

**INTERNATIONAL LEGAL GAPS
IN THE PROTECTION OF WOMEN FROM VIOLENCE
Panel Meeting, 5 November 2013, UNISON**

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This thought-provoking and informative panel discussion focused on identifying existing gaps in the international socio-legal framework to protect women and girls from violence, and why it is imperative that the international community works towards filling these gaps as a matter of urgency. Interestingly, the event also included a lengthy discussion of the current status of the Council of Europe's Istanbul Convention on VAW, which has most recently been ratified by Bosnia-Herzegovina.

Rashida Manjoo, the United Nations Special Rapporteur on violence against women, its causes and consequences, introduced the topic of discussion. Manjoo argued that despite the efforts of numerous campaigns and organisations to highlight the pervasiveness of violence against women and girls, it continues to be a global endemic, stressing that impunity remains the norm in many countries. Manjoo concisely argued that, in order to rectify this problem, a more forceful international legal framework is essential. So why has such a seemingly simple solution yet to have been implemented? Manjoo explained that despite growing need for formal legally-binding standards, members of the international community continue to resist the idea of introducing what they consider to be *unnecessary* and *excessive* international law to an already bloated system. Manjoo concluded that, sadly, without the introduction of customary international law and, most importantly, the co-operation of the international community as a whole, the normative gap regarding violence against women and girls will prevail. At the risk of sounding profoundly naïve, I was truthfully dumbfounded by Manjoo's frank admission. I could not quite wrap my mind the international community's resistance to implementing essential legislation that could potentially save the lives of their daughters, granddaughters and future generations to come. If we are talking about it, why aren't they?

Expanding on the points raised by Manjoo, Marai Larasi, the Co-Chair of ERAW Campaign and Executive Director of Imkaan, explained that it is a result of this 'resistance' to even discuss violence against women, on both a local and international level, which has resulted in a lack of progressive change in legislation and attitudes towards this growing

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phenomenon. Although Larasi acknowledged that, in some countries at least, there have been some significant developments in the current socio-legal, geopolitical format, she maintains that, as a collective, the international community has failed to go far enough. For instance, Larasi highlighted that in some countries there are no formal laws or provisions to address violence against women and girls or, if they do exist, they are not effectively implemented or fail to deal with the core issue of violence against women. On this basis, Larasi, for example, explained her concerns with the implementation of gender neutrality laws in New Zealand, which has resulted in a greater emphasis being placed on violence within the family rather than the use of violence against women and girls. I found this aspect of Larasi's argument most illuminating as she argued that if the growing epidemic of violence against women and girls is to be addressed effectively, it needs to be handled as a core issue, not as an afterthought in relation to an all-encompassing campaign.

Renee Romkens, Director of National Institute on Gender Equality and Women's History and Legal Advisor to the Council of Europe Istanbul Convention, echoed Larasi's concerns. During the discussion, Romkens provided a brief substantive outline of the Istanbul Convention and its respective Articles. She explained that the Convention provided a detailed and integrated approach regarding violence against women, and broadened the range of provisions of violence against women. However, Romkens also stressed that the Convention is profoundly ambiguous; the Convention to protect violence against women and domestic violence in general separates violence from the experience against women. Romkens argues that the gender neutral framing of the Convention highlights a tension between public violence against men and private violence against women and that, if an effective solution is to be reached for both they need to be respectively understood, and treated, as separate phenomenon's.

Moving on from the issues raised by Romkens, Lisa Shannon, a Fellow of the Carr Centre, Harvard University, Initiative on Violence against Women, spoke of the overall 'gaps in political landscape' in the treatment of violence against women and girls. Although Shannon acknowledged the importance of the Istanbul Convention, she also noted that the exportation of these treaties to members of the international community has been problematic in the US (and elsewhere, for that matter). Vidhya Sri, Shannon's colleague, bravely expanded on this point, whilst referring to her own personal experience of being forced into an arranged marriage and, later, being sexually assaulted in a crowded shopping mall only to be made to feel by a police official like she was the author of her own ill-fate. Shannon later concluded that in order to overcome these attitudes toward sexual violence against women, human rights needs to be focused on as part of an international legal

framework. Ultimately a ban needs to be enforced – a concrete goal to secure a concrete outcome.

Overall, I found the panel discussion riveting and thought-provoking. Not only did it touch upon the legal framework and its abscesses, but it also addressed issues concerning political theory and its current landscape, which I found enlightening. I cannot, however, disguise my disappointment that the panel failed to address what actually constitutes violence against women and girls (particularly sexual violence), nor the fact that the conference had only ONE male in the audience. How can we fight the corner of women if we don't know what we're fighting and are left to stand alone? David, meet Goliath...