

4th European conference on domestic violence (ECDV)

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*Opening remarks by Special Rapporteur on Violence Against Women,
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I want to thank you for kind invitation to this conference. It is for a like these, which bring together professionals, researchers, academics, students, and practitioners, which raise the much-needed awareness of the prevalence and the consequences of domestic violence, and of gender-based violence in general as well as provide a platform to search for solutions.

When I took my functions as UN Special Rapporteur on violence against women a month ago, there was no doubt in my mind that I would need to continue in my predecessor's footsteps to continue to prioritize the work on ending domestic violence against women and girls. If anything, I became acutely aware of how the COVID-19 pandemic had exacerbated an even older pandemic – namely that of gender based violence.

As you know, my mandate was established in 1994 by the then UN Commission on Human Rights, with the aim to “integrate the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women as human rights violation. It was entrusted to recommend measures, at regional and international levels, to eliminate violence against women and its causes, and to remedy its consequences.

From its inception, my mandate focused on domestic violence against women, but without exclusion of all other types of violence covered by such term and legislation. In 1996, the then Special Rapporteur, Radhika Coomaraswamy, elaborated “A framework for model legislation on domestic violence” The framework sets out that legislation “shall clearly state that violence against women in the family and violence against women within interpersonal relationships

constitute domestic violence”. The language of the law must be “clear and unambiguous in protecting women victims from gender-specific violence within the family and intimate relationships”. With respect to the relationships that should be regulated, “legislation on domestic violence must include: wives, live-in partners, former wives or partners, girlfriends (including girlfriends not living in the same house), female relatives (including but not restricted to sisters, daughters, mothers) and female household workers”.

While the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW), does not provide reference to violence, the CEDAW Committee, in its General Recommendation 19, has interpreted violence against women as a form of discrimination, stating that “The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence”.

In 2017, CEDAW updated its General Recommendation No. 19 by [General Recommendation No. 35](#) on gender-based violence against women. This new General Recommendation was elaborated in collaboration with my mandate. It reaffirmed the concept and definition laid out in General Recommendation No. 19, but placed emphasis on the fact that such violence is gender-based. General Recommendation No. 35 recognizes that, for more than 25 years, in their practice, States parties have endorsed the Committee’s interpretation and that “the prohibition of gender-based violence against women has evolved into a principle of customary international law”

Unfortunately, no further detailed and clearer language exists at the UN level on domestic violence specifically. Rather, domestic violence is included in and seen as a form of gender-based violence against women, which has been progressively defined and interpreted

in international human rights law as a human rights violation and a manifestation of discrimination against women.

The need for clarification of the terms came up during the elaboration of the Council of Europe Convention on preventing and combating violence against women and domestic violence of 2011, the Istanbul Convention. The ad-hoc committee elaborating the Istanbul Convention was co-shared by my mandate. It provided legally binding definitions of both terms, building upon preceding developments at the international level.

The Istanbul Convention is the first international instrument on human rights that provided a definition of domestic violence, namely as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The Istanbul Convention is complementary to CEDAW, and a lot of its language has been reflected in General Recommendation 35.

“Domestic violence” and “Violence against women” are terms with different scopes; however, until recently they were both used in soft laws documents predominantly to refer to domestic violence against women. After the adoption of the Istanbul Convention, which provided definitions of both terms, and later on CEDAW Committee’s General Recommendation No. 35 on gender-based violence against women, it would be important to use and distinguish one from the other

Language can be important. For example, debates on the meaning and scope of terms like domestic violence versus violence against women; femicide versus homicide; and gender versus sex have triggered many discussions at the national and international level. These terms have also been misused by pushback movements, allegedly to challenge the “terminology and concepts behind them” but substantively to challenge the concept of gender equality and empowerment of women.

The concept of gender itself has been challenged, misunderstood and misused to further undermine the struggle towards the elimination of discrimination against women and towards gender equality. A painful example of this is Turkey's withdrawal of the Istanbul Convention back in July. Political actors in Turkey had expressed concerns that the Istanbul Convention "threatened the family", in a misinterpretation of the term gender, used in the Convention.

Terminology should not be an obstacle to the incorporation and application of international women's human rights standards and harmonization of national laws with these international standards

The intersection between the COVID-19 pandemic, and its lockdown measures, and the pandemic of violence against women, has exposed pre-existing gaps and shortcomings in the prevention of violence against women as a human rights violation that had not been sufficiently addressed by many States even before the onset of the COVID-19 pandemic.

Measures to combat COVID-19 have mostly been gender-blind with many States failing to consider measures to combat gender-based violence against women as essential services and as basic human rights that should not be restricted. A combination of such factors has resulted in the fact that lockdown measures imposed to contain the COVID-19 pandemic increased the risk of gender-based violence against women, especially domestic violence.

However, the COVID-19 pandemic represents an opportunity to bring about meaningful and lasting change at the national, regional and international levels, as it has placed the issue of gender-based violence against women, and domestic violence against women, in particular, in the spotlight.

As my predecessor said in her report to the UN General Assembly in June 2020, that momentum must be directed towards bringing about comprehensive shifts in the legal, political, cultural and social drivers that enable gender-based violence against women, towards addressing structural inequalities and deficits that have consistently held women

back and towards reimagining and transforming societies. It must also be directed to keeping the pressure on States to uphold their human rights obligations to prevent and protect women from perpetrators of violence against them and to hold these perpetrators accountable. States should also be reminded that any measures they take to contain the pandemic have the unintended consequence of increasing violence against women and domestic violence at home.

I am sure that the distinguished participants and speakers in today's conference will join me in doing just that – keeping up the pressure – and sustaining that momentum for change.

Thank you.