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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the Asia Pacific Forum on Women, Law and
Development (APWLD), a non-governmental organization on the Roster**

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

[28 February 2007]

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

Addressing the Intersections between Culture and Violence Against Women

The recognition and protection of the human rights of women including the end to all forms of violence against women, is a pressing global priority that deserves and requires the full and unconditional support of the international community.

Undoubtedly the last decade has seen some important developments in the struggle to make women's lives free of violence including: the creation of international standards and mechanisms to address violence against women perpetrated by both state and non-state actors; the recognition of violence against women as a form of discrimination; and the recognition of the multiple forms of violence. Despite this violence against women continues with impunity in many parts of the region and continues to be one of the most visible manifestations of the unequal and unjust power relations between men and women in our societies.

The recent report of the former UN Secretary General, Kofi Anan, "In-depth study on all forms of violence against women" highlights the pervasiveness of violence against women around the globe and the urgency for global redress. It has also highlighted that national-level responses have been inadequate, and have not eradicated the impunity perpetrators too often enjoy. Even where laws exist at a national level they are frequently not implemented effectively; mechanisms are not created for enforcing the rights and redressing the violations; and the environment in which they operate is not enabling for women to access these rights. As the recent report of the UN Special Rapporteur on Violence Against Women, Dr Yakin Erturk, demonstrates, it is frequently the cultural norms and attitudes within our society which renders legal frameworks and existing mechanisms for protection useless.

Asia Pacific Forum on Women, Law and Development (APWLD) commends the Special Rapporteur on Violence Against Women, Dr Yakin Erturk, for her report which provides a critical analysis of the intersections between culture and violence against women - the most significant cause of violence against women across the globe.

Throughout the Asia Pacific region, culture and cultural norms are used to legitimise violence against women and create barriers to women accessing justice. Such arguments are clearly incompatible with international human rights norms (including the Declaration on Human Rights, CEDAW, DEVAW, etc) which establish the primacy of women's right to live a life free of gender-based violence and provide that States cannot invoke any cultural discourses, including notions of custom, tradition or religion, to justify or condone any act of violence. This also means that they may not deny, trivialize or otherwise play down the harm caused by such violence by referring to these notions. Instead, States are expressly required to condemn such violence, which entails denouncing any cultural discourse put forward to justify it. However, throughout the Asia Pacific region and across the globe, cultural practices and values continue to prevail over universal standards of gender equality.

Furthermore, these attempts by governments and communities to subordinate women's rights to cultural or religious rights, also attempt to deny women's right to interpret and influence culture as the bearers of cultural rights. In reality women throughout history and today and across all cultures and communities actively resist oppressive structures and beliefs. Women who assert their rights are often portrayed as acting against their culture

and community, and often forced to choose between their community and their right to be free from violence. Furthermore, they frequently face discrimination, harassment, attacks, intimidation, and killings as a result of their activism by both state and non-state actors. Many of these have been documented and reported by the Special Representative of the UN Secretary-General on Human Rights Defender's Ms Hina Jilani. Governments have an obligation to protect women human rights defenders and protect their right to challenge and oppose human rights violations.

Conclusions and Recommendations

We welcome recent initiatives of the United Nations to address women's human rights concerns and violence against women particularly, including the UN Secretary-General Report on VAW and the scheduling of a special session on "Violence against the Girl Child" in this session.

We support the recommendations of the UNSRVAV and urge the Human Rights Council and all governments to take measures recommended by the UNSRVAV.

We wish to express our concerns that many of the governments on the Human Rights Council fail to address these grave violations within their respective countries and many in fact perpetuate violence against women by appealing to cultural relativist arguments which go against international human rights norms and standards. States must ensure that justice for violence against women is not delayed, denied or outsourced to community justice mechanisms such tribal or caste jirgas/ panchayats.

We remind states of their obligation to exercise their due diligence obligations with regard to violence against women, to prevent, investigate, prosecute, punish and compensate for violence against women as well as provide services for women survivors of VAW including shelters.

We call on the Human Rights Council to pro-actively implement the findings of the UN Secretary General's Report and the reports and recommendations of the UN Special Rapporteur on Violence Against Women to address violence against women.

We urge the Human Rights Council to strengthen measures to ensure that the rights of women human rights defenders as protected under the *UN Declaration on Human Rights Defenders* are protected and the space for women to actively oppose human rights abuses is created and protected.

We urge the Human Rights Council to strengthen the Special Procedures of the Human Rights Council to enable them to continue their vital work with increased opportunities to undertake country visits and receive individual communications.

We urge the Human Rights Council to ensure that women's human rights concerns are given due recognition in the universal periodic review process and main-streamed into the Human Rights Council procedures and framework including through ensuring a regular agenda item on women's rights concerns.