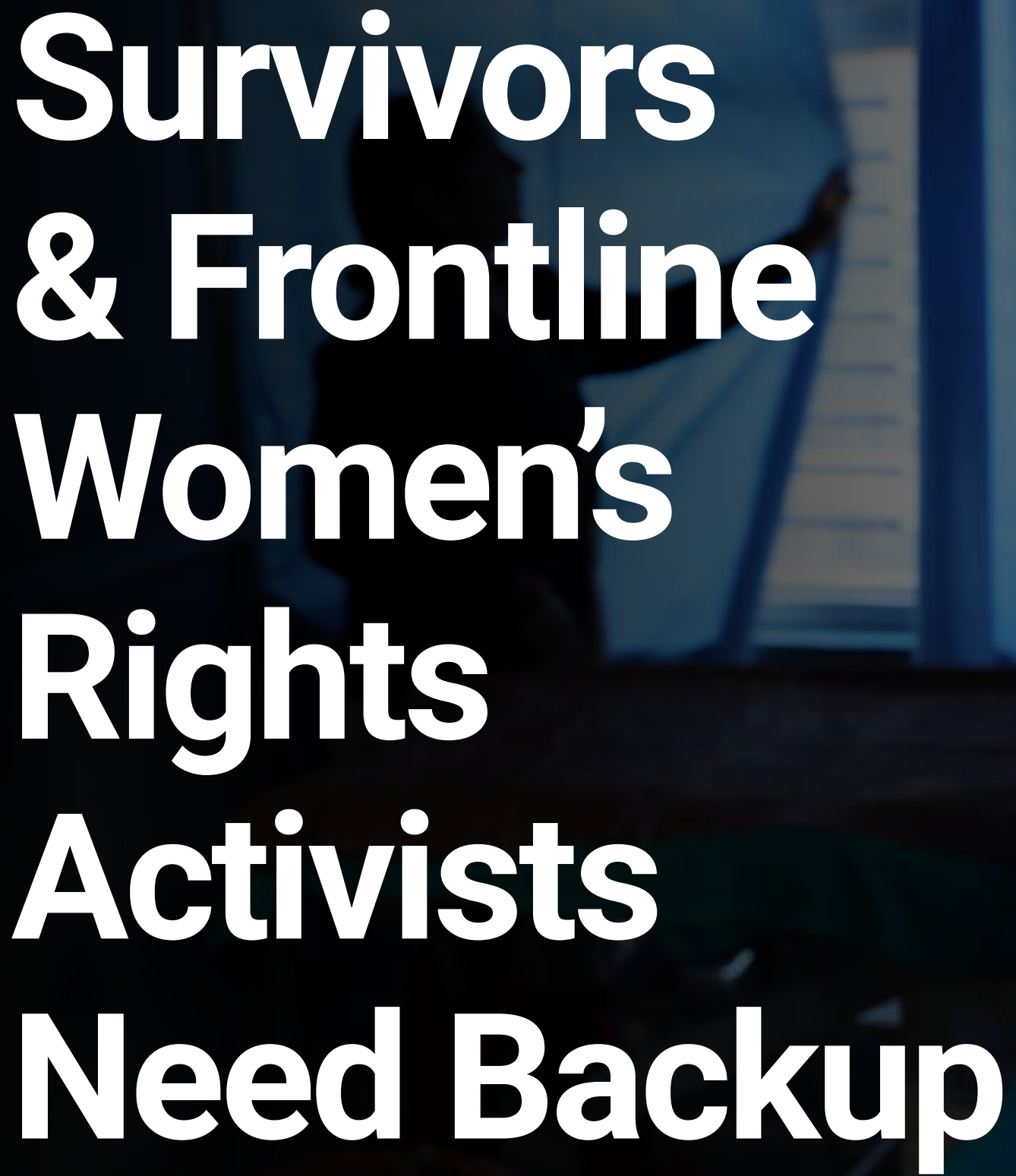
with a healthcare provider. However, it is rare for survivors to reveal the violence to a healthcare professional on their own, making doctors, nurses, community health workers, and other frontline actors instrumental in violence prevention and care.^{164,165} Research shows that procedural changes, such as including questions on abuse in the intake forms or private spaces for consultations, have proven effective in encouraging providers to aid survivors. In its Global Plan of Action, the **WHO includes the training of doctors, nurses, and community health workers as essential.**¹⁶⁶

Violence Prevention Education. Research shows that education influences boys' and men's attitudes and actions, and encourages women and girls to demand their rights. For example, following a violence prevention program in Uganda, levels of physical partner violence against women was 52 percent lower in those communities than in control communities.¹⁶⁷ One male participant noted: "I learned that some of the things I used to do were not right at all...for instance I thought that whenever I needed sex I had to have it without her denying me." Economic incentives and life skills training help combat child marriage in developing countries.¹⁶⁸ **Five months after an empowerment and self-defense program in Nairobi, rates of sexual assault among the intervention group decreased by 60 percent, and disclosures of sexual assault also increased significantly in the intervention group.**¹⁶⁹

Services for survivors. Hotlines, shelters, legal advice, and other services ensure survivors receive treatment and protection, and have avenues for seeking justice.

Funding. Treaties catalyze funding. For example, in the first 36 hours of the Mine Ban Treaty, US\$500 million had been pledged toward implementation.

Separately, these interventions influence various factors related to violence prevention. However, they often work in isolation. When combined, interventions work in concert to drastically lower rates of violence. Strong laws are backed by trained staff in the health, justice, security, and service sectors. Staff efforts are supported by community and national campaigns, and reinforced by a legal system that holds perpetrators accountable. The treaty scales it—nation by nation, across the globe, the interventions work in concert to end impunity and increase women's protection and safety.



**Survivors
& Frontline
Women's
Rights
Activists
Need Backup**



Survivors and Frontline Women's Rights Activists Need Backup

Every day, advocates and survivors bump up against a system that fails them.

Advocates work daily to provide support for survivors—but either no law exists to hold a perpetrator accountable, or the law is too weak, or its implementation has been poor, or lack of funding means an advocate has to turn a survivor away. Healthcare workers miss key signs of abuse due to lack of training. A police officer refuses to take a survivor's statement, blaming her for the violence. A judicial system doesn't have the framework for a case on marital rape. Social norms lay family honor on a woman's virginity, disregarding a perpetrator's behavior.

Activists and Survivors Have Their Lives Threatened

In May 2019, Hafsa Begum was walking home after a shift at her factory job in the Bangladesh capital Dhaka when her line manager dragged her into an alley and sexually assaulted her. She reported the assault and began receiving death threats. The situation became so frightening, she left her family and moved to a new city.¹⁷⁰

"This happens frequently," says Dolly Akhtar, an advocate who'd negotiated the firing of Begum's manager. "Even if I do manage to get the girls justice, their lives are still in danger."

Hafsa and Akhtar are not alone. Countless survivors and activists are threatened with violence across the globe—for seeking justice, for speaking up, for demanding accountability, and change. **Nadia Murad was one of thousands of Yazidi women kidnapped and enslaved by the Islamic State, which committed genocide against her people in Syria and Iraq. As she works to hold ISIS accountable in international court, ISIS militants send her death threats.**¹⁷¹

In October 2012, unknown gunmen attempted to assassinate Dr. Denis Mukwege in Bukavu, a city in the South Kivu province of the Democratic Republic of Congo. Dr. Mukwege was named co-laureate for the 2018 Nobel Peace Prize for his work in treating women and girls raped by armed rebels. He shared the prize with the aforementioned Yazidi survivor activist Nadia Murad.¹⁷²

Claudia, a community outreach worker in Guatemala, had a man chase her with a machete for encouraging women to speak out against violence. The perpetrators of an acid attack in Pakistan threatened further harm in an attempt to prevent the survivor, Rina, from seeking justice.¹⁷³

Some survivors lose their lives for speaking out.

A recent example: In December 2019, a 23-year-old woman in India who had been raped the year before was on her way to a court hearing when a group of men, including her rapist who was out on bail, doused her with kerosene and set her on fire. She died a few days later from the burns.¹⁷⁴

Victories can be reversed

Activists can push for laws, but success isn't necessarily a victory. Political winds can reverse hard-won efforts. In 2017, Russia decriminalized intimate partner violence that does not cause "substantial bodily harm" after activists won a legal battle the year before to criminalize it.¹⁷⁵ In 2018, a new law in Morocco on the elimination of violence against women fell significantly short of proposals made by local women's rights activists. Rather than a comprehensive approach, the law failed to establish the responsibilities of state actors and failed to change laws that turn victims into criminals.¹⁷⁶

States can be perpetrators

Some governments' actions attempt to blame or silence women, as in the case of Hodan, the survivor in Somalia who was arrested for allegedly telling a reporter she'd been raped by government soldiers. Russia designated Marina Pisklákova-Parker's organization, Center for the Prevention of Violence - ANNA, a "foreign agent," a label meant to discredit her and her work.

Advocates like Claudia and Dr. Mukwege, and survivors like Rina and Nadia, are not backing down. **Across the globe, activists work daily to end violence against women in all its forms, including harmful practices with deep roots in social norms.**

Incremental change is happening. But we can do better. We can put the weight of the international community behind them.

**It's time to
answer
survivors'
& activists'
calls for a
global treaty.**





“

There is a need for a separate legally binding treaty because there is no specific international legally binding document that addresses the gross violation of rights that is violence against women and girls. 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.”

– Anne Gamurorwa, Executive Director, Communication for Development Foundation, Uganda

“

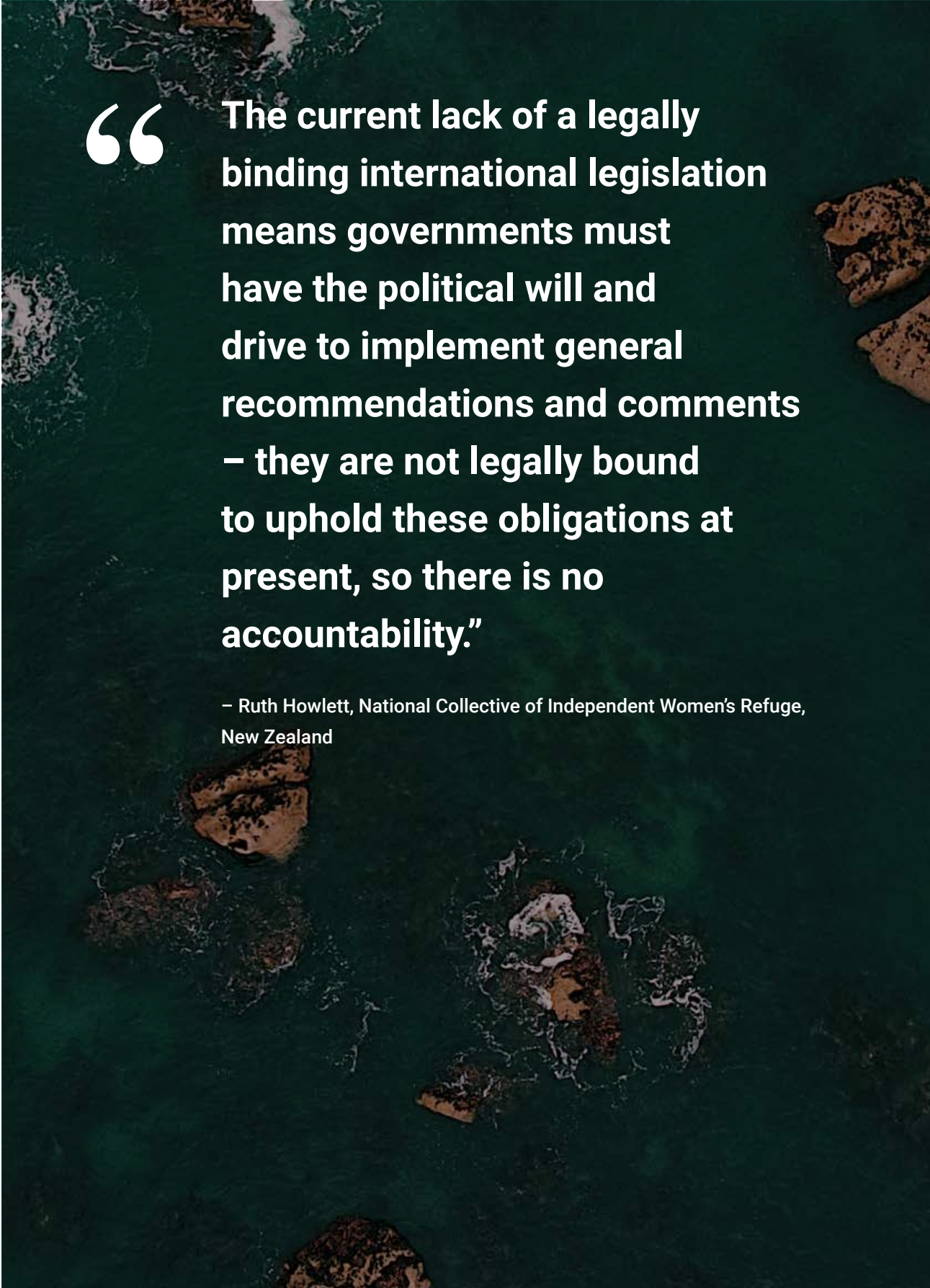
Without an international mandate that obliges states to use standardized definitions, set punitive actions, provide unconditional resources for survivors, and train public and private officials on response and prevention, no serious reduction of violence against women and girls will take place, particularly in autocratic states.”

– Hala Aldosari, PhD, Aminah, Saudi Arabia

“

Violence against women is probably the most democratic in its incidence, since it occurs across all boundaries of creed, ethnicity, nationality, educational status, and economic strata. Since it is a global phenomenon, all the more reason it should be treated not just as a cultural offshoot of patriarchy, but as a crime against humanity and a gross and irrefutable violation of the human right to a life of dignity.”

– Meera Khana, Trustee and Executive Vice President,
Guild for Service, India



“ The current lack of a 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 at present, so there is no accountability.”

– Ruth Howlett, National Collective of Independent Women’s Refuge,
New Zealand



“

Conflating violence against women and discrimination against women results in an inadequate or incomplete description of the legal concept of violence against women as its own human rights violation. Just like torture is better addressed in CAT than in the ICCPR, violence against women would be better addressed in a separate treaty than in CEDAW.”

– Francisco Rivera Juaristi, JD, International Human Rights Clinic at Santa Clara University School of Law, California, USA



“

Implementation of domestic policies could be greatly strengthened by a legally binding document holding governments to a specific level of accountability.”

– Manizha Naderi, Executive Director, Women for Afghan Women, Afghanistan

“

Violence against women and children is a global problem and the phenomenon of impunity that has intensified in many countries is becoming more and more disturbing. To achieve the eradication of violence against women, it is of extreme importance to work on the universal scope of its definition and on sanctions for all those who commit these crimes. This is a time for action! Let us join our efforts through this inclusive solidarity movement to provide a lasting and harmonious response. I support a treaty on violence against women.”

– Jocie Philistin, Executive Director, KOFAVIV, Haiti

“

The ratification of the Convention of Belém do Pará allowed feminist activists to take action to achieve legislation that provides protection to women who reported violence, and in addition show it as a serious problem. Even with the current regulations in El Salvador, the eradication of violence against women is still ineffective; some of its types are still considered part of the culture. To move the political will, it is necessary to create an international instrument that commits States to make the structural changes needed to eradicate violence against women. I am in favor of a global treaty on violence against women.”

– America Romualdo, Director, Las Dignas, El Salvador

Elsa

Elsa López

I signed the Every Woman Treaty because
I want a better future for my children.

#isigned | everywoman.org





The Time Is Now.

**People in 152 nations are calling for
a global treaty to end violence against
women and girls.**

The Time is Now

The call for a global treaty to end violence against women and girls began in 1996 when the first UN Special Rapporteur on violence against women wrote in her report to the Human Rights Council:

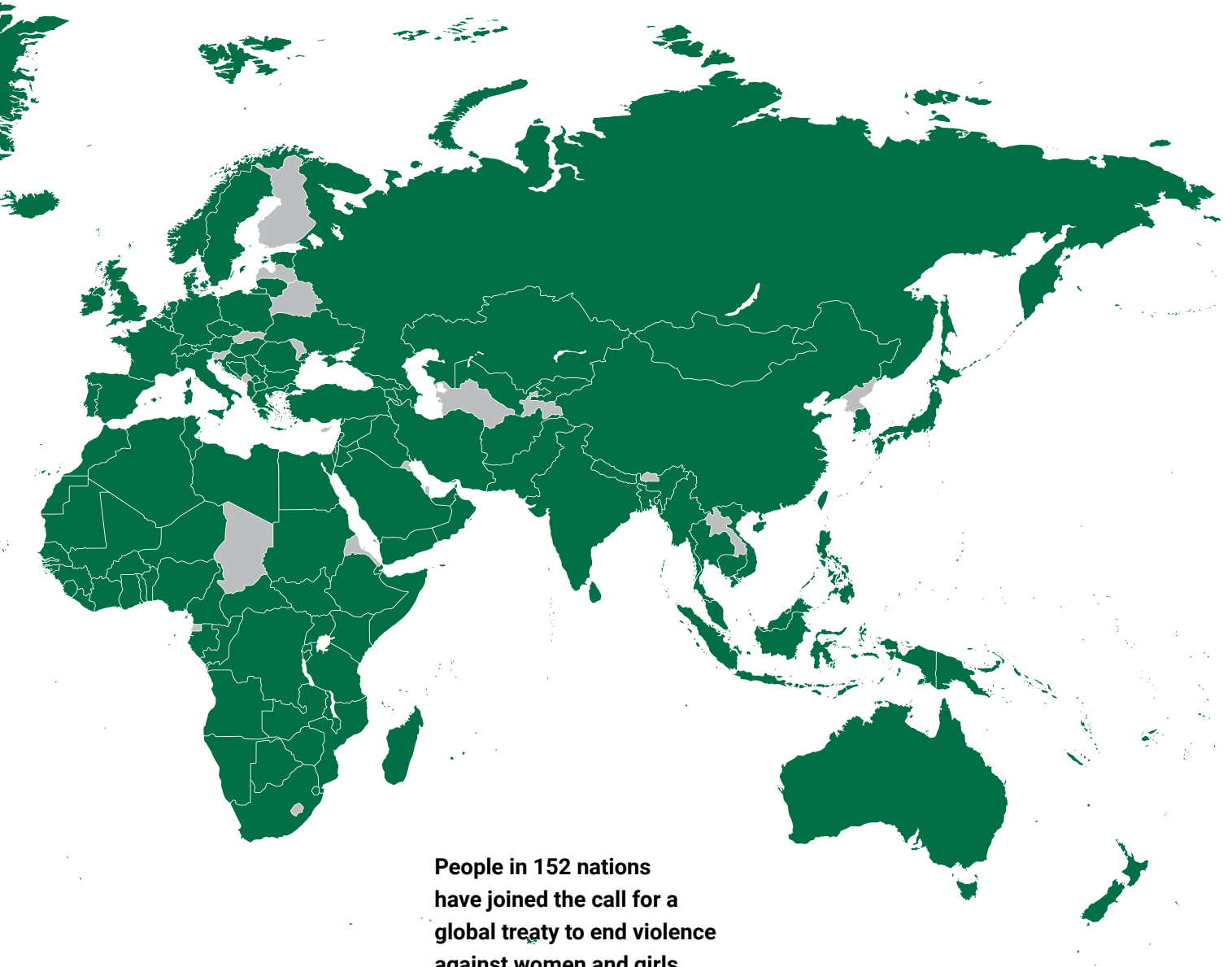
“The international community should consider the possibility of adopting an international convention on the elimination of violence against women. There does not at present exist a comprehensive international legally binding instrument on violence against women, and the position of the Special Rapporteur is only an ad hoc mechanism with no avenue of redress”

(SRVAW Report, 1996, p. 40, para. 144).¹⁷⁷

Since then, the call for a treaty has echoed across the world, from women’s rights groups, legal scholars, civil society, and repeatedly by the third Special Rapporteur Rashida Manjoo. The demand for systems change has escalated into shouts from every corner of the globe. From India following the brutal gang rape and murder of a young woman in 2012, to Nigeria after the abduction of school girls by Boko Haram, to the #MeToo movement demanding the end of impunity for perpetrators.

More than 20 years have passed since the idea of a binding convention was introduced. Multiple tools from declarations to regional conventions have attempted to tackle the problem. **However, as an international community we’ve stopped short of the very thing with the most power: a global binding norm.**





People in 152 nations
have joined the call for a
global treaty to end violence
against women and girls.

■ SIGNED

In the words of

Steering Committee member Marina Pisklakova-Parker, PhD (Russia),

**“Women
are dying.
There is no
time left
to wait.”**

If not us, who? if not now, when?



Every Woman Global Consultation Members

Expert Committee Members for Treaty Content

TYPES OF VIOLENCE: Simi Kamal, **Pakistan**; Zainab Ali Khan, **Pakistan**; Marina Pisklákova-Parker, PhD **Russia**; Ghada Hammam, **Egypt**; Katarzyna Sękowska-Kozłowska, **Poland**; Virginia Muwanigwa, **Zimbabwe**; Tanyi Christian, **Cameroon**; Cristina Ricci, **Australia**; Uuree Uuriintsolmon, **Mongolia**; Sopheap Ros, **Cambodia**; Sheena Kanwar, **Singapore**; Adolf Awuku Bekoe, **Ghana**; Valerie Khan, **Pakistan**; Pei Yuxin, **China**; Taskin Fahmina, **Bangladesh**; Monica McWilliams, **Ireland**; Jeanne Sarson, **Canada**; Peg Hacskeylo, **USA**; Dr. Denise Kindschi Gosselin, **USA**; Khedija Arfaoui, **Tunisia**; Katarzyna Sękowska-Kozłowska, **Poland**; Kelly Jones, **Burundi / USA**; Angela Hefti, **Switzerland**; Hauwa Shekarau, **Nigeria**; Anyieth D'Awol, **South Sudan**; Manizha Naderi, **Afghanistan**; Virginia Muwanigwa, **Zimbabwe**; Joy Ngozi Ezeilo, **Nigeria**; Joanna Smętek, **Poland**; Gaby Razafindrakoto, **Madagascar**; Reena Tandon, **Canada**; Laurie Tannous, **Canada**; Tanyi Christian, **Cameroon**; Jo-Anne Dusel, **Canada**; Shawn MacDonald, **USA**; Michal Sela, **Israel**; Orit Sulitzeanu, **Israel**; Carolyn Rodehau, **USA**; David Wofford, **USA**.

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LIFE STAGES: Obioma Nwaorgu, **Nigeria**; Azra Abdul Cader, **Sri Lanka**; Munara Beknazarova, **Kyrgyzstan**; Fadoua Bakhadda, **Morocco**; Anu Radha, **India**; Safeer Ullah Khan, **Pakistan**; Keerty Nakray, **India**; Stephanie Kennedy, **USA**; Margaret Owen, **England**; Judy Lear, **USA**; Patricia Brownell, **USA**; Eleanor Nwadinobi, **Nigeria**; Helen Hamlin, **USA**; Meera Khanna, **India**; Lois Herman, **Italy**; Asmaa Al Ameen, **Iraq**; Heather Ibrahim-Leathers, **USA**; Abiola Akiyode-Afolabi, **Nigeria**; Aabha Chaudhury, **India**; Sara Winkowski, **USA**; Ferdous Ara Begum, **Bangladesh**.

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Wicomb, **South Africa**; Anyieth D'Awol, **South Sudan**; Nadia
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LATIN AMERICA AND THE CARIBBEAN

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MIDDLE EAST AND NORTH AFRICA

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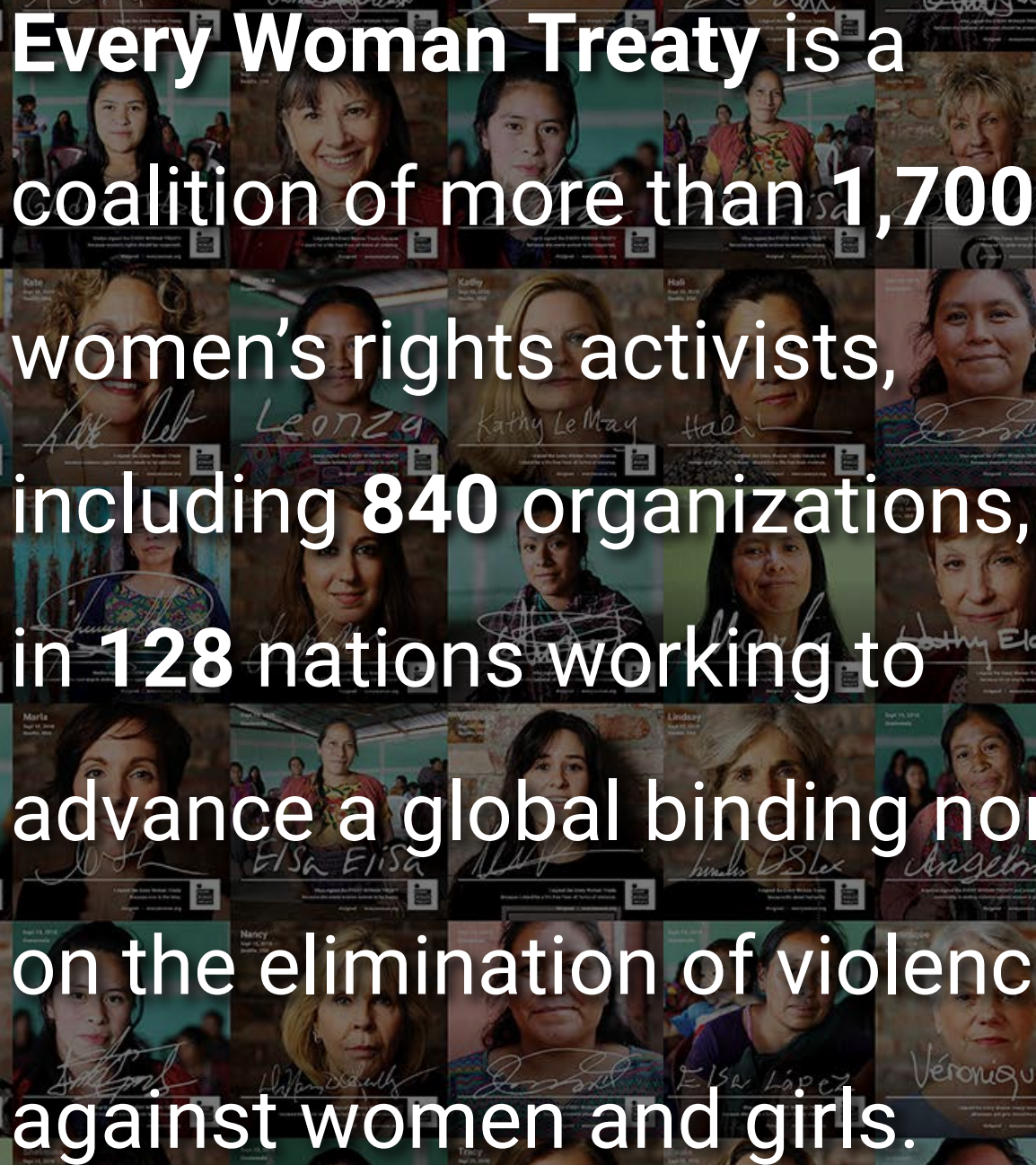
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