

“Violence against women: an issue of human rights”

Women, Human Rights & Violence

The most pervasive form of human rights abuse is violence against women. This violence includes domestic violence, sexual abuse, rape, forced prostitution, female genital mutilation, and murder. It cuts across socioeconomic lines and is so deeply embedded in tradition.

Violence against women violates fundamental human rights and is an affront to women's inherent human dignity. Physical, psychological, and sexual violence against women and girls, public and private, plagues all societies and classes and poses tremendous obstacles to the achievement of equality, development and peace. Governments have the obligation not to engage in any form of violence against women and to prevent violence against women wherever it occurs.

Sexual violence is widespread and systemic worldwide.

Most women experience violence in their homes, and as many as 20% of women worldwide have been raped (most know their attacker). More than half of all sexual assaults target girls aged 15 years and younger, and armies continue to use rape as a weapon of war.

In recent years Scholars and advocates have criticized human rights law for its failure to accord protection to women facing gender-based violence. Although physical abuse of women is pervasive cutting across cultural class and economic lines, traditional concepts of human rights have developed within a public male dominated framework, which does not recognize the experiences of women as a “woman”.

Since the mid-1990s, when the international community began acknowledging violence against women as a global social problem, increasing international attention has been paid to the issue of violence against women. However, there is still no explicit international human rights treaty prohibition on violence against women and the issue remains poorly defined and understood under international human rights law.

The road from principles to practice: Today’s challenges for protecting women in respecting human rights.

The Universal Declaration of Human Rights, adopted in 1948 by the United Nations, provides the most fundamental international agreement for combating violence against women, as it declares the equal rights of women and men, including the right to personal security (Article 1).

In comparison to International humanitarian law, International Human rights law applies at all times, in peace and in war and it is concerned with the protection of the life, health and dignity of individuals.

The Universal Declaration of Human Rights (UDHR), defines universal principles and values. It has had a significant effect on the development of international human rights law, but it’s considered aspirational rather than

absolute, is open to interpretation, and doesn't create a legal obligation for states to uphold these principles.

Limited protection in scope

Violence against women is one of the most prevalent human rights abuses at the global level. However, no specific mention of this issue is made in any of the United Nations (UN) treaties.

A small and not sufficient number of human rights treaties protect women in specific situations, but even collectively, they're not comprehensive enough to cover all forms of violence against women and girls in all situations.

In addition, feminist strategies of inclusion have been proved to be necessary as well as symbolically powerful for women by supporting the existing human rights norms such as equality norms, the right to life, and the prohibition against torture.

As one attempt to response to this problem through the years, was the fact that more than 160 countries have ratified the UN's Convention on the Elimination of All Forms of Violence against Women, and also many countries have included provisions to protect women against violence in their constitutions and criminal codes. Although, only 44 countries worldwide specifically protect women against domestic violence and only 17 countries consider marital rape a crime (12 countries in Latin America excuse a rapist from prosecution if he marries his victim).

Nevertheless, only three regional treaties addressing violence against women have attempted to address what is lacking at the global level: 1. Belém do Pará Convention, 2. Africa's Maputo Protocol and 3. Europe's Istanbul Convention.

The US has worked to place women's rights on the human rights agenda by increasing monitoring of women's human rights abuses, supporting national efforts to revise legislation, supporting campaigns to help women reduce their dependency on men and understand their rights, and equating women's rights with human rights.

All these conclude to the fact that violence against women is the most pressing human rights violation due to the fact that it is not protected to a minimum standard internationally. As securing the protection and promotion of the human rights of women remains a challenge in the 21st century, there is an urgent need for the adoption of a global treaty on violence against women.

Because otherwise...,

“How do [we] 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; Every Woman Advisor)

The Women's Rights ARE Human Rights.