

REGIONAL CONSULTATION WITH THE UN SPECIAL RAPporteur ON VIOLENCE AGAINST WOMEN

Report of the Proceedings



Combating Violence against Women in Central Asia
Almaty, Kazakhstan

COMBATING VIOLENCE AGAINST WOMEN IN CENTRAL ASIA

**Regional Consultation with the UN
Special Rapporteur on Violence Against Women
Prof. Dr. Yakin Ertürk**

**Almaty, Kazakhstan
December 13 – 16, 2005**

REPORT OF THE PROCEEDINGS

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Preface

The UN Special Rapporteur on Violence Against Women, (SR-VAW), Professor Dr. Yakin Ertürk, and 23 participants of women's organizations from Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan took part in a Central Asian Regional Consultation organized by Equitas – International Centre for Human Rights Education from 13 to 16 December 2005 in Almaty, Kazakhstan.

This report presents summaries of the presentations given by Prof. Ertürk, Ms. Katrine Hellum-Oren from the OHCHR, regional experts, and participants, as well as of the discussions that transpired over the three days of the Consultation. We hope that this publication will be a useful resource for individuals and organizations working on the issue of violence against women in Central Asia that did not have the opportunity to participate in the Consultation, as well as for all others interested in the issue.

The situation of violence against women in Central Asia presented in this report is from the perspective of women from the region working at the grass-root level in their respective countries. The Consultation provided a forum for discussing their issues with the Special Rapporteur, learning about her mandate and opening channels of communication for continued exchanges and mutual support. The process employed during the Consultation enabled participants to critically reflect on burning issues, identify priorities, and mechanisms for addressing them. Hopefully, the process of reflection continues once they return home to their organizations. The Consultation Manual, produced in Russian and provided to all participants, will serve as a useful tool to conduct a similar reflection processes in their own training activities. A copy of the Consultation Manual, in both English and Russian, can be downloaded from the Equitas website at www.equitas.org.

The staff of Equitas, translators and editors who worked tirelessly on the production of this report deserve special mention. They are Silke Brabander, Katrine Hellum-Oren, Ria Holcak, Anna Kirey, Tatiana Markina, Vincenza Nazzari and Rob Shropshire.

Equitas would like to express its gratitude to the Human Security Program – Foreign Affairs Canada, for its financial support for the development and implementation of the Consultation, as well as the production of this report. Gratitude is also due to all other organizations that supported the event. The Consultation was made possible with the generous support of the following institutions:



About the Organizer:

Equitas- International Centre for Human Rights Education (Equitas) is a global leader in human rights education and capacity-building programs for civil society organizations and government officials.

In 1967, Equitas was established as the Canadian Human Rights Foundation - a non-profit, non-governmental organization - by a group of leading Canadian scholars, jurists and human rights advocates, with a mandate to advance democracy, human development, peace and social justice through educational programs. While the name of the organization was changed in November 2005, the mission and mandate remain the same. Equitas' programming approaches are characterized by building knowledge and understanding of human rights instruments and mechanisms, accompanied by an emphasis on changing attitudes and values. Its training activities are based on an initial assessment of the participants' needs that includes an affirmation of the knowledge they bring to the training. They involve the development of a shared contextual analysis and then adding of new information and exploration of new ways of thinking. They include elements of practical and critical planning for the implementation of what is learned, followed by evaluation of activities. Partnership is crucial to the success of all Equitas' activities. Partners include international, regional and national level non-governmental organizations (NGOs) and public officials in Africa, Asia, Central and Eastern Europe, and Central Asia, as well as the United Nations Office of the High Commissioner for Human Rights (UN-OHCHR), the Organization for Security and Cooperation in Europe (OSCE) and members of the international donor community. Equitas has developed expertise in the following areas:

- Training for NGO Trainers
- Human Rights Education in the School System
- The Protection and Promotion of Women's Human Rights
- Training in Human Rights Advocacy and Monitoring
- The Protection and Promotion of Children's Rights
- The Legal Protection of Women Migrant Workers
- The Protection of Minority Rights
- The Creation and Strengthening of Independent National Human Rights Institutions and
- The Promotion and Protection of Economic, Social and Cultural Rights

In 1999, Equitas began actively working with civil society, government institutions and international organizations to promote human rights education in the formal school system in Central Asia.

Equitas' current plans call for the expansion of its programming in Canada, the Middle East, Africa and the Americas.

Table of Contents

Introduction	7
Opening Address, Consultation Organizer.....	11
Welcome Address by OSCE Representative.	13
Welcome Address by UNIFEM Representative.	15
Welcome Address by the UN Special Rapporteur.	17
Part One.....	21
Current Situation of Violence against Women in Central Asia.....	21
Legislative Measures against Domestic Violence in Central Asia.	33
Presentation by the League of Feminists	37
Current Situation of Violence against Women in Central Asia.	41
Part Two	45
United Nations Human Rights System and the Mandate of the Special Rapporteur on Violence against Women	45
United Nations Human Rights System.....	45
The Mandate of the Special Rapporteur on Violence against Women,..... its Causes and Consequences	47
Part Three	55
Strategies for Change.....	55
Identifying Potential Areas of Action to Combat Violence..... against Women in Central Asia	56
Identifying Priorities.....	57
Closing Remarks.	59
Conclusions and Recommendations.....	63
Conclusions	63
Recommendations.....	64
Appendices	67
Appendix 1 - List of Participants in the Consultation on Combating Violence against Women in Central Asia	69
Appendix 2 - Consultation Schedule.....	73
Appendix 3 - Presentation by Katrine Hellum-Oren	75

INTRODUCTION

Project Background

In the last decades, the human rights of women have made significant gains worldwide, but they have not evolved uniformly in all parts of the world because of religious, political, social and economic differences. According to studies produced by UNIFEM, at least one out of three women in the Central Asian countries has been a victim of violence (domestic or other) and/or sexual abuse. The process of economic,

“At least one out of three women in the Central Asian countries has been a victim of violence and/or sexual abuse.”

social and political change in Central Asia during the last decade has contributed to an increase in incidents of violence against women (VAW). Religious radicalism, economic migration and trafficking in humans and drugs have all increased the insecurity of women. Traditional cultural practices also impact negatively on the realization of gender equality. Violence against women and girls, including rape, early and forced marriage, violence related to prostitution, trafficking and

other forms of sexual violence all increase their vulnerability to and the spread of HIV/AIDS. The incidence of domestic violence, particularly in rural areas, is alarming. The aim of human security is to assure the security of individuals in all respects. The lack of state measures to protect women from violence in their homes is a violation of their fundamental rights to security of the person and to freedom from torture and cruel and inhuman or degrading treatment as guaranteed in the international human rights law (i.e., in the Universal Declaration of Human Rights as guaranteed in the International Covenant on Civil and Political Rights).

Countries in the Central Asia region have ratified most of the major international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although governments have taken steps toward their implementation, they are still a long way from meeting all their obligations.

Central Asian civil society groups focusing on gender issues, including violence against women, have been active for a number of years. However, they have not integrated international human rights standards and mechanisms into their work as effectively as they could.

In the light of the seriousness of violence against women in the region, the UN Special Rapporteur on Violence against Women (SR-VAW), Prof. Dr. Yakin Ertürk, identified Central Asia as an important region for her work. She deemed it important to establish links with civil society actors – to inform them about her mandate and to open channels of communication to provide her with information about the situation of violence against women in Central Asia. This Consultation was designed with this in mind.

Equitas – International Centre for Human Rights Education (formerly the Canadian Human Rights Foundation) has been developing and delivering capacity building programs in Central Asia since 1999 and has established its credibility with civil society, government agencies and international organizations in the region. Equitas drew upon its existing networks in Central Asia to identify key actors combating violence against women for this Consultation.

Goal

The goal of this Consultation was to provide support for the struggle to end violence against women and to promote women’s human rights in Central Asia, particularly in conflict and post-conflict situations, through the mandate of the UN Special Rapporteur on Violence against Women.

Objectives

The Consultation objectives were:

- To **examine** the nature and causes of violence against women in Central Asia, as well as some of the available remedies to address them.
- To **strengthen** the capacity of targeted civil society organizations in Central Asia to use the mandate of the UN SR-VAW to combat violence against women.
- To **provide** a forum to share experiences and build collaboration between civil society organizations working on similar issues in Central Asia.
- To **develop** strategies to combat violence against women in Central Asia.

Participants

The Consultation brought together twenty-three (23) women, representatives of women’s non-governmental organizations (NGOs) working on the issue of violence against women in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, including one observer from Russia representing The Angel Coalition, a consortium of NGOs working in the area of sex trafficking.

<u>Number of Representative Participants from each Country</u>	
Kazakhstan	6
Kyrgyzstan	3
Tajikistan	8
Uzbekistan	5
Russia	1
TOTAL	23

The complete list of participants, resource people and facilitators can be found in Appendix 1.

*Regional Consultation with the UN Special Rapporteur on Violence against Women
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Methodology

The Consultation design was based on a participatory approach to learning. A basic assumption of this approach is that much of the content comes from the participants and that the Consultation serves as the framework for drawing out this content.

The design model used in this approach is the “learning spiral,” described as follows:

1. Participants’ start by sharing their experience (i.e., knowledge and skills in a particular area, in this case on the issue of violence against women in the context of the country where they work);
2. As a group they analyze these experiences in order to identify patterns and commonalities;
3. New information/knowledge is added and created through the analysis, as well as through the interventions of resource persons who have expertise in the relevant subject areas, through additional readings, etc;
4. Participants then have the opportunity to practice what they have learned; and
5. Strategies are developed for future action.

Evaluation is an essential part of each stage of the process.

Workshop Structure

The three-day Consultation consisted of plenary sessions (presentations by resource people and participants) and work in small groups where participants were grouped by country. A detailed Consultation Manual, developed by Equitas in English and translated into Russian for the Consultation, guided the process. Each participant and resource person received a copy of the Manual.



The process was facilitated by two experienced facilitators – one female from Kazakhstan and one male from Uzbekistan – both of whom are alumni from Equitas’ International Human Rights Training Program (IHRTTP) and have been involved in Equitas programs in the region.

The Consultation was structured in such a way as to draw out information from participants regarding the main issues currently pertaining to violence against women in each of the

participating countries, as well as participants' experiences in the struggle to end violence against women. In addition, the Consultation aimed to equip participants with new knowledge and skills to avail themselves of the mandate of the UN Special Rapporteur on Violence against Women and other UN mechanisms. To this end, participants examined the following:

- The current situation of violence against women in Central Asia and how it is being addressed
- The UN Human Rights System, with a focus on violence against women and on the mandate of the UN SR-VAW
- Strategies for change

OPENING

OPENING ADDRESS, CONSULTATION ORGANIZER

Rob Shropshire, Director of Programs at Equitas

Participants and distinguished guests: I would like to take this opportunity to welcome you all to this important Consultation.

In the 1970's while working in Northern Canada, I was out one evening with friends when a violent altercation erupted across the room. A man grabbed a woman by the hair and dragged her into the street, beating her along the way. Although a few people intervened in an effort to stop him, no one called the police. In those days, police officers rarely interceded in cases of domestic violence.

In the late 1980's, a man entered the University of Montreal's *École polytechnique* with a high-powered rifle and shot dead fourteen women engineering students. In his murderous fury he shouted that, by entering a traditionally male field, these "feminists" had ruined his life.

In the 1990's, genocide was carried out in Rwanda. While the killing raged, women were singled out for particular suffering being systematically raped in the thousands. Many subsequently died from their wounds, others bore children from the rapes, and many contracted HIV and went on to develop AIDS.

Last week in Jordan, I visited a building that housed the country's first ever shelter for women and children victims of domestic violence. For the residents' safety, the location of the shelter is a closely guarded secret. Not even the neighbours know it is there.

Violence against women is terrible, it is timeless, and it occurs in virtually all places. It is terrible, but there is hope - change can happen. Today, police in Canada know they have a responsibility to intervene in situations of domestic violence to protect the victims.

"Violence against women is terrible, it is timeless, and it occurs in virtually all places."

Every year vigils are held in cities across Canada on the anniversary of "the Montreal massacre" and advocacy has resulted in strengthened gun control laws. Rape has for the first time been recognized as a war crime and is an indictable offence at the International Criminal Tribunal for Rwanda. Jordanian women have mobilized and there is now official recognition that violence against women is a problem; the government is planning to open its own shelter.

We say our work at Equitas – International Centre for Human Rights Education is “educating for change” and we do this within a human rights framework. This is important because it recognizes the dignity of *all* people, that women’s rights are human rights, and that women should enjoy the same rights as all others. The human rights framework draws on internationally recognized standards and holds governments accountable for meeting those standards. It is also important because recognition of the universality of human rights, and of women’s rights, invites women to work together for change, advancing solidarity among women around the world. In this context, the position and mandate of the Special Rapporteur on Violence against Women were established within the United Nations’ human rights system to address violence against women around the world and we are very lucky to have Dr. Yakin Ertürk with us for this workshop as an opportunity to build bridges between her efforts and those of Central Asian civil society organizations on this issue.

Over the next three days there is a lot of work to do. Like all Equitas programs, this workshop is designed using participatory methodology. You thus will be working with one another to analyze the Central Asian women’s rights context and sharing your own strategies for advancing those rights while learning how to use the United Nations’ human rights system to promote and defend them. We are very glad to have such a strong group of participants present and we are very much looking forward to the results of your efforts over the coming days.

WELCOME ADDRESS BY OSCE REPRESENTATIVE

Ambassador Ivar Vikki, Head of the Organization for Security and Cooperation in Europe (OSCE) Centre in Almaty, Kazakhstan

Dear participants and guests. Thank you very much for inviting me to address this important gathering. It is my pleasure to welcome you, and I am also very happy the UN Special Rapporteur on Violence against Women is participating in the Consultation.

We, at the Organization for Security and Cooperation in Europe (OSCE), support this initiative because we believe that violence against women should not exist in any society and our common goal is to do all possible to eliminate this phenomenon. The respect of human rights, basic democratic freedoms and the rule of law are key elements of the OSCE's comprehensive approach to security. The Charter for European Security, passed at the OSCE Summit in Istanbul in 1999, states that women's full and equal exercise of their human rights has a significant meaning for strengthening peace, prosperity and democracy in the OSCE region. Ensuring gender equality is an essential part of OSCE policy, both within the member states and within the organization. OSCE welcomes the decision of the Kazakh government to focus on improving the situation of women which was reflected in the recently-adopted gender equality strategy for 2005-2015. This will, hopefully, help effectively address issues reflected in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which Kazakhstan signed in 1998, thereby assuming the duty to fulfill its legal obligations in this regard.

In 2002, the OSCE Human Dimension Implementation Meeting was devoted to the theme of preventing and combating violence against women. The recommendations developed during this meeting called on member states to pass internal laws to combat domestic violence and ensure the adequate legal protection of women from all forms of violence committed by government officials, as well as by private individuals. It has been proven that these issues are resolved more effectively when there is cooperation between government institutions and civil society. The government should, openly and thoroughly, fully expose acts of violence against women and adopt measures to punish those who commit these acts. The police should increase their gender awareness and be able to distinguish/identify acts of domestic violence, as well as receive complaints from victims. This would help eliminate this inhumane phenomenon from our lives. The OSCE Centre in Almaty conducted a project which was aimed at the police investigation of sex crimes. These types of projects can vitally contribute to combating violence against women. OSCE strongly supports this Consultation because violence against women represents a very serious issue for the region.

I wish you a fruitful session and success in your important work.

WELCOME ADDRESS BY UNIFEM REPRESENTATIVE

Sagina Isaeva, Main Technical Advisor, UNIFEM Regional Office for the Commonwealth of Independent States (CIS), Almaty, Kazakhstan

Dear ladies and gentlemen, dear colleagues. It is my pleasure to welcome you on behalf of the UNIFEM Commonwealth of Independent States' Regional Office and Ms. Damira Sartbaeva, Regional Program Director, who is unable to attend, to this opening of the Regional Consultation with the UN Special Rapporteur on Violence against Women.

The goal of the Consultation and issues that are on the agenda for discussion during the next three days are very important because the problem of violence against women is directly linked to problems such as the feminization of poverty. The process of recent economic, political and social changes has led to the increase in violence against women. Violence against women is a complex problem which is directly linked to women's poor economic conditions and lack of access to property ownership, particularly ownership of land and real estate, which make women more vulnerable to and less protected from violence. Female drug traffickers, shuttle traders and victims of sexual harassment in the workplace are said to be the main victims of poor economic conditions.

Country situations differ from one another and thus need special approaches, but the international rights protection mechanisms available for combating violence against women allow for elaboration of common strategies which, at the same time, allow for learning from country-specific experiences. In the framework of UNIFEM's regional strategy, there are three priority areas for 2004-2007. These include supporting women in decision-making roles, protecting women's economic rights, and promoting a violence-free society.

Within the framework of these goals, UNIFEM supports strengthening of political, legal and institutional mechanisms to ensure the full realization of women's rights in a context of globalization. It is important to mention that new approaches of donor organizations in support of civil society organizations in developing countries are being given priority. Why is this important? Because civil society organizations often find themselves to be the only ones struggling with the problem of violence against women. This can be done through States' social and economic strategies, using designated funds to implement priorities taking into consideration gender-related issues. Thus, States can address issues of gender equity and violence against women along with other socio-economic priorities. This presents a real opportunity to raise the issue of eliminating violence against women, which is often rooted in economic inequalities - a very important part of UNIFEM's work.

An increase in States' budgets directed at preventing violence against women, using funding in support of gender-inclusive or gender-specific programs, is being widely implemented in some Commonwealth of Independent States (CIS) countries and piloted

in Russia and Kyrgyzstan. Violence against women was included among the UN Millennium Development Goals as a result of the efforts of gender advocates. This brings the issue to a level where governments have international commitments to fulfill with regard to the elimination of violence against women. Currently, UNIFEM is working on violence against women in Kyrgyzstan, Tajikistan and Azerbaijan. In 2006-2007, we will continue working in all seven CIS countries where revisions in preparation for the second phase of national poverty alleviation strategies are underway. In our view, in strategic documents in which budgets are assigned, issues concerning violence against women should be given priority. In this regard, this Consultation is very timely and important. UNIFEM's experience in CIS countries indicates that a comprehensive approach to violence should be based on united efforts at all levels of society, while the multi-dimensional problem of violence against women requires innovative strategic approaches. This Consultation is an important opportunity to exchange experiences and identify ways of cooperating that will unite efforts in the struggle to eliminate violence against women.

I would like to wish you fruitful work in the course of the next three days, as well as success in your work in the promotion of women's rights in your countries.

WELCOME ADDRESS BY THE UN SPECIAL RAPPORTEUR

**Prof. Dr. Yakin Ertürk, UN Special Rapporteur
on Violence against Women**

It is a pleasure for me to be here as this is my first time in Central Asia. I would like to thank Equitas, in particular, as well as the other sponsors and organizers, for responding to my interest in such a systematic way and organizing this Regional Consultation.



Prof. Dr. Yakin Ertürk

I have been interested in Central Asia for several reasons, mainly related to my mandate. There has not been an official mission to any of the Central Asian countries by the Special Rapporteur on Violence against Women. Perhaps this consultation can lead to an official mission to one of the countries of the region before the end of my term.

There are challenges in Central Asia which are specific to the region, particularly within the context of its recent history. These have resulted in a process of transition and the formation of new administrative structures. It was a very contradictory process, and I think those who have been writing about it agree that the contradictions and negative outcomes of this process have been borne disproportionately by women. There is also evidence that violence against women has increased and diversified throughout this process.

Among the major areas that I have come to be concerned about from reading secondary sources of information is the prevalence of domestic violence and trafficking. The former is not new and has existed for a very long time in all parts of the world. However, issues related to trafficking have emerged as a more recent problem and seem to be a central issue that touches all the countries in the region. Of course, trafficking is not limited to this region; it is a global problem. I will not take the time to look at the specific problems right now. We will have time to discuss them during the course of the next three days.

I would like to stress, however, that I am mainly here to learn from you, to listen, to increase my knowledge of the situation in this region and share with you my views, knowledge and experience with respect to violence against women. With the help of meetings such as this one and potentially an official mission to Central Asia, I would like to see the problems of Central Asian women become more visible internationally because I believe that by making problems visible we have a better chance of having them addressed in a more systematic way. Today we live in a 'globalized' world, where local struggles may not succeed unless they are 'globalized', unless we network at

regional and international levels and work together. I know that some of you are part of the Asia Pacific Forum on Women, Law and Development (APWLD) network, which has been quite active in organizing regional consultations, and I have already attended two of them since I took on the mandate. However, even if you are participating in the general Asian meetings, it is important to focus specifically on Central Asia and to develop your own regional network and support each other in your work. This is precisely why I wanted to come to the Central Asia region, and hopefully this is just the beginning which will lead to establishing a long-term working relationship.

I also have a very personal interest and reason for wanting to come to Central Asia. As you know, historically my ancestors started from this part of the world and made their way westward till they reached Anatolia, which has been our home ever since. But we have been lonely there, cut off from all of you for many, many years. I think there is an opportunity now to build ties on a personal level and see how we can also establish solidarity at that level. From many aspects I, therefore, find this opportunity to be here a very exciting one, and I hope we can cultivate and reach common goals as a result.

Violence against women was not acknowledged as a human rights issue by the international community until the Human Rights Conference in Vienna in 1993. The Declaration on the Elimination of Violence against Women was adopted soon thereafter, and the mandate of the UN Special Rapporteur on Violence against Women was created in 1994. The Special Rapporteur reports to the Human Rights Commission on an annual basis. In 2006, the Human Rights Commission will be replaced by a Human Rights Council, but whether a commission or council, it offers a platform for political discussions. The problems endured by women are political, thus they merit political solutions. Although some governments have made progress in introducing legislative and institutional mechanisms to fight violence against women, it still occurs in all countries of the world.

“Fighting violence against women is a common agenda for all women, whether in developed or developing countries”.

Fighting violence against women is a common agenda for all women, whether in developed or developing countries. The fact that it took that long for such a universal, pervasive and historically-rooted problem to be recognized as such is incomprehensible. However, it is finally acknowledged and fully integrated into human rights instruments. Certain forms of violence against women, therefore, ceased being exclusively a matter of private concern, which is what had kept most women’s rights violations inadmissible under international and domestic law for so long. Women no longer have to accept violence as a fact of life.

Using existing legal terminology from human rights conventions to define women’s rights, the women’s movement successfully put violence against women on the human rights agenda. It is, indeed, important to continually revise existing human rights concepts in order to be more effective in addressing issues affecting women. After all, the goal is not only to establish laws which will respond to women’s rights violations, but to try to prevent them, as well. There is still much work to be done in order to reach that point. We must alter our way of life, our perspectives, our very mindset to do so.

The three major tasks of the Special Rapporteur on Violence against Women consist of:

- 1) Submitting annual thematic reports to the HR Commission;
- 2) Carrying out official missions to countries; and
- 3) Receiving individual complaints.

The purpose of thematic reports is to examine issues which could broaden our understanding of causes and consequences of violence against women, thus contributing to more effective implementation strategies. For example, my thematic report published in January 2005 focused on the intersections between violence against women and HIV/AIDS. It demonstrated that violence against women is not merely an isolated act, but it also intersects with other issues. My next report will deal with the concept of due diligence in relation to VAW which encompasses State obligation to prevent, protect, prosecute and provide compensation for victims of violence.

With respect to official missions, I have visited eight countries so far, including El Salvador, Guatemala, Palestine, Sudan (Darfur), Russia (including Chechnya), Iran, Mexico, and Afghanistan. In 2006 I will be going to Turkey, Sweden and the Netherlands. These countries represent very diverse regions, cultures, and belief systems – yet violence against women is a common issue to them all. It is, without a doubt, a universal problem that is manifested differently in different parts of the world.

The individual complaints mechanism is an important instrument to consider because unlike in the case of CEDAW's Optional Protocol, which applies only to those countries that have ratified it and requires that all domestic mechanisms be first exhausted, violations of human rights occurring in every member state of the UN can be considered under the special procedures mechanisms of the Human Rights Commission. There is no ratification requirement. Once a complaint has been made, it allows the relevant Special Rapporteur to initiate communications with the government in question and appeal to them for solutions. In other words, it is an influential and important mechanism for dealing with violence against women, which we will be discussing in more detail.

While regional consultations such as this one have become a rather semi-official part of my mandate, I find them to be a very useful, and I hope that we can make it a trend in the Central Asia region, something that can become institutionalized as a working method in combating violence against women. It is an entirely NGO initiative. It is your platform. I am looking forward to the discussions during the next three days. I am here to learn from you and to answer your questions. Let's make the best of this opportunity. Thank you.

PART ONE

CURRENT SITUATION OF VIOLENCE AGAINST WOMEN IN CENTRAL ASIA

The Consultation began with an overview of the current situation with respect to violence against women in Central Asia. Participants were divided into four groups by country of origin. Each group was asked to identify five main issues of violence against women in their country, as well victims and perpetrators for each issue.

Each group prepared a summary of its discussion on flipcharts and presented it to the other groups and resource people in plenary.

KAZAKHSTAN

KAZAKHSTAN - summary of issues		
<u>Issue</u>	<u>Victim</u>	<u>Perpetrator</u>
1. Domestic violence (physical, psychological)	Women, children, the elderly, (disabled women)	Partners, relatives, guardians
2. Street violence	All people, but mostly women, children and the elderly, disabled	Usually they are men, youth with problems (delinquents), and sometimes women
3. Trafficking (sexual exploitation) Bride abduction, Slavery	Women and children	Employers, family members, acquaintances
4. Practice of polygamy (as a form of violence against women)	Society in general	Men, some women
5. Sexual solicitation, Sexual exploitation through use of one's position in the organization	Women, young women, children; sometimes men	Employers, teachers/professors

The following comments were made by participants regarding the different issues:

- 1) **Domestic Violence:** Participants stated that perpetrators of domestic violence in Kazakhstan are often young, educated men with high incomes, who use physical violence and psychological intimidation, the latter being more widespread. Interestingly, even fiancés are not exempt. In Kazakhstan, men generally have more economic resources than women who find themselves in a disadvantaged position in terms of level of income and access to social protection.
- 2) **Street Violence:** The crime situation in Kazakhstan is alarming. Among the victims are women, children, the elderly, disabled people, and men. With regard to perpetrators, participants expressed concern about youth whose legal knowledge, behaviour, and sense of ethics are problematic. The roots of this type of violence are of a social nature, as Kazakhstan has a high level of poverty, especially in rural areas. This, in turn, leads to internal migration that often results in criminal activities. Many crimes are related to drug abuse as well.
- 3) **Trafficking:** As Kazakhstan is a transit country, people from other countries who engage in unlawful activities end up in prisons here. Therefore, there are women in Kazakh prisons who are citizens of other countries, particularly Kyrgyz and Uzbeks. These women are often detained for trafficking and selling drugs. This problem is a result of poverty and the number of women in this group is growing. The women often appeal to NGOs to help them contact their embassies, as they want to be returned to their home countries. These problems are in the process of being addressed through appropriate legislation.
 - a) **Bride abduction:** Bride abduction is a crime and labelling it as a “tradition” and a “custom” only masks the problem. Through this practice, a woman is subjected to violence, and then is forced to stay in that violent situation because of pressure from her relatives, as well as from society in general, which do not permit her to leave her abductor and return to her prior life. This is a crime that should be punished severely and should not be encouraged. However, it is becoming increasingly widespread.
- 4) **Polygamy:** Polygamy is a serious problem in Kazakhstan and legal prosecution for this practice should remain in force, otherwise the practice will become very popular among men. There have been cases of men (e.g., lawyers, students, and colleagues) who would like to have several wives and as a result have been very hostile toward opponents of polygamy. It is important to challenge men who practice polygamy, to try to help them understand its impact on women. Kazakhstan does not permit registration of a second marriage, but there is no legal punishment for polygamy in the criminal code.
- 5) **Sexual Exploitation:** Not only are migrants from other CA countries subjected to labour and sexual exploitation in Kazakhstan, but Kazakh citizens, mostly from rural areas, are as well. Just as there is no legal recourse for polygamy in the criminal code, nor is there punishment for prostitution in the administrative code. The group

pointed out that many participants from other countries would likely not be allowed to bring Kazakh newspapers into their own countries, as they are full of classified advertisements for commercial sex workers. These “jobs” are presented as a very desirable way to earn money with many perks.

- a) NGOs have made enormous efforts to raise awareness among law enforcement bodies. Nonetheless, there have been instances where police forced prostitutes to provide them with sexual services for free. Victims are primarily women, although men are now also actively working in the sex industry.
- b) Finally, sexual harassment and solicitation in the workplace occur due to inadequate protection under existing labour laws. Many of the relevant international standards are not reflected in Kazakh labour laws. Employers have a wide range of rights which puts women employees in a vulnerable position. They often become victims of sexual harassment and extortion in order to keep their jobs. According to a social research study conducted in Kazakhstan, it is the most frequent type of rights violation committed by employers, acquaintances and even family members.

Actors and Actions Facilitating Redress

Government and state bodies in Kazakhstan are improving at the level of legislation addressing violence against women. Law enforcement bodies are also beginning to show willingness to address this issue. They have created a separate department to work with NGOs and international organizations, and their work is very professional. International organizations also monitor the situation, influence local legislators and encourage preparation of alternative reports to international bodies monitoring the issue. The fact that human rights conventions have been ratified and States have to report their actions is very positive. NGOs play a vital role in initiating social change and reforms. In terms of mass media, there are some that are professional in their selection of information, particularly when accessing it through NGOs.

Actors and Actions Limiting Redress

Abuse of power by Kazakh law enforcement bodies and courts, however, is still prevalent. Law enforcement bodies and judges draw out legal processes because they would prefer not to deal with these types of cases. Some mass media contribute to the problem by presenting inappropriate or biased information. This involves things like racy newspaper and magazine advertisements, as well as highly provocative late night electronic advertisements. Moreover perpetrators can buy themselves good press and be suddenly portrayed as “heroes”. Finally, employers’ improper application of labour laws and unchallenged acceptance of patriarchy and stereotypes, by both women and men, are limiting factors in dealing with the issue.

KYRGYZSTAN

KYRGYZSTAN – summary of issues		
<u>Issue</u>	<u>Victim</u>	<u>Perpetrator</u>
1. Domestic violence	Women, girls, children, mostly in rural areas	Husbands, relatives
2. Trafficking and violence against labor migrants	Mainly women, children, teenagers	Acquaintances, companies (firms), state bodies, corrupt and badly organized workplaces
3. Bride abduction and forced marriage	Young women and young men	Men, mothers-in-law and other relatives, community members, law enforcement bodies
4. Sexual extortion/solicitation at the workplace	Female subordinates	Employers, managers
5. Forced prostitution	Young women, children, teenagers	Pimps, acquaintances, law enforcement bodies

- 1) **Domestic violence:** Domestic violence is a problem in Kyrgyzstan as well, especially in remote, rural areas.
- 2) **Trafficking:** Victims of trafficking are mainly women, children, and teenagers. Perpetrators are acquaintances, companies (firms), and State bodies which are often corrupt and poorly managed.
- 3) **Forced marriage:** Both young women and men can become victims of forced marriage -- their relatives come to an agreement and force them to marry. Perpetrators are men, mothers-in-law and other relatives, community members, and law enforcement bodies, who often conceal instances of forced marriage.
- 4) **Sexual extortion/solicitation:** Victims of sexual extortion are women who are in subordinate positions in their places of work. Perpetrators are employers, supervisors, and managers.
- 5) **Forced prostitution:** Victims of forced prostitution are young women, children, and teenagers. Perpetrators are pimps, acquaintances, and law enforcement bodies.

Actors and Actions Facilitating Redress

The President of the Kyrgyz Republic recently introduced the position of “Representative of the President in the Parliament” It is a new mechanism that is promising and NGOs are promoting it. The existing National Council on Gender Equality and law enforcement bodies should be incorporated into this institutional mechanism.

Kyrgyzstan was the first republic in the region to adopt a law on the social and legal protection of victims of violence. Law enforcement bodies are being trained and informed about this new law and its implication.

The Office of Ombudsman is among the actors positively influencing the issue of violence against women in Kyrgyzstan, although some argue that this is not always the case.

Services for women (e.g., crisis centres for victims of violence) and women’s NGOs are also very important actors. NGOs help the government implement national policy by monitoring and using international instruments for the protection of women’s rights. Various community institutes such as public trade union centres, courts of elders, and women’s councils, are being actively developed.

Actors and Actions Limiting Redress

Currently there is not one woman in the Kyrgyz Parliament. Religious leaders have a direct influence on discriminatory traditions and customs. In addition, the Institute of Women’s Rights Protection is not working effectively. Lacking or inadequate gender education results in a failure to curb the insensitivity of State bodies to gender issues. A patriarchal philosophy ingrained in society also supports discriminatory traditions and customs. And finally, the mass media often promote violence, or discriminatory traditions and customs.

UZBEKISTAN

UZBEKISTAN – summary of issues		
<u>Issue</u>	<u>Victim</u>	<u>Perpetrator</u>
1. Domestic violence	Wives, children, daughters-in-law, sisters-in-law, the elderly	Husbands, mothers-in-law, sisters-in-law, parents
2. Violence against women migrant workers	Women, children, teenagers, predominantly from rural areas	Law enforcement bodies, high-level managers (directors)
3. Sexual violence: sexual solicitation, rape, bride abduction	Women, young women / students, women employees, subordinates, wives, daughters, sisters	High-level managers/directors, men
4. Trafficking	Women of different ages, unemployed women, children,	Directors of enterprises, etc. (business owners)
5. Latent form of polygamy	Wives and children	Men

- 1) **Domestic Violence:** The presentation focused on the situation of violence in the family inflicted by mothers-in-law on their daughters-in-law, which is a very common and serious problem in Uzbekistan. It occurs because Uzbek men are very dependent on and loyal to their mothers – they listen to their mothers more than their wives. Perpetrators are husbands, parents and mothers-in-law. In rare cases, daughters-in-law also become perpetrators of violence, only trying to defend their rights when the situation becomes unbearable.
- 2) **Labour Migration and Trafficking:** As a result of high unemployment and lack of work opportunities, many Uzbek women go to other countries in search of work. They typically go to Russia, Kazakhstan, and the Arab Emirates, and once there they become victims of different forms of violence because their rights are not protected in those countries. They have nobody to appeal to for help. Victims of this type of violence are women, children, and teenagers, who are mostly from rural areas. There are rumours that certain institutions in Russia mistreat Uzbek migrants, which includes taking away their passports, monitoring their income, and deporting them back to Uzbekistan. Women are tricked into going to, or are solicited to go to another country by the promise of lucrative employment. In some cases, women know they are being misled, but they go anyway because they need to find work.

Perpetrators can include women. There is a network of women who find girls, threaten them, 'prepare' them and send them off.

- 3) **Sexual Violence:** Harassment in the workplace is a serious problem in Uzbekistan. The country has a high level of unemployment and employers use this to their advantage. Very often, if a woman wants to be employed, she will have to have a particular type of relationship with her boss. Supervisors in Uzbekistan are mostly men.

The tradition of bride abduction is still practiced in some regions of the country. In some cases, when a girl is raped by her abductor, she is told that she has to marry the man, as she is now "tainted" and will not be able to marry another. Victims of sexual violence are women of different ages, students, female employees and subordinates, wives, daughters, and sisters. Another related problem is that marital rape is not recognized in Uzbekistan – in law a husband cannot rape his wife. He can do anything to his wife and it will not be called a crime.

- 4) **Polygamy:** Polygamy is first and foremost a problem for first wives. The second and third wives are more aware of their circumstances and do not become victims of violence as often. Children become victims of polygamy, as well.

Actors and Actions Facilitating Redress

The State plays an important role in addressing problems of violence against women in Uzbekistan. Some changes related to the issue have been introduced. The National Centre on Human Rights, the Ombudsman Office, and NGOs have all made great contributions to this vital work. Women's NGOs constantly strive to sensitize the public and mass media about issues of violence against women. One Uzbek NGO organized a campaign called "16 Days without Violence". During the campaign, several articles were published in local newspapers and a television program was produced. However, this was a rare occurrence and more similar initiatives are needed.

Actors and Actions Limiting Redress

Regional and local authorities and law enforcement bodies, *mahallya* (a community self governing organ), religious leaders, as well as mass media that do not provide accurate information, are all actors limiting redress.

In Uzbekistan, problems of violence against women are not properly reflected in legislation. For example, Uzbekistan does not have a law on domestic violence even though NGOs have lobbied for it for four years. In addition, there is a lack of mechanisms to reinforce and closely monitor implementation of those occasional good laws that exist. The actions of courts, the Prosecutor's Office, and the Ministry of Internal Affairs (MIA) are not adequate in addressing problems of violence against women or in enforcing existing laws. There is also a lack of information on cases involving violence against women and of precedent-setting solutions. Perpetrators are rarely punished

under national legislation. For instance, when a woman commits suicide as a result of being subjected to violence, punishment to the person who harmed her (whether her husband or her mother-in-law) is minimal. The court's decision is made on the basis that if the perpetrator is incarcerated, there will be nobody to support the family. The mass media have the power to shape public attitudes; however, the radio and television industries, among others, prefer not to deal with these topics. Cases are not openly and widely reported in the mass media, thus they are hidden from public view and escape scrutiny. The public mentality, rooted in the patriarchal system, is also a limiting factor. In Uzbekistan, personal problems are not to be discussed outside the home. People are expected to keep silent, to protect their family's honour, and not to involve the local community. Women, therefore, carry all their problems on their own shoulders, as they cannot discuss them with others.

TAJIKISTAN

TAJIKISTAN – summary of issues		
<u>Issue</u>	<u>Victim</u>	<u>Perpetrator</u>
1. Domestic violence	Wives, daughters-in-law, daughters, children	Husbands, mothers-in-law, sisters-in-law, brothers, fathers
2. Early marriage, polygamy	Girls (14 years and older), unregistered marriages (<i>nikoh</i>)	Parents, the State, religious leaders
3. Sexual violence and rape	Girls, boys, women at their work place and at home, women prisoners	Employers (supervisors and colleagues), family members, prison administration, militia
4. Economic violence/ insecurity and violation of basic rights (education, reproductive rights, high unemployment)	Wives, second wives, single mothers, wives of migrants, women entrepreneurs/traders and girls who do not attend school	Husbands, State bodies, parents, local administration
5. Forced prostitution, trafficking, migration	Children, child-orphans, homeless people, the unemployed, poor people, labor migrants	Parents, pimps, State agencies (passport and customs offices), border forces, militia, illicit structures (mafia)

- 1) **Domestic violence:** Acts of domestic violence affect wives, daughters-in-law, daughters, children, and elderly people of both sexes. However, there is unquestionably a gender dimension to domestic violence. The problem of violence inflicted by mothers-in-law on their daughters-in-law should also be stressed, as it is very prevalent in the region.
- 2) **Early marriage/polygamy:** In Tajikistan, the minimum legal age for marrying is 17, but in practice even girls 16 and younger get married. Early marriage first and foremost affects girls, but it also affects young men who are sometimes forced to marry in order to avoid military service. Men in Tajikistan are expected to be busy and have children to be able to avoid army duty.
 - a) Unregistered marriages are another serious and very prevalent problem in Tajikistan. Because of the high rate of polygamy and early marriages, which are officially illegal, many marriages are not registered. Perpetrators are mainly parents who do not believe girls need an education and see no other alternative for their daughters than to marry them off in order to secure their future. The State is also a perpetrator, as it does not ensure the implementation of existing laws. Even though there are many laws regulating marriage issues in Tajikistan, in practice they are not enforced and girls are not protected by them. Religious leaders are also implicated in this problem. According to the law, a marriage should first be officially registered, and only then can a *nikoh* (a religious marriage for which no official registration is provided) be performed. In practice, however, this procedure is never followed.
- 3) **Sexual violence and rape:** Victims of sexual violence and rape are employed women in their place of work. They are subjected to specific work conditions to which they must agree in order to be hired. Sexual violence and rape also occur within the family. There have been some barbaric cases of fathers raping their daughters. Rape also takes place in prisons – women are often victims of sexual violence there. Perpetrators are employers, family members, prison administrators, and law enforcement bodies in general. Participants argued that a woman would likely come across violence anywhere she would normally go to seek protection of her rights.
- 4) **Economic violence and violation of the right to education:** All the above-mentioned problems are related to economic problems such as unemployment and poverty. Moreover, when a wife has university education but her husband is guided by traditional values, he does not allow her to work. In polygamous marriages, second and third wives are expected to serve the husband. Single mothers also face very serious problems in Tajikistan. In most cases, single mothers are wives of migrant workers who have left the country in search of work and never returned home. Women-entrepreneurs, traders, customs and border guards, police officers, and tax administration officials – all are involved in types of economic violence.
 - a) Another aspect of economic violence has to do with lack of education. Many girls in Tajikistan do not attend school. As a consequence, uneducated girls have no

skills, no profession, and get trapped in a vicious cycle of economic problems. The perpetrators in this category are the State and private institutions, but are mostly parents and husbands who violate the rights of these women to obtain education and to work.

- 5) **Forced prostitution, trafficking, migration:** Victims of forced prostitution and trafficking are children, orphans, homeless people, and unemployed and poor people, as well as labour migrants. This problem no longer involves just one country. For example, only girls of a certain age are allowed to leave Tajikistan to travel directly to the Arab Emirates, but they are sent there through neighbouring countries such as Kyrgyzstan and Kazakhstan. Migration is very a very complex and difficult issue. Tajik migrants are in many other countries as well, not only in the Arab Emirates. In terms of perpetrators, this group listed the mafia, but also noted that women face violence in the very places where they expect to get protection.

Actors and Actions Facilitating Redress

All the major international conventions have been ratified by Tajikistan and, although with some delay, Tajikistan has met with its treaty obligations to present HR reports (except on migrant workers) to UN treaty bodies. A CEDAW shadow report is being prepared by a group of NGOs and is to be submitted in September 2006. There are two excellent programs at the national level to address discrimination: a State program on equal rights for men and women which will run until 2010 and a law on equality of men and women.

Since 2003, Tajik women's NGOs have been actively involved in lobbying efforts for the implementation of international conventions and adoption of a law on domestic violence, two important ongoing actions in Tajikistan. There are NGOs in Tajikistan that are informing the public about this law. Efforts of NGOs are supported and encouraged by international organizations. Thanks to them, Tajik NGOs have begun to examine issues carefully and initiate cooperation with State bodies.

One last action in Tajikistan has to do with strengthening self-esteem and self-confidence. It is necessary to start with individuals, to empower them and help them increase their own self-esteem. As soon as people realize their own value, they can change their situation. This, however, is a long-term process.

Actors and Actions Limiting Redress

Unfortunately, the issue of violence against women is not considered a serious problem in Tajik society, as may be true in other countries as well. As a result, the issue has not been taken seriously and not enough attention has been given it by the parliament or the government, which have not shown sufficient interest or commitment to adopt the draft law on domestic violence.

Law enforcement bodies have no comprehensive or clear statistics on cases of violence against women, including on domestic violence. The Ministry of the Interior maintains

statistics on registered cases of violence against women, but it does not provide reliable information on victims. Programs that are currently in place are not regulated and there is a lack of control mechanisms governing their implementation. There is a lack of preventive measures as well. There is no special department within law enforcement to work with victims of violence and there is no plan to establish one. Inadequate legislation is thus one of the limiting factors in solving this problem.

The Tajik Government has recently established an inter-ministerial Coordination Council on the prevention of domestic violence. Its first meeting will be held in June 2006. On the agenda is the agreement and adoption of terms of reference, the distribution of responsibilities, the adoption of a work plan, as well as the establishing of a working group which will further develop the draft law on domestic violence. The preparation of the law on domestic violence was initiated and facilitated by a group of local NGOs.

The mass media also contribute to the problem of domestic violence by promoting and/or reinforcing stereotypes in their publications and programs. Religious leaders are limiting actors as they support *nikoh* and refuse to recognize divorces. Finally, society itself can be considered a limiting actor. People do not realize the gravity of the problem of violence against women and are not prepared to address it. The many stereotypes, the lack of gender education, and the traditional mentality of people in general all limit action to bring about positive change.

LEGISLATIVE MEASURES AGAINST DOMESTIC VIOLENCE IN CENTRAL ASIA

Dr. Bermet Tugelbaeva, Director of NGO “Diamond”

The most widespread forms of violence against women in Central Asia are family or domestic violence, sexual harassment, trafficking of women with the intent of sexual exploitation, bride kidnapping and polygamy. The legislative measures against domestic violence in almost all Central Asian countries cover crimes against individuals, including violence committed within the family ranging from beating to killing (deliberate homicide included). Cultural practices of bride kidnapping and polygamy, which take place in almost every country in this region, could be classified as



Dr. Bermet Tugelbaeva

cultural expressions of family violence. In this regard, it is important to note that the criminal codes vary slightly among Central Asian countries. Kazakhstan, for example, does not have a law on polygamy. There is no law on forced or underage marriages either, although these are common. Yet both bride kidnapping and forced marriage (arranged by the parents) both entail forcing a woman to marry and thus should incur criminal responsibility. Kyrgyzstan, Tajikistan and Uzbekistan do have criminal provisions against forcing a person under 16 to marry. There are different sentences ranging from fines to five-years imprisonment, depending on the country. The legal age for marriage in Kyrgyzstan is 18, but in practice 16 is

also allowed if there is a dispensation from local government bodies. Although sentences for such crimes are serious, legal provisions are rarely enforced.

Although in Kyrgyzstan reported cases of bride kidnappings (abduction with the intent to marry the victim) do not exceed 20 per year, the actual number is suspected to be much higher. For example, between 40 to 50 young women, victims of bride kidnapping, turn to crisis shelters called “*Shans*” each year. In addition, surveys reveal that this custom is increasingly more widespread throughout Central Asia, especially among (historically) nomadic peoples such as the Kyrgyz, the Kazakhs and the Karakalpaks. Statistics also indicate that the frequency of bride kidnapping has been increasing since the 1990s. In one survey, conducted in Kyrgyzstan in a small village in the urbanized Chui Valley, out of 800 women surveyed, 350 said they had been kidnapped and forced to marry. As some women do not report or discuss their cases, it is very likely that the actual number is higher. Based on the preceding facts, it can be concluded that up to a third of all ethnic Kyrgyz women get married as a result of bride kidnapping.

Legal provisions for prosecuting sexual assault can usually be found in laws on sex crimes. Such crimes are typically referred to as “violent acts of a sexual nature.” Most often, the perpetrators are brought to trial if the victim’s health or interests have been

seriously harmed. As it is difficult to label certain behaviours (such as “undressing” a woman with your eyes) as seriously harmful, most sexual harassment cases do not fall under this category of crimes. Making provisions more precise and classifying sexual harassment and/or assault into different degrees of severity is thus currently being raised. For example, when one girl’s teeth were broken and her hair was ripped out as a result of a sexual assault, she ended up in a psychiatric hospital with serious mental problems. The legal provision in question could be applied in that case and the perpetrator would be tried. However, acts of a vulgar nature that are not easily identifiable as assault - such as verbal assault and the display of pornography where physical harm is involved - are difficult to prevent. The differences in levels of sexual assault and harassment need to be stipulated in legislation to be able to properly identify as acts (crimes) of a sexual nature, which would then allow for the determination of appropriate sentencing. Acts like libel and insults might be included under provisions as well, but methods for investigating crimes of this nature must be established. Unfortunately, all Central Asian countries are in a similar position with regard to this matter.

With regard to the trafficking of women with the intent of sexual exploitation, every country’s legislation includes provisions addressing the matter but, depending on the country, these do not necessarily include protection of the victim. Most often the victim is recruited and taken abroad with fake identification, meaning she crosses the border illegally. By becoming a prostitute, she then violates the law of the host country and, if she returns to her home country, she can also be subject to criminal charges there.

Kyrgyzstan was the first country in Central Asia to introduce a law on the prevention of human trafficking. The law was passed in June 2005. Some additions to the legislation have been made, making human trafficking and organized illegal migration illegal acts under the criminal and administrative codes. The law on prevention, which is a preventive law in the fight against trafficking in human beings, includes a provision which states that victims of trafficking are not legally responsible under either the criminal or administrative code. Any illegal actions on the part of the victim are defined as being committed as a result of being trafficked. Thus, trafficked women can now turn to the police without having to fear criminal or administrative sanctions.

If we consider the international legal system as a basis for various national laws, then we can note that the four Central Asian states represented in this Consultation have ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). This has allowed us to begin the process of implementing CEDAW into national legislation. However, the process is very slow and many problems remain unresolved. Seminars, such as this one, with the participation of international experts, open for us new opportunities to further integrate CEDAW into our national laws.

I will not touch on the labour or family codes, as they are very similar in all four countries. However, I do want to point out that all Central Asian labour codes lack provisions on the responsibility of employers to ensure safe working conditions for their employees. If this provision existed, employed women who are sexually harassed would be able to sue their employers in a civil procedure. I think it is important, and it should be next on our agenda, to lobby for amendments in the labour codes.

An amendment of the labour code was one of the first pieces of legislation passed after the independence of Kyrgyzstan and it has been amended twice since then. Gender-specific amendments were not added until 2004 and further changes are necessary. The matter of labour codes is an important issue in this region since recently established private entrepreneurs do not guarantee protection of their employees' rights in terms of conditions of hiring and firing, among others.

All Central Asian family codes address divorce issues, alimony payments, and so on, but there is a conflict: "gender-neutral" norms based on the equal rights of spouses do not allow the husband or the wife to fully exercise their rights. For example, when one spouse wants to file for divorce and the other does not agree, they must remain together for a period of three months. Yet, during these three months, life goes on and anything can happen. If they are divorcing because of domestic violence, the violence will continue during that time, meaning that the wife will continue to suffer. The husband may also sell their common property and he may manipulate the children in various ways. Thus, despite their "equal" position, the woman is subject to more suffering than the man during that time. Therefore, a speedy divorce would be more equitable, particularly in cases where there is a threat to life or to the physical safety of the family members. Such mechanisms need to be included in the family and civil codes. Gender expertise helps us recognize the issues and we must focus on them, as the present situation is unacceptable.

I would like to add to the discussion on the issue of the revival of discriminatory customs. In fact, the roots of these practices never completely disappeared during Soviet times. While the Soviet system of gender modernization was based on the relationship between women and the State, other patriarchal power relations remained intact. When the Soviet Union collapsed and our countries became independent, we experienced new freedom and that is why these relations resurfaced so quickly. The government was dominated by men, thus the dominant male role was easy to revive in the absence of public social control. There is currently a regressive trend in the Central Asian lifestyle – we have regressed in some respects to an archaic way of life.

To conclude my presentation, I want to stress that we all represent civil society. Our victories depend on the positions we take on issues and how we reflect them in the conduct of our lives, how we help each other. We have the power and the responsibility to take appropriate action, which will allow us to see the fruits of our labour. For example, currently in Kyrgyzstan there is a discussion whether to allow crisis centres to file complaints and start criminal proceedings on behalf of victims of violence, rather than having the victims do it themselves. The female victim is not usually in any condition to take on such a task, as she is either suffering from post-traumatic shock, depression, or physical injuries; therefore, the crisis centre could file a complaint on her behalf. We believe that the prosecution of private cases and the reconciliation process of parties are usually not monitored. Furthermore, the reconciliation process sometimes takes place under psychological pressure. We would like the crisis centres, which work

with both the victims and perpetrators on a regular basis, to take on the functions of monitoring and reconciliation.

Finally, to conclude, I want to stress that we have a critical role to play in addressing violence against women. Moreover, we need to support each other's efforts because the success of one of our organization's initiatives is a victory for all of us. Thank you.

PRESENTATION BY THE LEAGUE OF FEMINISTS

**Eugenia Kozyreva,
Chairperson of the League of Feminists, Almaty**

My colleague Bermet Tugelbaeva told us about how our respective laws are similar or different, and how we could possibly change them. I will be talking about the role of civil society in relation to violence against women in response to what I have heard from you.

I would like to begin by talking about the role and responsibilities with respect to domestic violence. The impact of domestic violence is not limited to families. After all, every family has neighbours, whether on the other side of the wall or on the other side of the fence, who can hear or see what happens in one's home. In addition, *Mahalla* committees (traditional, neighbourhood committees) are aware of everything that goes on in their communities. Yet there is a common tendency among people of all five Central Asian countries not to get involved in the violence they witness. This stems from laws under the former Soviet system, whereby only the victim of violence her/himself could file charges against the perpetrator. Witnesses could contribute to the investigation, but the victim had to file a complaint first. This has influenced people's perspectives on the nature of domestic violence and it explains why the community does not want to get involved in it in any way. Generally people believe that the husband and wife are in it together and that they will work it out on their own. Members of civil society, therefore, do not want and are not accustomed to getting involved in their neighbours' lives.



Ms. Eugenia Kozyreva

The question of whether this legislation should be brought in line with the European and US models has been raised. Under their laws, any person who witnesses or becomes aware of illegal actions can report them to the authorities. This would be very helpful to victims of domestic violence.

It is a well-known fact that the female victim of violence behaves very differently during questioning or cross-examination if the perpetrator is present. In some cases, she will even withdraw the complaint. The police in Central Asia therefore view domestic violence cases to be dead-end cases since they are often not pursued all the way or resolved because the female victim withdraws the complaint for financial or moral reasons. Thus, if there were a procedure whereby the victim would not have to report the abuse to the police herself, she would be less likely to be interrogated and blamed, less likely to have to face her perpetrator and, above all, the violence would cease because the perpetrator would, hopefully, be prosecuted.

Bride kidnapping is a very interesting issue which has been openly discussed for two years now, thanks to the initiative of Kyrgyz human rights activists. One women's NGO in Kyrgyzstan conducted a research study on the different forms of bride kidnapping and society's response to it. The research showed that, in most cases, bride kidnapping is considered to be a tradition. It was also perceived to be a tradition in Kazakhstan, until elders informed the public that, in fact, bride kidnapping was considered a crime and was severely punished in ancient Kazakh tradition. Punishment was either death or a very large fine such as 40 sheep or 20 horses. Yet today Kazakh people believe and accept bride kidnapping to be an Eastern tradition. Any tradition could be started this way, whether it historically existed or not. If a practice, such as bride kidnapping, is convenient for someone, a crime could be permitted to occur many times over and eventually people would start to call it a tradition and society would accept it as such. For this reason, it is very important to study traditional practices and expose how they came about. Indeed, many practices that resulted in violence against women were traditionally punished. With such knowledge, societies could choose to maintain positive traditions which do not lead to violence against women. The tradition of bride kidnapping was apparently adopted from the Turks. When the Uigurs, Kazakhs and other Eastern ethnic groups, who were Muslim, began living together, bride kidnapping started to be perceived as a Muslim tradition. Good traditions, however, can easily be identified with the help of historians and they will eventually become recognized as such.

In each Central Asian country there are issues that are very difficult to resolve. In 2003, there was a great deal of discussion about sexual harassment. It was even discussed in the mass media. Usually, women do not file complaints with the police because there are no laws against sexual harassment and they are unwilling to make their cases public. There was a case at one of the universities, where an older professor demanded sexual favours in return for giving a student a good grade. The young woman was assertive and a good student; she did not need to perform sexual favours to do well in school. Obviously, she was very upset and angry at his proposition. The professor dragged her into a closet and assaulted her, but did not rape her, which meant there was no criminal act committed under the current law. In other words, she did not have any proof to take to the police and they could not take any action.

The young woman thus turned for help to the mass media. As a result, there were discussions in the media for about six months about the role of girls in cases of sexual harassment, including issues such as how malicious girls are, how they dress, how they "give off signs" that even respectable professors cannot resist. This was the message given by the media. Of course, freedom of the press exists in Kazakhstan, but sometimes this freedom works against the legitimate interest of an entire sex or ethnic or religious group. When it works selectively like this, it is no longer freedom of the press – it is called national politics. It is very difficult to work with the mass media in Central Asian countries because most of the journalists are very conservative, do not have a strong background in journalism and are not adequately trained in human rights and usually only follow their employers' directions. Therefore, the way media outlets present information determines how the issues are perceived and addressed by the society at large. State newspapers, for example, avoid controversial or burning issues. Tabloids

usually publish opinions about women's unfavourable lifestyles and reinforce stereotypes. It is very difficult to struggle against this entire group that manipulates or invents information for ordinary people to absorb. There are hundreds of international organizations, women's NGOs and other organizations, which carry out training activities for mass media and organize special competitions, but this matter will not be solved as long as people must abide by the politics of media owners. A gender-sensitive medium should be established to compete with these local media.

Civil society needs education programs on gender issues. There were plans to develop courses on gender in each country – in particular in the universities, as has been done in some countries that try to include some elements of gender education into the secondary or informal education systems. A strategy to develop gender sensitivity from early childhood should include gender-neutral textbooks and special courses for high schools and universities.

Civil society also plays an important role with regard to trafficking. The very people who make up civil society underestimate the danger and the importance of addressing the issue of trafficking. Civil society is not a group of designated people – it is made up of ordinary citizens. It is important for trafficking to be perceived correctly within society and, therefore, there needs to be sufficient information available on the matter. States have an important role to play in this matter as well. They should take it upon themselves to make people aware of trafficking because, unlike international organizations, NGOs and legislators, the government can take serious action on an everyday basis. Kazakhstan needs special laws such as those in Kyrgyzstan which deal with family violence and gender equality. Currently, some actions are being taken and laws are being passed to limit the legislation. Depending on how grave the law is, civil society should take on a more active role in the enforcement of the law and monitor the implementation of State's international and domestic commitments. This is the main role of civil society: your role, our role, our neighbours' role and our organizations' role. Thank you.

CURRENT SITUATION OF VIOLENCE AGAINST WOMEN IN CENTRAL ASIA

Comments by Prof. Yakin Ertürk,
UN Special Rapporteur on Violence against Women

Thank you very much for the interesting presentations. There seem to be common patterns that could be grouped into three categories.

The first category, domestic violence, is common to all four countries. The second is violence related to practices such as forced marriages, early marriages, bride kidnapping, polygamy, and several others that came up in the various presentations, which I feel we might categorize as “traditional practices”? Please note that I say “traditional practices” with a question mark because I do not like the term, as it is never clear to me what is traditional and what is non-traditional. However, such a concept exists in the international gender agenda, but we should use it cautiously because calling something “traditional” can give it more legitimacy than it deserves. For the sake of our discussion here, I will use it in quotation marks to represent the second category. Finally, the third category is what I believe to include types of violence that have become more acute with the process of transition in each country, as women have entered the labour market and protective mechanisms have disappeared. While the transnational aspects of both labour migration and trafficking are very similar in many parts of the world, it seems to be somewhat particular to this region.

One issue that has not at all been touched upon yet, which I think we need to recognize in analyzing and understanding these trends, is to what extent there has been an increase, decrease, or change in the nature of each of these three categories, as a result of the changes this region has experienced. After all, you have undergone a very significant change in regime, a very significant transition from a centrally controlled economy to a free market economy. I am sure there are some issues in the second category in particular (I was careful in using the term “traditional”) that have increased with the change to a market economy. Did they exist before? Has there been an increase or no? I think these issues need to be analyzed to understand the dynamics that are operating at the centre of these problems. These are some of the questions that need to be addressed and answered.

Another common trend that surfaced in the discussions is, as many of you talked about, woman’s role as perpetrator. I think this is very important in terms of understanding gender roles. What does this mean? Yes, women employ violence against other women and against youth. What does that mean with regards to violence against women? Does it mean that anybody can use violence and therefore we should not really be talking about the gendered aspect of violence against women? That we should also be talking about violence against men? I think we would be making a serious mistake if we were to confuse these issues. Yes, women commit acts of violence against other women and against children, but what we really need to understand is the context in which the

violence takes place. Again, the mother-in-law example is a clear illustration of hierarchy, of power relations. I would, therefore, argue that when we look at different perpetrators, we should not fall into the trap of saying, "anybody, man or woman, can be violent." While this is true, we need to put it into context: women are not necessarily more peaceful by nature and, in fact, when put in a position in which they have access to masculine or patriarchal power, they can be as brutal as men, as in the example of the mother-in-law. Female leadership has been represented by the image of an iron lady. In my country, there was a very feminine, very attractive, young Prime Minister, but she was very militaristic and very patriarchal in her politics. Therefore, being a woman does not guarantee that we women are peaceful or less violent. As we became conscious of the construction of our own femininity, of what it is to be a woman, as women we try to deviate from that patriarchal construct, whether as a mother-in-law, a mother, or in other roles. I would argue that violence against women, or violence in general, is a tool of patriarchy. However, women who are close to centres of power within a patriarchy can use that power just as skilfully as men. This is an area in which the women's movement has to do more work. Rather than seeing these women as special or rare cases, we must recognize these positions as potentially risky, in that they use the very power that disempowers us as women.

I think this is an important area. I would like to draw out a question from all of this. Most of what has been said here describes what is going on in society. All of these types of violence, to a lesser or greater degree, can be observed in various sectors of society. The critical question is, to what extent are the laws and practices of the country implicated in empowering or disempowering patriarchal relationships? In this regard, legalizing polygamy may appear as though it is protecting women – but in reality it is only protecting a woman in her subordinate position and is therefore empowering patriarchy. In the same way, laws that allow for the marriage of a woman to her rapist and for the rapist to go unpunished also empower patriarchy. We may argue in legal debates that, in our society, a woman's status may be even more jeopardized when she is raped because she becomes "stained"; therefore, the only way to "save" her is to marry her to her rapist. This is the greatest act of violence that can be committed: imagine marrying your rapist, spending every day of the rest of your life with your rapist!

The stance that we need to adopt here is not to accept a woman's subordinate position as a starting point – because if we accept that, then every solution involves protecting women. Rather, I think that we need to question to what extent the law allows a woman to free herself from that subordinate position, to what extent the law allows for a more equal relationship. When we look at it this way, most legal practices or legislation, unfortunately, are still strongly patriarchal. I don't know what the Civil Codes in your countries say about the relationship between a husband and wife. Is the man defined as the head of the household? Is the domicile chosen according to the husband? These may seem to be very innocent issues, but in fact they shape and sustain patriarchy. And this is where we need to direct our advocacy and activism toward one goal: changing people's attitudes, including women's. As I said, being a woman does not guarantee anything -- in certain positions, we can be very patriarchal too. We must challenge these

dominant ideologies and, at the same time, always keep in mind and review legal and institutional implications with the question, “do they empower or disempower patriarchy”?

PART TWO

UNITED NATIONS HUMAN RIGHTS SYSTEM AND THE MANDATE OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES

UNITED NATIONS HUMAN RIGHTS SYSTEM ADDRESSING VIOLENCE AGAINST WOMEN

Ms. Katrine Hellum-Oren,
Human Rights Officer & Gender Focal Point,
Office of the High Commissioner for Human Rights

Ms. Katrine Hellum-Oren presented information about the UN human rights system, its conventions and their respective monitoring bodies, and illustrated how they can be used to address cases of violence against women.

Ms. Hellum-Oren pointed out the inter-relatedness of these conventions, how they can be used, and the legal obligation of the States that ratified them to fulfill the conventions' provisions through legal and policy measures.



Among the non-conventional instruments, she mentioned the mandates of Special Rapporteurs, Security Council Resolution 1325, the 1503 procedure and various declarations and world conferences on women's rights. She pointed out the advantages and possibilities of using these instruments and illustrated her points with cases of violence against women identified by participants during their presentations.

In the last part of her presentation, Ms. Hellum-Oren spoke about entry points available for NGOs when working with the treaty bodies. She encouraged participants to use all available tools in their work on cases of violence against women, awareness raising, advocacy, and lobbying their governments on gender sensitive legislation, programs and policies.

Ms. Hellum-Oren's PowerPoint presentation can be found in **Appendix 3**.

THE MANDATE OF THE SPECIAL RAPPOREUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES

Prof. Dr. Yakin Ertürk
UN Special Rapporteur on Violence against Women,
its Causes and Consequences

Yesterday I spoke briefly about the three main tasks of my mandate and today I will further elaborate on the following frequently asked questions: “What is the Violence against Women (VAW) mandate and its working method? What are the current challenges confronting the mandate and how can we respond to these challenges?”

Before getting into the substantive discussion, I will briefly explain how I choose the target countries for my fact finding missions. There are member States of the UN that have a standing invitation for all mandates of the special mechanisms, i.e., all Special Rapporteurs (SR) are welcome by these States. When the SR is interested in carrying out a mission in a particular country – whether with or without a standing invitation – he or she sends a request to this effect to the particular government through its mission in Geneva. Formalities are then exchanged over time.

When I became assigned to this post, my first task was to follow up on those country visits that were attempted by my predecessor but could not be realized. Russia is one such example. My predecessor’s visit was cancelled twice by the Russian authorities, so Russia was obviously a priority on my agenda, as the international community – civil society and States alike – was interested in the visit to Russia. There is a common expectation and interest in missions to countries where serious and persistent human rights violations are reported.



From left: T. Markina, B. Tugelbaeva, G. Tlenchieva, Y. Ertürk, D. Kabulova, M. Yakubova

Aside from this, I consider geographic location when determining which countries to visit. I want to see how the universal phenomenon of violence against women is manifested in different parts of the world, and how governments and NGOs respond to

it. This will enable us to respond to the dialectical nature of VAW, i.e., its universal as well as particularistic dimensions.

In addition, I take into consideration extreme situations requiring immediate attention, for example Iraq and Afghanistan among others. The conditions in Iraq had not been conducive to conduct a mission there so far, but I was able to do a mission in Afghanistan in July 2005. I also visited the occupied Palestinian territories in the summer of 2004¹, immediately after operation in Rafah as extreme human rights violations were being reported there. Similarly, I also went to Darfur.

On the other hand, the transition of the centrally planned economies to a market economy is another important issue which needs to be monitored with respect to its implications for violence against women. It is, therefore, important to learn more about the specifics of the transition process experienced by the countries in Central Asia and understand how some of the more progressive policies towards women during the Soviet period gave way to conservative policies and understandings. In this sense my Russia mission was very relevant. I encourage you to read my report on Russia when it comes out next month² and give me your feedback on it. I am interested in both giving more visibility to the struggles of women in the countries of the former Soviet Union and also learn from their experience.

My next mission is to Sweden, a country I expect to learn a great deal from. According to a recent Amnesty International report, domestic violence is still prevalent there, even though the State has taken significant preventative measures, and women have achieved equality in many sectors. I will also visit the Netherlands, another country where legal and institutional measures have advanced considerably with respect to the status of women and their protection from violence. The Swedish and Dutch cases can deepen our understanding of how violence against women becomes reproduced even under such favourable conditions.

Despite the fact that violence against women is so pervasive and historically-rooted, it remained invisible for so long. When CEDAW (the Bill of Rights for women) was being negotiated in the 1970s, within the context of the Commission on the Status of Women, member states were, at that time, not ready to acknowledge it as a human rights violation and a public policy issue. It was, therefore, not addressed in that Convention. The Nairobi Conference had touched upon certain types of violence prior to that, but once again, there was no systematic acknowledgement of it. It was not until the 1990s that the international community recognized it as a policy issue. The CEDAW committee

¹ Report of the UN Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk, "Mission to Occupied Palestinian Territory", E/CN.4/2005/72/Add.4. Available online: <http://www.ohchr.org/english/issues/women/rapporteur/annual.htm>

² Report of the UN Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk, "Mission to the Russian Federation", UN Doc. E/CN.4/2006/61/Add.2, 26 January 2006. Available online: <http://www.ohchr.org/english/issues/women/rapporteur/annual.htm>
*Appendices - Regional Consultation with the UN Special Rapporteur on Violence against Women
Report of the Proceedings*

adopted General Recommendation 19 in 1992, acknowledging violence against women as a form of discrimination. The 1993 Human Rights conference in Vienna declared violence against women a human rights violation and in 1993 the General assembly adopted the Declaration on the Elimination of Violence against Women.

The women's movement worked diligently throughout the 1980s to break the silence around VAW. In so doing, they skilfully used the language of international human rights law to demonstrate how violations of women's rights were, in fact, human rights violations. For example, the term 'slavery', which acknowledges, by its very definition, that it is a human rights violation, was used by the women's movement to demonstrate how forced prostitution was a form of slavery. They also took the concept of torture, for which there were strong mechanisms in place to eradicate it, and they demonstrated that beating a woman was a form of torture, committed not at the hands of the State, but also at the hands of the patriarch – the one in power at home. They did the same with the word 'terrorism', characterizing rape as a form of terrorism – after all, the risk of rape alone makes women take certain precautions, and yet terrorism is something we all fight



against. Finally, the women's movement has exposed common societal practices towards women for what they really are – violations of the human rights of women. Whether it is feeding girl children less than boys or the alarming tendency to destroy female embryos, a practice akin to genocide, made possible thanks to modern technology. If left unchecked, they will lead to the annihilation of an entire sex.

In this sense, the initiative and struggles of the women's movement generated two outcomes. First, international human rights laws changed to expand their understanding of what constitutes a violation of human rights. This meant going beyond focusing on the public sphere, as in when the State inflicts harm on its citizens, and looking at the private sphere to see how non-State actors also violate the rights of human beings, primarily women. Secondly, State responsibility with regard to human rights also changed drastically: to include violations even when perpetuated by non-state actors. We need to change our perspective on the relationship between the State and human rights: while we usually talk about their "horizontal and vertical relationship", as was suggested yesterday, we could now view it as a "diagonal" exchange in that the State now monitors the behaviour of non-State actors toward women. This is a major transformation in the way human rights work is done.

We should never separate out violence against women as something that takes place as an isolated incident. It is part of gender inequality and it is used as a tool of patriarchy both in public and private spheres and during times of peace, and in war. Violence against women works on multiple levels as women stand at the crossroads of different systems of oppression, hierarchy and subjugation, where multiple forms of discrimination and violence are encountered. At the very basic level, women's

experiences are common because all women are shaped by a patriarchal society, thus their feminine essence is shaped by patriarchy. However, depending on the ways in which the different hierarchical systems intersect, women may face more or fewer violations and, in some cases, women may even partake in patriarchal power themselves, as in the case of the mother-in-law as mentioned earlier.

This is the backdrop against which the mandate on violence against women (VAW) was created in 1994. I am the second to be serving as Special Rapporteur on VAW. My predecessor defined the first ten years of the mandate from (1994-2003) as a period of standard-setting. She took on the mandate on the basis of the 1993 Declaration on the Elimination of Violence against Women and developed the mandate's standards accordingly. Her thematic and country reports primarily examined specific types of violence. She produced reports on domestic violence, women in conflict, and trafficked women, among others. They are all available on the OHCHR website. While the first ten years of the mandate focused on setting standards, now it is necessary to focus on enhancing their implementation. Therefore, the task during my tenure is to develop better strategies for action.

In the area of implementation, it is important to address the persistent and current challenges confronting VAW. In each country or regional setting, there are specific issues that need to be considered. Globally speaking, however, I have raised three main

“People still often view many things as private matters even though they are now recognized as human rights violations.”

challenges. The first, which was raised by many of you, is the public-private distinction, which always demarcated the sphere of law from private life. People still tend to view domestic violence as a private matter, even though it is now recognized as a human rights violation. For example, in Sudan I met a very passionate human rights advocate who had spent most of his life in and out of prison, fighting for human rights. Yet, when asked what he thought about women's rights, he responded immediately that it had nothing to do with

human rights and that what happens between husband and wife is private. Many women are reluctant to talk publicly about what goes on in the home. Not only do they consider some forms of domestic violence to be private, but some see it as natural or normal.

The application of a public-private distinction on matters related to VAW is a major constraint to the implementation of human rights law. People see violations of women's rights in the private sphere as a normal component of a man's obligation to control and “protect” woman's honour. If we intervene when a man brutally beats his wife on the street, are we interfering with his cultural, patriarchal right to discipline his wife, or are we protecting the woman's human rights? Can such action be accepted as normal and private matter? Minimal State intervention in our private lives is no doubt important. However, “non-intervention” in private life should not mean the tolerance of violation of rights in the name of privacy. The State has the obligation to intervene not in our lifestyle, but when rights are being violated, whether it is the rights of the child, the woman, or anyone else. The State is obliged to protect people, whether at home or

elsewhere. Clarity must be maintained with respect to intervention to protect versus intervention to control. This is extremely important.

The second challenge with regards to implementation of women's rights involves another difficult area: identity politics based on culture, tradition and religion. This issue has been raised already, with respect to religious fundamentalist threats on Central Asian States often based on claims for "cultural authenticity" and return to tradition. As women often bear the symbols of culture, they become the site where identity politics gets defined. In this context, VAW serves as a tool to assert patriarchal control. Multiple centers of power represented by *mahalliyas* and *jamaats* (local or community councils), assert alternative normative systems which undermine universal rights and the rule of law. In countries where local councils have the power to make decisions in resolving conflicts, it may very well be that two disputing families are advised to exchange women in order to settle the dispute, or a woman seen to have transgressed the norms can be severely punished without any regard for reputable evidence. Customary law, more often than not, operates at the expense of women.

The rule of law, even if not perfect, is a woman's best friend. Laws can be changed and improved. It is the "rule of power" which is more difficult to deal with. One of the major problems women have faced is that the rule of power has, at different levels, always been accepted as a way of shaping private life and disciplining women and the youth. Today, the politicization of religion is used in the Central Asian region to restrict women's rights. While such trends are often associated with Islam, recent transgressions on women's reproductive rights in the Christian world are illustrative of the universality of the emerging political conservatism.

The third challenge is associated with the emergence of new actors in the context of globalization who play an important role in shaping macro-economic policies. These actors are: multinational corporations and international financial institutions. Governments no longer sit at the negotiating table with trade unions to determine wage levels. Instead, financial institutions such as IMF impose what the minimum wage should be. Today, transnational organizations hold an incredible amount of authority which goes above and beyond the State. Under globalization, women are increasingly taking part in the labour market. In particular, they are responding to the need of globalized markets for low wages and temporary employment. This can sometimes entail migration and, as many of you have mentioned, women are often discriminated against in such conditions. Export-processing zones operate with little or no regulation. In these zones, women forced to take pregnancy tests, which is illegal. If they are found to be pregnant, they will not be hired or they may lose their job if they get pregnant during the duration of their employment. Globalization has brought about many new actors and many new situations which allow for gaps in the way laws are applied. How do we protect the rights of women who are now crossing national borders, whether as labour migrants or because they are trafficked? Interestingly, not enough countries have yet ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Capital is unconditionally protected - people can send their money anywhere in the world, and there are copious rules and regulations in place to

protect it. Yet human beings passing from one border to another have very little protection. States are defined to be responsible before international law, obligations of non-State actors in this regard has not been under sufficient scrutiny. While States should take the necessary measures to ensure that non-State actors do not violate rights, there needs to be mechanisms of accountability in place, particularly for transnational actors, such as multinational corporations and international financial organizations, to ensure that they do not further debilitate the people in their programs. Two months ago I visited the World Bank and we discussed how the World Bank can enhance its observance of women's human rights and avoid having violence against women occur as a result of their programmes. Some international organizations, including the World Bank, are adopting codes of conduct in accordance with international standards, but this needs to be done more systematically.

In addition to these challenges, the issues of counter-terrorism and security have become a priority concern since 9/11. The challenge now is to uphold human rights while maintaining security. The world is complex – it is not static but dialectic. As we solve one problem area, new contradictions emerge. Thus, when developing strategies to address violence against women, we should not assume problems will be resolved overnight. Rather, we have to have a dynamic strategy that is able to capture the new emerging problems.

I would like to take this opportunity to inform you of my first report to the Human Rights Commission, in which I suggested a strategy aimed at each of the following four levels: the individual, the community, the State and the transnational arena. I also emphasized the importance of supplementing human rights discourse with other approaches such as the empowerment of women, and at the community level the need for states to engage in “cultural negotiation” to challenge discriminatory cultural or religious interpretations. I will also continue to advance these issues in my next report on the “due diligence” standard³.

While it is easy to see that globalization has many negative aspects, such as those discussed here, it must also be recognized that globalization represents a convergence of States around human rights values. Each Member State is party to at least one, if not more, human rights instrument. Everyone here is engaged with the concept of human rights. You all work to protect your own rights, as well as those of others. This is an incredible step forward, because once human rights are seen as having no boundaries, it demystifies certain stereotypes, questions hierarchy and empowers people to oppose, rather than resign themselves to rights violations.

During a consultation in Guatemala I met an indigenous woman who had no education and no knowledge of Geneva or of the Universal Declaration of Human Rights. She proudly announced to me that until recently, she did not realize she had rights. She had learned that she had them at a seminar, similar to this one, which had opened her mind

³ Report of the UN Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, “The Due Diligence Standard as a Tool for the Elimination of Violence against Women”, UN Doc. E/CN.4/2006/61/, 20 January 2006. Available online:

<http://www.ohchr.org/english/issues/women/rapporteur/annual.htm>

*Appendices - Regional Consultation with the UN Special Rapporteur on Violence against Women
Report of the Proceedings*

to things she had never questioned before. Now, she believed she would never have to be beaten, abused or mistreated again. The point of this story is to illustrate that your initiatives and the work you do at the local level are invaluable. However, it is still not sufficient, as educating people about their rights must be met with institutional and legal measures in order to be effective. Awareness-raising may not be effective in solving problems if the State is unresponsive. Nonetheless, it is still essential that thoughts of individuals are challenged and that alternatives are presented. Once aware of their options, people are able to respond. It is not an easy process. Now that we have international instruments, how do we ensure that States comply with their human rights obligations and that they respond effectively to protect women from violence, in light of all the challenges elaborated above?

I have encountered expressions of discontent from participants at consultations that had conveyed a feeling that nothing had actually changed despite all the international instruments and discussions that had taken place. I often respond with questions: What interest do States have in engaging in human rights activities? Why should they protect human rights and take that extra step to protect women? Without a strong demand from women themselves States are unlikely to prioritize women's rights. Therefore, actual progress will depend on women's activism and the internal dynamics of each society. It should be remembered that the international system is still based on the notion of the sovereign State. Therefore, neither the CEDAW Committee nor the Special Rapporteur can force a State to comply with their recommendations. Compliance with international standards is largely up to the will of the State. However, State accountability can be increased if national civil society actors use international instruments more effectively. Internal dynamics are, therefore, very important: they cannot be bypassed. The only alternative to this is the recent interventions in Iraq and Afghanistan, a model which should not be encouraged. Defending human rights by using measures which counter or violate human rights is not an option.

It is also interesting to note that international relations are never shaped by a countries' treatment of women. Sanctions may apply when a country violates minority rights, but never when it violates women's rights. The world is still at this remiss stage with regards to women's rights. On the other hand, it must be recognized that States are increasingly sensitive about their human rights image. Therefore, exposing violations or naming and shaming may prompt compliance to some extent. However, there are governments – totalitarian or failed states – that are shameless. With them the chances are grim. In such countries, international support for local women's initiatives is all the more important.

Last but not least, there is an urgent need to develop indicators and effective measurement techniques with respect to violence against women. The problem can only gain visibility if it is recorded and measured properly. Furthermore, without reliable data it is not possible to monitor the prevalence of violence itself and the effectiveness of measures taken to combat it.

PART THREE

STRATEGIES FOR CHANGE

In order to develop strategies for change, participants first identified the following as the main characteristics of a society free of violence against women:

In the Political Sphere

- All the necessary international documents in this area have been ratified
- The State follows all the international standards on human rights
- State officials are gender sensitive
- Women and men are equally represented in authorities
- Public access to information
- Sensitivity to differences
- Obligatory gender education

In the Legal Sphere

- Gender sensitive legislation
- Rule of Law
- Adequate legal education
- Ensured access to the court system and services
- Public access to information
- Sensitivity to differences

In the Economic Sphere

- Economic equality between men and women
- Public access to information
- Sensitivity to differences
- Obligatory gender education

In the Social/Cultural Sphere

- There are no discriminatory stereotypes
- Obligatory gender education
- Sensitivity to differences
- Access to information
- Tolerance
- Attitude towards violence has changed
- Civil society is developed

In the Individual/personal Sphere

- Philosophy of self-protection developed
- Changed behaviour

Participants then worked issue by issue to identify priorities and strategies for change.

IDENTIFYING POTENTIAL AREAS OF ACTION TO COMBAT VIOLENCE AGAINST WOMEN IN CENTRAL ASIA

Participants discussed priorities and strategies for change and identified areas of possible collaboration for the UN SR-VAW, Consultation participants, Equitas and the Office of the High Commissioner for Human Rights (OHCHR). The results of these discussions are summarized in the following table:

Suggestions for cooperation	Partners in cooperation
1. To use international mechanisms	<ul style="list-style-type: none"> • SR VAW (and other SRs) • Consultation participants • Equitas • OHCHR
2. To support the Government: - in changing the laws and politics - in implementation of laws	<ul style="list-style-type: none"> • SR • Consultation participants • OHCHR
3. To provide Micro-credit. To widen access to resources and economic opportunities	<ul style="list-style-type: none"> • Consultation participants
4. To engage in regional cooperation	<ul style="list-style-type: none"> • Consultation participants • Equitas • OHCHR
5. To provide training programs (gender education programs) for: - women - NGOs - State officials - law enforcement bodies - religious leaders - youth	<ul style="list-style-type: none"> • Equitas • OHCHR
6. To develop data bases (on information and resources)	<ul style="list-style-type: none"> • Consultation participants
7. To support crisis centres and other service points (institutional /financial support)	<ul style="list-style-type: none"> • Consultation participants • SR
8. To work with mass media and create our own mass media	<ul style="list-style-type: none"> • SR • Consultation participants • Equitas • OHCHR
9. To develop research, publications, and conferences (at the regional and international levels)	<ul style="list-style-type: none"> • SR • Consultation participants • Equitas • OHCHR

IDENTIFYING PRIORITIES

Based on the above-listed areas of cooperation, participants identified the following as priorities:

1. Training programs
2. Micro-credit
3. Support to the Government: in changing the laws, in implementation of laws
4. Cooperation among the Central Asian organizations
5. Using the international mechanisms

CLOSING REMARKS

Prof. Yakin Ertürk,
UN Special Rapporteur on Violence against Women, its Causes and Consequences

You have done a great job in mapping out the most important areas for your work in combating violence against women and have identified priorities in developing cooperation among yourselves, the Office of the High Commissioner on Human Rights (OHCHR), Equitas and the Special Rapporteur on Violence against Women. They can be grouped in the following categories:

1. **Addressing Violence against Women at the level of the individual-** meaning at the level of the individual woman. There are two intervention mechanisms at this level. The first consists of NGOs working towards women's empowerment through training, micro-credit, or skills-building workshops. The second concerns the protection of women's rights.

We can empower individual women by giving them knowledge and strength to resist violence – we want them to be literate, educated and economically independent. We need to concentrate our attention on women's projects in order to improve their skills and empower them.

However, we first and foremost need to *protect* women. Those NGOs that serve as crisis centres should provide protection programs. Other measures need to be taken as well, such as granting legal protection orders. If a woman lives in a violent home, for example, the perpetrator should be removed from the home. NGOs cannot do this on their own; they need assistance from the State.

2. **Addressing Violence against Women at the level of the community:** In some cases, intervention is necessary at the community level. The need for change in behaviour and attitudes, which has been raised several times, involves more than just working with individual women. It entails a transformation of social values, a change in society's view of women and of patriarchal norms. These are very serious tasks which cannot be undertaken individually. This is where NGOs play a crucial role: cooperation with other organizations, with influential human rights organizations and networks, can be developed both nationally and internationally using international instruments in all initiatives.

At the community level, we must appeal to the media to be gender sensitive, we must appeal to education programs to stop being gender insensitive and to eliminate prejudice, and we must continue to work with community and religious leaders, as some of you have already been doing. Furthermore, academics and national leaders must continue to provide information, and this is

the most difficult field of work. It is easy for us to define project areas and to work in these areas, but transformation and awareness-raising are crucial. We thus need to promote programs aimed at transforming society's perspective on women.

3. **Addressing Violence against Women at the level of the State:** Many participants spoke about the need to amend legislation. Governments have international commitments to pass laws and adopt institutional norms to address violence against women – after all, it is the government's responsibility to make laws which treat men and women equally. CEDAW also encourages governments to take steps toward changing the inequality that is so deeply rooted in the fabric of society.

One important issue to consider is pregnancy. Until recently, women in many parts of the world have been deprived of jobs due to pregnancy or they have had to work under difficult conditions despite having recently given birth. They were thus treated unequally due to their biological traits. We need to take a different approach to addressing this issue in order to ensure equity.

Usually, equality means equal treatment; but in some cases, additional measures must be taken to correct inequalities of a deeper nature. For example, many countries have adopted quotas to encourage or motivate women to enter fields in which they did not traditionally participate or in which they were not allowed to participate. Without quotas, it would be almost impossible for women to break through these fundamental barriers. States have an obligation to treat men and women equally and to implement measures which ensure equality.

The State must also cooperate with social movements via NGOs working to transform societal norms. After all, the message that comes from the leader is important – whether s/he contributes to the existing patriarchal structure makes a big difference. Through the behaviour of leaders and their messages, the State either supports gender-based discrimination or helps to change the patriarchal system

The State has an obligation as well to create a safe atmosphere in which establishments for women, such as shelters, can be run and sustained. NGOs that run shelters should be protected by the government because they sometimes become targets of violence by various conservative forces, thus becoming victims themselves.

Each NGO can identify its own field of activity. They can play different roles depending on their area of focus. In addition to serving as implementing agencies, NGOs can serve to raise awareness and can appeal to governments, acting as pressure groups. Maintaining cooperation between States and NGOs is crucial. However, NGOs should not become a tool of the State. After all, civil society approaches issues from a different perspective. I would, therefore, like to see changes at the national level, just as there were changes in the international

women's movement once international laws included the protection of women's rights.

Violence against women is a consequence of the overall inequality in society and poverty and corruption are an integral part of society. We have to work at different levels and do so simultaneously. It is important to prioritize thematic areas within the field of violence-against-women activism. There is no time to waste. We must act promptly in order to save lives. To do this effectively, we have to identify strategic goals, set our priorities and decide to which areas we will devote our energies first. This is important - not having a clear strategic goal can be detrimental.

In conclusion, let me say it was a great pleasure for me to spend these three days with you. Thank you for sharing with me your problems, successes and challenges. I have learned a lot from you and I hope that this Consultation is just a beginning for our cooperation and that there will be other opportunities for us to meet and support each other in our common goal. I wish you much success in your difficult and invaluable work.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The Consultation between the UN Special Rapporteur on Violence against Women and civil society representatives from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan was an important and timely forum in support of their respective work in combating gender-based violence in Central Asia. It was a valuable opportunity for the Special Rapporteur, Prof. Yakin Ertürk, to visit the region and hear about issues of violence against women currently experienced there. The links that she established with women's organizations during the Consultation will facilitate future communication between her and civil society actors who will be providing her with information on violence against women in Central Asia. The Special Rapporteur expressed her interest in returning to the region during her mandate and potentially conducting a country visit to one of the Central Asian countries.

The participants benefited from the Consultation on several levels. They learned about the mandate of the UN Special Rapporteur on Violence against Women, how they can submit information on individual cases, and how other UN mechanisms can be helpful in their work. They praised the opportunity to exchange information, share experiences and establish or strengthen linkages with their colleagues from across the region. There were many voices among the participants that called for establishing a Central Asian network on violence against women. The participants appreciated the visit of the SR and other resource people and their interest in the region and their work.

The presentations and discussions during the Consultation enhanced participants' knowledge on the subject of violence against women and on the international human rights protection mechanisms that are available to them. The event renewed their energy and commitment to combating violence against women and stimulated their creativity in identifying new, more effective approaches. The following comments provided by participants in their evaluation questionnaires attest to this:

"Thank you for the timely organization of this workshop. It is very important for Kazakhstan to use all the mechanisms for reducing the level of VAW. We hope to get support in solving this problem."
..... Participant from Kazakhstan

"I am happy I had a chance to attend this Consultation as I realized that the role of a woman is very important around the world, and that the international community pays special attention to women of Central Asia. It is very important for me because I myself was a victim of domestic violence till recently. I have a right to full and happy life."
..... Participant from Uzbekistan

"It is important to have a follow up of this meeting on a national level. It would be a pity to lose the sparkle that we have now. Let's develop further strategic goals!"

.....Participant

"Consultations with the Special Rapporteur, Prof. Yakin Ertürk, are very important for our future work in combating VAW. This was her first visit to Kazakhstan, where the problem of VAW is very important. We strengthened our knowledge of the international mechanisms. The workshop was organized very well, and it gave us good stimulus in our future work. Thank you!"

.....Participant from Kazakhstan

The closing remarks by the Special Rapporteur, Prof. Ertürk, Ms. Katrine Hellum-Oren, the resource people and participants, as well as the positive feedback provided by participants in the evaluation questionnaires, all indicate that the Consultation was highly successful in achieving its goals and objectives and provided a stimulus for future actions in combating violence against women in Central Asia.

Participants of the Central Asia Regional Consultation with the UN Special Rapporteur on Violence against Women, Prof. Yakin Ertürk



RECOMMENDATIONS

Based on the conclusions from the Consultation, information provided by the participants in the evaluation questionnaire, and priorities identified by the participants, the following recommendations were developed:

- Provide further capacity-building support to women's organizations working on gender issues in general and on the issues of violence against women in particular, including:
 - Training sessions on using international human rights mechanisms;
 - Strengthening the training capacity of trainers in Central Asia and assisting them with developing strategies for working with various target groups (youth, state officials, law enforcement bodies, religious leaders etc.) to affect their perception of and attitudes toward violence against women;
 - Facilitating visits of relevant international experts and UN representatives to the region; and
 - Organizing national and regional fora for civil society and government representatives to discuss issues of violence against women and develop concrete strategies for its elimination.
- Support establishment of a Central Asian network that would link organizations engaged in the combating violence against women.
- Provide support to governments in revising their national laws to ensure that they are in conformity with their obligations under the international instruments they have ratified.
- Facilitate official country visit(s) for UN Special Rapporteur on Violence against Women

APPENDICES

Appendix 1. List of Participants

Appendix 2. Consultation Schedule

Appendix 3. Presentation by Katrine Hellum-Oren

APPENDIX 1 - LIST OF PARTICIPANTS IN THE CONSULTATION ON COMBATING VIOLENCE AGAINST WOMEN IN CENTRAL ASIA

KAZAKHSTAN

Name	Organisation	Position
Akhmetova, Laila	NGO “Union of women of intellectual work”	President
Baisakova, Zulfia	Union of Kazakhstan Crisis Centres	Chairperson of the Board
Gladyr, Nadezhda	“Podrugi” Crisis Centre	Director
Kozyreva, Eugenia	League of Feminists	Chairperson
Tlenchieva, Gulsara	Women Information Centre	Director
Ussacheva, Natalya	Gender Information and Analytical Centre (GIAC)	President

KYRGYZSTAN

Name	Organisation	Position
Alymkulova, Aigul	Women Support Centre	Representative
Saiakbaeva, Sveta	Kyrgyzstan Women NGO Forum	Director
Tugelbaeva, Bermeta	NGO “Diamond”	Director

TAJIKISTAN

Name	Organisation	Position
Bobosadykova, Guljahon	League of women with university education	Director
Inomova, Dilrabokhon	NGO "Social Development Group"	Executive Director
Kabilova, Larisa	League of Tajikistan Women Lawyers	Representative
Kuvatova, Alla	NGO "Traditions and Modernity"	Chair of Board
Mirzoeva, Gulchehra	Women NGO "Modar"	Director
Saidova, Nargis	Gender and Development	Representative
Yakubova, Mukhiba	Association "Women scientists of Tajikistan"	President of Association

UZBEKISTAN

Name	Organisation	Position
Amirkulova , Nilufar	"Umid" Rehabilitation Centre	Representative
Erkaeva , Gulbakhor	"Najot" Trust Centre	Director
Kabulova , Dilovar	Civil Initiatives Support Centre	Chairperson
Salikhova, Mavlida	"Oydin Nuri" Crisis Centre	Director
Vinogradova, Galina	NGO "Gender Innovation and Development Centre"	Director

RESOURCE PEOPLE, ORGANIZERS AND OBSERVERS

Name	Organisation	Position
Prof. Ertürk, Yakin	United National Organisation	Special Rapporteur on Violence against Women
Hellum-Oren, Katrine	Research and Right to Development Branch, Office of the High Commissioner for Human Rights	Human Rights Officer (Gender Focal Point)
Holcak, Ria	Equitas - International Centre for Human Rights Education	Director, CEE/CIS Program
Isaeva, Sagina Shropshire, Rob	UNIFEM Regional Office for CIS Equitas - International Centre for Human Rights Education	Main Technical Advisor Director of Programs
Roy, Daniel	Equitas - International Centre for Human Rights Education	Education Specialist
Vikki, Ivar	OSCE Centre in Almaty	Head of OSCE Centre in Almaty

APPENDIX 2 - CONSULTATION SCHEDULE

Wednesday, December 14, 2005		
DAY 1: Comparative National Contexts of Violence against Women		
Time	Activity	Title
8:30 – 9:00		Welcome
9:00 – 9:30	Activity 1	Getting to Know Participants and Their Expectations Participants, facilitators and resource persons will introduce themselves to each other. They will learn about each other's expectations for the Consultation, as well as the resources they have to offer.
9:30 – 9:45	Activity 2	Overview of the Consultation The facilitator will present the objectives and content of the Consultation and make the links to the expectations and resources expressed by participants during Activity 1.
9:45 – 10:30	Activity 3	Current Situation of Violence against Women in Central Asia: Main Issues, Causes, and Effects Participants, organized by country, will work in small groups to identify the main issues of violence against women and will prepare a presentation.
10:30 – 11:00	Networking Break	
11:00 – 12:30	Activity 3	Continued Each group will present its findings to the whole group. (10 min per group). The resource persons and the SR-VAW will put the issues identified by participants into the broader regional and international contexts.
12:30 – 13:45	Lunch	
13:45 – 15:15	Activity 4	Addressing Violence against Women in Central Asia Participants will share their organizations' experience and reflect on the actors and/or institutions and laws in their country that limit or facilitate redress of cases involving violence against women.
15:15 – 15:45	Networking Break	
15:45 – 17:00	Activity 4	Continued A resource person will present a comparative overview of the existing national laws in Central Asia that deal with cases of violence against women.
17:30 – 18:00	Press Conference by the UN Special Rapporteur	

Thursday, December 15, 2005		
DAY 2: The UN System and the Mandate of the UN Special Rapporteur on VAW		
Time	Activity	Title
8:30 – 10:00	Activity 5	<p>Overview of the UN Human Rights Protection System with Focus on CEDAW and the Mandate of the Special Rapporteur on Violence against Women</p> <p>A resource person from the OHCHR will provide an overview of the UN human rights protection system, focusing on the major international instruments that deal with cases of violence against women.</p>
10:00 – 10:30	Networking Break	
10:30 – 12:30	Activity 5	<p>Continued</p> <p>Participants will work in small groups to review CEDAW, the Declaration on Violence against Women, and other relevant instruments and will prepare a presentation.</p> <p>Participants and the SR-VAW will examine how the main issues previously identified constitute human rights violations under CEDAW and how these issues relate to the rights contained in the Convention.</p>
12:30 – 13:45	Lunch	
13:45 – 15:30	Activity 6	<p>The Mandate of the Special Rapporteur on Violence against Women, its Causes and Consequences</p> <p>The Special Rapporteur will present her role and mandate. Participants will have the opportunity to formulate comments and ask questions. The Special Rapporteur will explain how her mandate reinforces CEDAW.</p>
15:00 – 15:30	Networking Break	
16:00 – 17:00	Activity 7	<p>Submitting information to the UN SR-VAW</p> <p>The Special Rapporteur will provide an overview of the special procedures to submit urgent appeals and letters of allegations of human rights violations. She will discuss the advantages/disadvantages of the special procedure compared to other mechanisms.</p> <p>Participants will work in groups and prepare the outline or a draft letter or urgent appeal of an actual case. Each group will present their example and the Special Rapporteur will comment and make suggestions.</p>

APPENDIX 3 - PRESENTATION BY KATRINE HELLUM-OREN

(This presentation was presented at the Consultation in a PowerPoint format.)

Presentation Outline

1. Conventional instruments

- MONITORING BODIES
- CEDAW
- ICCPR, CRC, ICESCR, CMW, CAT, CERD

2. Non-conventional instruments

- Declaration on Violence against Women, other declarations on VAW and the Universal Declaration on Human Rights
- Resolutions of the Commission on Human Rights:
- Special Rapporteur on Violence against Women (SR on VAW)
- Other Special Rapporteurs (trafficking, housing)
- 1503 procedure
- World Conferences and Beijing Declaration

3. NGO entry points to the UN Human Rights Instruments

Definition of Gender based Violence

"...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."

CEDAW General Recommendation 19

1. Conventional Instruments - Monitoring bodies

- The Convention on the Elimination of All forms of Discrimination against women (CEDAW) - Committee ...
- The International Covenant on Civil and Political Rights (ICCPR) - Human Rights Committee
- The International Covenant on Economic, Social and Cultural rights (ICESCR) - Committee ...
- The Convention on the Rights of the Child (CRC) - Committee on the Rights of the Child
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) - Committee on Racial Discrimination
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) - Committee against Torture

- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW Articles(CMW) - Committee on Migrant Workers

Conventional Instruments - Monitoring bodies - tasks

- State reporting –Concluding observations
- Individual complaint mechanisms
- State-v-State complaints
- Some have inquiry procedures
- General Comments (Recommendations)

Conventional Instruments - State responsibility

- Respect – to abstain from violations
- Protect – to prevent the violations
- Fulfil – to facilitate and provide through legal and policy measures

Conventional Instruments - Overriding principles

- Universality
- Indivisibility
- Inter-related

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

- Offers a broad definition of discrimination
- Covers a wide variety of rights:
- Civil and political rights include the right to vote, equality in nationality laws, equality before the law, etc.
- Economic, social and cultural rights include the right to education, work, health, social security, etc.
- Articles 2,5,11,12,16 require protection of women against violence

CEDAW General Recommendation19 -Violence against Women

- No article in CEDAW addresses VAW, although gender specific violence is a form of discrimination against women BUT
- In 1992 the CEDAW Committee issued a general recommendation No.19 recognizing that gender-based violence is a violation of women's human rights regardless of whether the perpetrator is a public or private actor
- The Committee recommended that States Parties take action to eliminate gender-based violence and include in their reports to the Committee details about such actions

Other Conventions on Violence against Women and Girls

- International Covenant on Civil and Political Rights (ICCPR Articles 2, 3, 6, 7, 20, 23, 24, 26)
- International Covenant on Economic, Social and Cultural Rights (ICESCR Articles 2, 3, 10 and 12)

- Convention on the Rights of the Child (CRC Articles 2, 19, 27, 28, 32, 34, 35, 36, 37, 38, 39)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW Articles 1,9,10)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD Article 1)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT Article 1)

Other General Comments on Violence against Women and Girls

- The CEDAW Committee GC No 14 on genital mutilation
- Human Rights Committee's GC No 28 on Equality of rights between men and women
- Committee on Economic, Social and Cultural Rights GC No 16 on the equal rights of men and women to enjoy these rights

2. Non-conventional Instruments: Declarations

- Universal Declaration of Human Rights (UDHR Articles 1,2,3,4,5,16(1))
- Declaration on the Elimination of Violence against Women – including psychological violence
- Declaration on the Elimination of trafficking
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- Millennium Declaration Articles 6 and 25
- Security Council resolution 1325

Non-conventional Instruments: The Commission on Human Rights

- Summit of United Nations Human Rights machinery
- 53 elected States
- Drafting of international instruments
- Examination of situations of violations, typically of civil & political rights
- Broader discourse & debate on scope of economic, social and cultural rights
- Resolutions

Non-conventional Instruments: Special Rapporteurs

- Country Rapporteurs
- Thematic Rapporteurs (e.g., on violence against women, trafficking, rights to housing and health)
- Country Missions by invitation
- Individual communications
- Urgent communications

Special Rapporteurs – Other Areas of Work

- Reporting to the Commission annually
- Working with treaty bodies
- Working with UN agencies

- Working with civil society (regional consultations)
- Global advocacy

Non-conventional Instruments: Procedure ‘1503’

Established in 1970 by ECOSOC

- Oldest UN complaint mechanism
 - Mandate to receive complaints of a « consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms »
 - Plus: Can be utilised by any person or NGO against any country in the world
 - Minus: Confidential procedure – public censure at the Commission on Human Rights only in rare cases

World Conferences on Women

Mexico City – 1975-Plan of Action on:

- (1) equality between men and women, (2) integration of women in development efforts, (3) involvement of women in achieving world peace

Copenhagen – 1980

- employment, health and education

Nairobi – 1985

- measures to be taken at the national level for implementing equality: (1) constitutional and legal steps; (2) equality in social participation; and (3) equality in political participation and decision-making
- first time mentioned VAW related to peace

World Conference on Human Rights

- Vienna – 1993 - Women’s rights in Platform for Action:
- Eliminating violence against women in public and private life;
- Elimination of all forms of sexual harassment, exploitation and trafficking in women;
- Elimination of gender bias in the administration of justice;
- Elimination of “any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism”

Beijing World Conference – 1995 Platform for Action -12 areas of concern

1. Women and poverty
2. Education and training of women
3. Women and health
4. Violence against women
5. Women and armed conflict

*Appendices - Regional Consultation with the UN Special Rapporteur on Violence against Women
Report of the Proceedings*

6. Women and the economy
7. Women in power and decision-making
8. Institutional mechanisms for the advancement of women
9. Human rights of women
10. Women and the media
11. Women and the environment
12. Girl-child

3. NGO Entry Points: Working with the SR-VAW and other Special Rapporteurs

- Encourage your government to invite the SR on VAW to do a country mission
- For specific situations submit urgent action requests to the SR on VAW.
- Copy information on VAW submitted to treaty bodies (e.g. CEDAW, CESCR) to the SR on VAW
- Disseminate information about the SR on VAW and her reports to women's groups
- Use the reports of the SR on VAW as advocacy tools with government officials

NGO Entry Points for Working with the Treaty Bodies

- Use the conventions and the concluding observations of the Committees as advocacy tools to lobby gender sensitive legislation, programmes and policies, and to provide training
- Send parallel reports to treaty bodies
- Send individual communications – lead cases to treaty bodies
- Use UN Human Rights Instruments to raise awareness about state obligations

