

Workshop

A human rights perspective on domestic and gender based violence

*Exchange of best practices from Norway in working with
victims of domestic and gender based violence*

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"Rila" Hotel

Sofia

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A stylized, light-colored illustration of a plant with several leaves and a cluster of small, round buds or flowers, positioned on the left side of the slide against a yellow background.

DOMESTIC AND GENDER-BASED VIOLENCE IN A HUMAN RIGHTS PERSPECTIVE

- Human rights: An historical overview
- Un and the convention system
- Relevant UN conventions
- Convention on preventing and combating violence against women and domestic violence “Istanbul convention” (Council of Europe)

Lillian Hjorth, Human Rights Academy



Should girls play soccer?

Early human rights documents

1776: American Declaration of independence

1789: The French revolution: The Declaration on the rights of men and citizens

Everyone has the right to freedom, property, security ..

Equality before the law

Right to political participation

PROGRESS!

BUT: applied only to men



Olympe de Gouges (1748 – 1793)

French journalist and feminist

The same rights for men and women!

Challenged the authority of men and the view that men are superior to women.

1791: *The Declaration on the rights of women and female citizens.*

Executed in France
in 1793 for her
radical ideas.

DÉCLARATION DES DROITS DE LA FEMME ET DE LA CITOYENNE,

*A décrire par l'Assemblée nationale dans
ses dernières séances ou dans celle de
la prochaine législature.*

P R É A M B U L E .

Les mâles, les Femmes, les sexes, représentés de la nation, demandent d'être constitués en assemblée nationale. Considérant que l'ignorance, l'oubli ou le mépris des droits de la femme, sont les seules causes des maux publics et de la corruption des gouvernements, ont résolu d'exposer dans une déclaration solennelle, les droits naturels, inaliénables et sacrés de la femme, afin que cette déclaration, constamment présente à tous les membres du corps social, leur rappelle sans cesse leurs droits et leurs devoirs, afin que les actes du pouvoir des femmes, et ceux du pouvoir des hommes puissent être à chaque instant comparés avec le but de servir l'intérêt public, en soient plus respectés, afin que les réclamations des citoyennes, fondées d'ici sur des principes simples et incontestables, tombent toujours au maintien de la constitution, des bonnes moeurs, et au bonheur de tous.

En conséquence, le sexe féminin en vertu comme en courage, dans les assemblées nationales, reconnaît et déclare, en présence



Voting rights for all women

- New Zealand 1893
- South Australia 1894
- Finland 1906
- Norway 1913
- Denmark 1915
- Island 1915

- Bulgaria 1938: limited to mothers only, full rights for all in 1944



WW II and the establishment of the UN

1939-1945: 55 million killed
San Fransisco Conference
spring 1945. Leaders from all
over the world gathered to
establish the UN

Slogan: Never again!

UN charter: WE THE
PEOPLES OF THE UNITED
NATIONS DETERMINED

- (...) to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, **in the equal rights of men and women** and of nations large and small, and (...)



UN and Universal Human Rights

The UN Charter states that the UN shall work to promote and respect human rights

Respect for human rights = peace

But they did not have time to discuss and define the content of the human rights



The Human Rights Commission

”International Bill of Rights”

18 state representatives

Australia, Belgium, Soviet republic of Belarus, Chile, China, Egypt, France, India, Iran, Libanon, Cuba, Panama, Philipines, Great Britain, USA, The Soviet Union, Uruguay, Jugoslavia

An inclusive negotiating process.

Hearings among all states

Two years



Article 1

”All men are born free and equal in dignity and rights. They are endowed by nature with reason and conscience, and should act towards one another like brothers”



”All Human Beings”, og ”in a spirit of brotherhood”

- ”Created in the image and likeness of God, they are endowed with reason and conscience”
- Heavy discussions...



”All Human Beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”

The Universal Declaration of Human Rights

Adopted in Paris
10.december 1948

8 states abstained from
voting

30 articles:

- civil and political rights
- economic, social and cultural rights

For the first time in human
history there were universal
laws on how each state
should treat it's inhabitants

463 translations





International Bill of Rights

The Universal Declaration of Human Rights

Covenant on civil and political rights (1966)

Covenant on economical, social and cultural rights (1966)

States that ratify are obliged to respect and implement the articles in the covenants/conventions:

- Change national laws
- Ensure respect in all state agencies, courts, police, military
- ombudsman offices,
- Education and training - Report to the UN committees every 4 or 5 years



The UN Committees

The states must report every 4th or 5th year

The Committees consist of 10-25 experts that evaluate the reports and give credits recommendations and critics.

NGOs can also send reports

Open hearings

An important dialoge between the UN and the states

Picture: The Committee on the Elimination of Discrimination against Women (CEDAW)



Important UN Conventions

Belonging Committees

Covenant on civil and political rights (1966)



The Human rights committee

Covenant on economic, social and cultural rights (1966)



Committee for economical, social and cultural rights

Convention against racial discrimination (1965)



Committee against racial discrimination

Convention on the elimination of all forms of discrimination against women (1979)



”The women committee”

Convention against torture (1984)



Committee against torture

Convention of the rights of the Child (1998)



”The children committee”

Convention for persons with special needs (disabled) (2006)



Committee for persons with special needs

Status for the states' ratification

(1991, 2000, 2004, 2015, percent)

	CPC	ESC	Torture	Race	Women	Children	TP: death penalty	Special needs
1991 (180)	56	58	36	72	62	59	7	
2000 (193)	76	74	73	81	86	99	22	
2004 (193)	78	77	70	87	91	99	27	
2015 (193)	89	87	85	93	97	99	42	95

Problematic reservations

States can make reservations against articles they do not accept.

Some states make reservations because the articles collide with culture and traditions

Why do the UN accept this?

Saudi-Arabia:

“1. In case of contradiction between any term of the Convention and the norms of islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.”



2011: King Abdullah allows women to vote at local elections in 2015



I Yemen the Government withdrew it's reservation on movement of women, 2008



Convention on the Elimination of all Forms of Discrimination against Women (1979)

It is the UN Convention with most reservations.

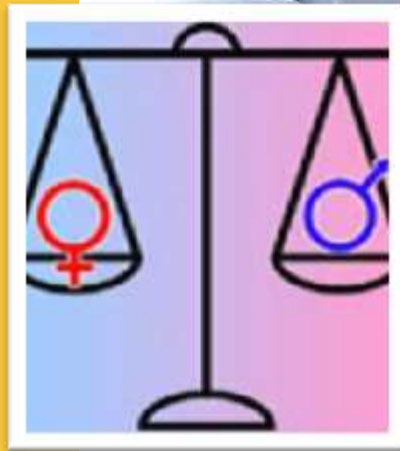
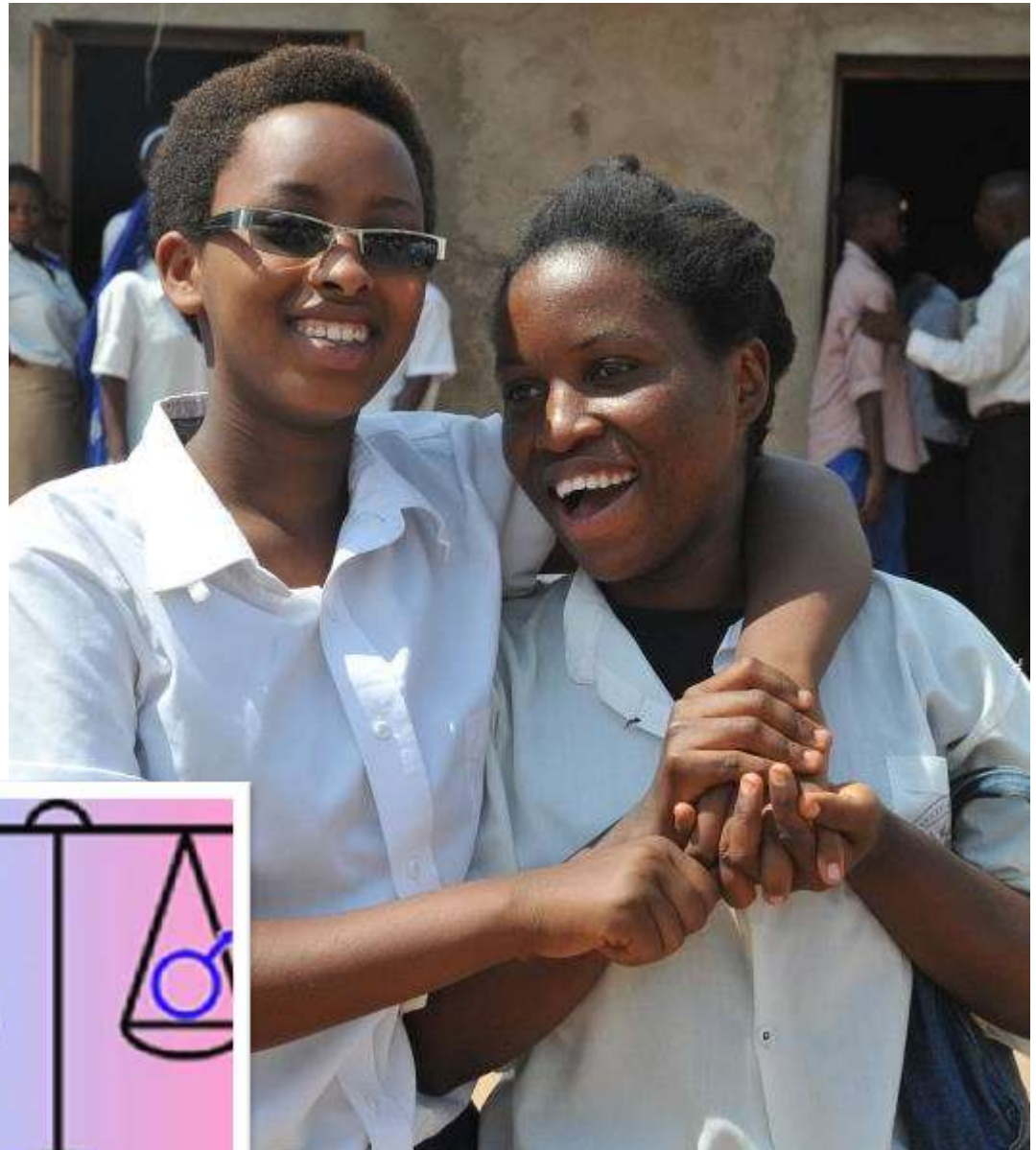
But an important document that changes societies all over the world every day.

The principle of full equality

Equality in the laws. Legal protection.

Temporary special measures to promote *factual* equality is accepted and even recommended. (art .4)

(like quotas for women)



About social behaviour (art. 5)

The states shall seek to change men's and women's social and cultural patterns of behaviour in order to get rid of prejudices and stereotypes that build on the view that one sex is more valuable than the other

The states should have an active attitude!



The states shall:

Suppress all forms of traffic in women and exploitation of prostitution (art 6)

Ensure voting rights and the right to stand for elections for women (art 7).

Ensure education (art 10):
Equal rights for women and men to education at all levels



Work (art. 11)

Eliminate discrimination on the labour market

Ensure women

- Right to free choice of profession and work
- Same payment for equal work
- Not be fired if pregnant or giving birth.

Picture: Women in Bangladesh



Marriage (art. 16)

Women shall have the same rights as men to marriage

Child marriages or to marry away children is prohibited

Child bride, Afghanistan
Photo: UNICEF



UN Convention on the Rights of the Child (1989)

99 % ratified

Art 3. The best interest of the child



Art 19

The state shall protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse...

The Maputu protocol (2003)

African Charter (1981)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

It is now impossible to argue that gender equality and women's rights is a Western phenomenon, or something imposed Africa from the West.

But: Reservations .. on the article that regulates minimum marriage age



Convention on preventing and combating violence against women and domestic violence

”Istanbul Conventon”

Council of Europe, 2011

Ratified by 19, signed by 20 European states



PURPOSE

- Preventing violence
- Protecting victims
- Prosecuting perpetrators
- Change hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes.

... violence against women is deeply rooted in the inequality between men and women in society and is perpetrated by a culture of intolerance and denial

The possibilities to make reservations are strictly regulated



Gender

It is the first international treaty to contain a definition of gender.

Men and women are not only biologically female or male. There is also a socially constructed category of *gender* that assigns women and men with particular roles and behaviours.

Research has shown that certain roles and behaviours can contribute to make violence against woman acceptable.



States Parties must criminalise or sanction offences such as

- Domestic violence (physical, sexual, psychological or economic violence)
- Stalking
- Sexual harassment, including rape
- Forced marriage
- Female genital mutilation
- Forced abortion and sterilisation

The states will, for the first time, be obliged to introduce these serious offences into their legal systems

All relevant states agencies/ services must work so that violence against women and domestic violence are tackled in a co-ordinated way

Violence against women or domestic violence are not private matters!



Prevention

The states must:

- Change attitudes, gender roles and stereotypes that make violence against women acceptable
- Train professionals working with victims
- Raising awareness
- Including teaching materials on equality issues in the curricula at all levels of education

Co-operate with NGOs, the media and the private sector

Photo: Courses for young asylum seeking women



Protection

The states must:

Ensure that the needs and safety of victims are placed at the heart of all measures

Set up specialised support services that provide medical assistance as well as psychological and legal counselling to victims and their children

Set up shelters in sufficient numbers and introduce free, round-the-clock telephone helplines



Prosecution

The states must:

Ensure that violence against women is criminalised and appropriately punished

Ensure that excuses on the grounds of culture, customs, religion or so-called "honour" are unacceptable for any act of violence

Ensure that victims have access to special protection measures during investigation and juridical proceedings

Ensure that law enforcements agencies respond immediately to calls for assistance and manage dangerous situations adequately



Who is covered by the convention?

All women and girls, from any background, regardless of their race, religion, social origin, migrant status or sexual orientation

States are also encouraged to apply the convention to other victims of domestic violence such as men, children and the elderly



CoE call on states to sign and ratify

Coe calls upon the states that not have neither signed nor ratified, to do so without delay: Armenia, Azerbajdjan, Bulgaria, the Czech Republic, Latvia, Liechtenstein, Moldova and the Russian Federation

”It is time to join your neighbours, so that Europe has a real zero-tolerance response to violence against women”



... should girls play soccer?

