

United Nations Independent Experts Call on States to Strengthen the Protection of Women from Violence

On the occasion of the International Day on the Elimination of Violence against Women (25 November), the Special Rapporteur of the United Nations Human Rights Council on violence against women, its causes and consequences, Yakin Ertürk, and the Special Rapporteur of the United Nations Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, issued the following press statement:

Over the years there has been considerable progress in making the scale of violence against women widely known and in developing legal and practical instruments to strengthen the protection of women from violence. Yet significant gaps in protection remain. Many countries fail to recognize some forms of violence against women as crimes. Cultural or religious paradigms are still invoked to condone female genital mutilation, the execution and murder of women, marital rape and other forms of violence. On the other hand, the application of international instruments and the development of strategies to condemn and punish torture have been slow to take into account gender-based aspects of torture, such as sexual violence, and have treated severe pain or suffering inflicted on women in the private sphere as a “domestic affair”. Consequently, avenues for redress have been limited and women have not been adequately protected from all forms of violence against them.

In recent years, there have been an increased and explicit recognition of some forms of violence against women in international and national courts as amounting to torture and ill-treatment, the best known examples being rape by private or public actors in conflict or in custodial settings. Other forms of violence against women, such as physical or sexual violence in an intimate relationship or female genital mutilation, if committed with the acquiescence of the State, may qualify as torture or cruel, inhuman or degrading treatment as well.

The term “torture” carries a strong protection potential since it brings with it a considerable stigma and triggers well-established international legal obligations for the State, derived notably from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These include obligations to criminalize acts of torture, prosecute perpetrators and provide reparation to victims.

International standards to combat violence against women, including the UN Declaration on the Elimination of Violence Against Women, contain an obligation to condemn and prevent all forms of violence against women, independently of whether acts are perpetrated by the State or a private person, and give specific guidance on how obstacles to gender based violence can be overcome.

These sets of instruments and standards should be used more systematically to inform and strengthen one another. If taken together they will considerably reinforce women's protection from violence and render it more effective, as well as contribute towards transforming unequal patriarchal values and structures that underlie acts of violence and discrimination against women.

In our capacities of Special Rapporteurs on Violence against Women and Torture, we appeal to the international community, to States, and civil society to make full use of all existing instruments and mechanisms in a comprehensive fashion, in order to ensure women the full protection from all forms of violence against them and their access to all available remedies.

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