



violence is not our culture

the global campaign to stop killing and stoning women

Statement to the 54th Session of the UN Commission on the Status of Women

1-12 March 2010 New York, USA

The Beijing Conference on Women was an extraordinary moment in the history of transnational women's movements, and its outcome document, the Platform for Action, has become a watershed in the lives of countless women and girls the world over for the past 15 years. Women's rights advocates all over the world including us in the Global Campaign to Stop Killing and Stoning Women, continue to draw part of the legitimacy for our cause from the Beijing Platform for Action which states that ... *"Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society."* The call on Governments to condemn such forms of gender-based violence, and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination, has become an important basis for numerous initiatives by the UN, its Member States and civil society organisations in this regard.

However, despite significant breakthroughs these past 15 years, violence against women and girls justified in the name of religion, customs, traditions – in short, culture – continues unabated.

Acts of violence against women carried out in the name of 'culture' and religion take place across the world, but most especially in contexts that still maintain laws that regulate obedience, modesty, and freedom of mobility, and require a woman's submission to the men in her family. Far too often, women and girls are still considered to be the property of their fathers or husbands, and their behaviour is deemed to reflect on their families and communities. This is expressed by non-State actors at all levels of society, particularly amongst politico-fundamentalist groups, who manipulate and deny women's rights to autonomy and bodily integrity in order to strengthen their dominance and control in society. In this politicized arena, where militarism and economic incentives are tantamount, women's bodies become a site of contestation, bartering and control. Women perceived as defying their socially-prescribed roles are decried as having brought shame and dishonour on their family and community. Reprisal is often brutal violence, or the threat of violence, used as a means of punishment and control, which is oftentimes condoned, legitimised and excused by personal status laws, family codes and customary laws in many countries. Cultural relativist arguments by many States pose serious obstacles to their fulfilment of their international obligations to respect, protect and fulfil the human rights of its citizens, most especially, women and girls. Effective implementation of the UN Convention on the Elimination of Discrimination Against Women, one of the two most ratified international treaties, is blocked by reservations by States to its core articles and principles of equality and non-discrimination on the grounds of sex.

The Global Campaign to Stop Killing and Stoning Women seeks to end the relentless mis-use of religion and culture to justify killing women as punishment for alleged violations of imposed 'norms' of social behaviour. Our Campaign is led by women's human rights defenders and advocates working in national and transnational women's movements, who are at the forefront of challenging those forces which politicize and mis-use culture and religion to subjugate women and abuse their human rights.

Our Campaign believes that the whipping, maiming, harassment and killing of women under any pretext is entirely unacceptable. It is a grave and serious violation of one's human rights as enshrined in the Universal Declaration of Human Rights, and now embedded in various international human rights treaties and norms. These crimes are committed by both the State, through formal laws and judicial decisions that prescribe lashing or stoning to death, as well as non-State actors, including family, community members, and politico-fundamentalists movements, with impunity.

Our Campaign believes that the meanings of 'culture' or 'cultural practices' being involved to justify these cruel punishments are highly contested, ambiguous and not transparent. Discrimination against women on the basis of their gender manifests from embedded patriarchal values which treat women and girls as inferior and subordinate. These values are sustained by States' structures and systems that remain gender-biased and which condone the primacy of rigid interpretations of customary, including religious laws and principles, over its civil laws.

Our Campaign believes that values commonly shared by the international community are growing and being formalised into international human rights law and other instruments, are threatened by growing inequality between men and women, and power struggles between nations-states. Gender inequality is contested through interpretations of culture or projections of 'their' culture that justify and excuse acts of discrimination and violence against women, and also justify States' non-adherence to their international human rights obligations. Women's human rights, in particular, are compromised, if not totally sacrificed, in the contexts of these power contestations at multiple levels.

Our Campaign believes that the elimination of discrimination against women and girls is the final solution to ending gender-based violence justified in the name of 'culture'. No society, as of yet, can claim to be exempt from asserting excuses and justifications for varying forms of discrimination and violence against women and girls. However, there is a tendency to essentialize traditional cultures of the Global South as inherently harmful to women, and human rights law is often perceived as an instrument to eliminate 'harmful traditional practices.' Many of us in the international community assume that eliminating the practice on its own will serve to liberate the 'victimized women and girls' of these cultures. Focusing solely on harmful traditional practices overlooks the economic and political underpinnings of women's subordination and the construction of culture within the dynamics of power relations at local, national and global levels. Cultural essentialism also ignores the agency of women in the developing world and the trajectories of their resistance to violence and oppression.

Looking forward and beyond the 15th year of the Beijing Platform for Action

On the occasion of the 15th year of the Beijing Platform for Action, we call upon the United Nations and its Member States, agencies, civil society organizations, and the media to confront the tension between respecting diversity and difference and affirming the universality and indivisibility of rights. Certain principles are absolute: violence against women is never acceptable, whatever the justification offered. Those who would deny women our full range of human rights, including our right to life, security and dignity, must not be allowed to continue with impunity.

We call upon the UN and its member States to:

1. Make a firm commitment that customs, tradition or religious considerations will not be tolerated to justify discrimination and violence against women and girls by State authorities, non-state actors, which include first and foremost, politico-fundamentalist movements, as well as members of the community and within the family. States should develop strong and effective penal, civil and administrative sanctions in domestic legislation to punish violence in the family and to provide redress to women victims.
2. Abolish the practice of torture, degrading and inhuman punishments such as flogging and whipping; and extra-judicial executions such as stoning and femicide, whether sanctioned by the State or carried out by politico-fundamentalist movements and private individuals. In countries where there is a moratorium on execution by stoning, whipping and imprisonment of women in the name of religion or traditions, we call upon States to uphold this.
3. Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether these acts are perpetrated by the State or by private actors. Undertake a comprehensive review of national and local laws and abolish those that are discriminatory to women which aggravate their susceptibility to violence in the public and private spheres.
4. Develop national plans of action to eradicate gender-based violence which specifically address violence in the family and in the community as it relates to cultural practices.
5. Collect data and statistics on the pervasiveness of cultural practices that are violent towards women, so as to ensure the development of appropriate strategies for their eradication.
6. Ratify the UN Convention on the Elimination of Discrimination Against Women and withdraw all reservations attached to these ratifications.
7. Include measures that States have taken to combat all violent cultural practices, especially those carried out on women and girls in their reports to the relevant human rights treaty bodies.
8. Recognize and support the important role of women's groups and women's organizations working at the forefront of eradicating cultural practices that are violent towards women, and give them all necessary support and encouragement.
9. Proactively support and promote programmes and initiatives aimed at changing social and cultural practices that are discriminatory to women and girls and which promote women's empowerment.
10. Hold dialogues with religious and scholars, local community leaders on human rights and States' obligations to uphold these and their role in promoting these. Mobilise their support to end the mis-use of religious, traditions and customs as excuses for discrimination and violence against members of their communities most especially women and girls.