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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER
PERSPECTIVE**

**Written statement* submitted by Jammu and Kashmir Council for Human Rights
(JKCHR),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Women's Rights and in particular the protection, promotion and the assurance of human rights of women are a fundamental part of the global human rights movement. The denial, deprivation and degradation of human rights solely on the basis of gender are wholly unacceptable in today's society and yet this remains the case.

Women face both discrimination and are victims of human rights violations. Such victimization and discrimination transcends beyond boundaries, race, religion, culture and conflicts. Furthermore it is alarming to note that the women's rights and equality movement is curbed by the use of violence against women.

The term 'violence against women' encompasses extensive types of 'harmful behavior and acts' aimed at women and the girl child. Such gender based violence includes sexual, physical and psychological violence in the family, domestic violence, sexual abuse, battering, forced marriages, honor killing, marital rape, dowry related violence, trafficking of women and forced prostitution, rape in armed conflict and post conflict as a weapon of war.

Such acts can also form part of traditional customs, practices and tribal cultures and whilst some only take place within certain communities and regions they affect us all at an international level. With the migration of communities around the world practices such as honor killings are no longer seen as a problem solely for the South Asian community but has shifted to the various countries more specifically to the European community

It must also not be forgotten that violence against women is not merely restricted to physical aspect but also includes emotional abuse. Violence, in whatever form it takes place has profound effects and therefore stunts the ability of the women victims to contribute to society fully. Consequently communities cannot flourish without a joint effort of both male and female members of society.

As stated above violence against women takes place in many forms and behind such acts of violence is a complex web, historically manifested in society. These root causes are deeply embedded in society and if not acted upon will serve to stagnate the advancement of the women's rights movement.

One such complex issue which is traditionally associated with local and tribal practices particularly in south Asia is that of honor killings. However we find this custom is now increasingly under the microscope of the international community. Furthermore issues such as forced marriages, dowry and domestic violence are inextricably linked to the custom of honor killings with the 'reputation of the family' playing a central role in these practices.

The custom of honor killings is where male relatives kill female members/ relatives of the family in order to avenge the shame they believe the female member of the family has brought to the family. This is commonplace where the woman is accused of having an affair, or chooses to marry against the families wishes. Quiet often those responsible for such killings are not brought to justice, many cases go unreported and the perpetrators are left unpunished.

In some cases compromises are reached within families therefore providing obstacles in bringing the perpetrators to justice combined with the reluctance on the part of local institutions to investigate fully. This has further led to increase in the practice of this custom. Such reluctance to deal with this disturbing phenomenon has not only increased as a result but regarded by some as a 'family issue' and confined therefore to the domestic sphere.

However violence against women of any sort should not be categorized in such a way particularly as this custom is one which has occurred in Great Britain, India, Pakistan, Morocco, Brazil, Afghanistan and Israel to name but a few.

The above list of countries illustrates that it is indeed a widespread issue and yet another addition to the list of violence against women. Therefore the misconception of this custom as a traditional custom confined to traditional communities and countries should be abandoned and addressed not as a family issue but rather a judicial one.

This raises a further question of how can this custom be tackled through the judiciary whilst local institutions remain unable to investigate efficiently and legal loopholes remain. It is essential that where tribal councils are used as a means of redress they too are incorporated and coupled with their contribution can the judicial process be carried out in an effective and just manner.

Furthermore local police which is often seen as inefficient and incompetent is unable to deal with the victims of violence in a sensitive manner. This results in victims being subjected to secondary victimisation. This coupled with inadequate medical services as well as a shortfall in victim support services acts as a barrier in bringing the perpetrators to justice. Women subjected to violence are therefore unable to seek refuge in secure shelters with those that are fortunate to find places however find the conditions inhabitable or sparse.

On the other hand it is encouraging to see a concerted effort in some countries such as Great Britain where a '*one stop unit*' on the issue of Forced Marriages has been set up for the victims of forced marriage and to provide advisory support services for women.

The initiative taken by the Home Office, Department for Skills and Education as well as the Foreign Office are the fruit of a long and hard campaign to bring such issues in to the forefront. Members of Parliament who have been advocates of such a cause include Anne Cryer and must be highlighted and appreciated. It is essential that these services are utilised and awareness is created in order to prove these services effective.

However such services need to be extended and provided to women regionally nationally and internationally. Countries particularly in South Asia where such customs are the norm, need shelters with better living conditions, national confidential help lines and drop in crisis / one stop advisory centers.

It is essential therefore that the above is addressed effectively as they form vital links in the chain to provide access and legal redress to victims of violence.

Another concern which has further created concerns in the women's human rights movement is that of the Tsunami disaster. Human Rights in general is of concern to the international

community however as with conflicts women are quiet often the silent victims and discriminated at even in the aid provision and distribution levels.

Poverty, hunger, loss of breadwinners in the family, displacement all provide a recipe for the exploitation of women, physical and mental abuse as well as violence against women.

Women who have been internally displaced are subjected to sexual violence and abuse as well as trafficking and forced prostitution. This natural disaster on such magnified proportions illustrates however the need to strengthen the protection and provisions afforded to women.

It is therefore of paramount importance that women are protected from violence even in all circumstances including natural disasters as they too breed a host of new challenges for the women's rights movement.

Violence against women as discussed above incorporates a variety of harmful acts and behavior however a particular concern is the use of rape as a weapon in wars, conflicts, and internal violence. Rape is regarded as a key weapon in conflicts and seeks to humiliate the victim in society and further disintegrate the community through such a violation.

Women have been subject to sexual abuse and rape in their homes, in public and detention centers by strangers, soldiers and from all sides party to the conflict.

It is often seen as an easy way of both punishing the enemy and holds a long history as a method of violent suppression with women being seen as the soft and most vulnerable target.

It is also important to highlight that through this weapon of rape the consequences and effects go beyond the immediate act through to a life long trauma and damage for the victim. Disease, death, physical injuries are only some of the effects of such a degrading and heinous act.

Therefore governments need to address the inequalities and discrimination that exist in communities and society in general to prevent this tool being used. Further if such human rights violations are exposed not as part of a name and shame exercise but to expose these hidden violations for the long term rehabilitation of their people, prosperity and development of their country.

Therefore the Commission, Intergovernmental-Organizations, Non-Governmental Organizations and other Institutions need to engineer a new thought process to eradicate violence against women. It is indeed a lengthy and difficult process particularly as some challenges stem from disasters beyond human natures control. However what we are able to control is how we cope in the aftermath and how we strengthen our communities from hereon.

Violence against women is as stated earlier historically manifested in society but that does not prevent us from creating new history and looking to the future by exposing violent acts which do not hold any place in today's society. Simultaneously Governments local governments and institutions need to show real progress by creating efficient, strong and affordable support systems as well as provide legal redress for the women victims of violence. By doing so Governments will truly be upholding the universal belief that Human Rights are Women's Rights.
