



**United Nations Human Rights Council, 25<sup>th</sup> Session (3 – 28 March 2014)**  
**Item 8 General Debate**  
**Monday 24 March 2014**  
**Speaker: BHA representative Amelia Cooper**

Thank you Mr. President.

More than twenty years ago, the Vienna Declaration warned of *'the harmful effects of certain traditional or customary practices, cultural prejudices, and religious extremism'*<sup>1</sup> in promoting equality for women.

Such prejudices are a continuing scourge of societies worldwide, and are manifested in the social and systematic denial of women's enjoyment of human rights.<sup>2</sup> The deleterious concept of 'honour', for example, is supported by both extra-judicial violence<sup>3</sup> and discriminatory laws.<sup>4</sup>

They are, therefore, a primary obstacle to the Vienna priority of *'[eliminating] gender bias in the elimination of justice'*.<sup>5</sup>

It is incumbent upon States, regardless of their internal socio-culture, to respect international legal obligations, and to repeal or amend domestic laws discriminating against women, for example those inherent in the application of Sharia law.<sup>6</sup>

Secondly, this must be supported by real enforcement. The UN Multi-Country Study on Men and Violence in Asia and the Pacific found that between 72 and 97%<sup>7</sup> of the men studied who had perpetrated rape did not experience any legal consequences, while until an international petition was launched, the punishment given to a gang of rapists in Kenya, whose violent abuse paralysed a sixteen year old girl, was to cut the grass at the police station.<sup>8</sup> These case are demonstrative of the worldwide climate of impunity surrounding gender based violence.

Neither cultural prejudices, State passivity nor traditional values can ever legitimise inadequate legal systems that violate the core principles of equality, autonomy, and dignity upon which human rights are based, nor should social attitudes be allowed to undermine the fair and equal application of just laws.

We urge States to renew their commitment to the Vienna Declaration, and to do so with an introspective examination of both their legal systems and the quality of their law enforcement.

Thank you.

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<sup>1</sup> Vienna Declaration, Part II.B.3.38

<sup>2</sup> In Papua New Guinea, for example, inequality is entwined with the belief that males have the right to use violence in asserting their authority over 'lazy, insubordinate or argumentative' (<http://www.amnesty.org.au/svaw/comments/33629/>) partners. More than two thirds (68% as noted by PNG Health Minister Michael Malabag, quoted in <http://www.pngfacts.com/25/post/2013/02-png-domestic-violence-statistics.html>) of women in PNG have experienced sexual or physical violence, and a third of the female population have reportedly been raped (same source). However, justice is rare: in Morobe, a province in PNG, it has been estimated that the probability of a reported sexual violence case leading to a conviction is 1:338 (<http://devpolicy.org/sexual-abuse-in-lae-impunity-and-resistance-20130319/>).

<sup>3</sup> In the name of preserving family "honour", women and girls are shot, stoned, burned, buried alive, strangled, smothered and knifed to death with horrifying regularity', Navi Pillay, 4<sup>th</sup> March 2010.

<sup>4</sup> All legal systems discriminating against women contribute to the climate of impunity for gender violence. However, some penal codes are more explicit regarding honour. For example, Article 340 of the Jordanian penal code says that *'he who discovers his wife, or one of his female ascendants or descendants or sisters with another in an unlawful bed and he kills, wound, or injures one or both of them, benefits from a penalty reduction.'* <http://www.clarionproject.org/tag/honour%20killings>

<sup>5</sup> Vienna Declaration, Part II.B.3.38

<sup>6</sup> 'Women's rights under Sharia' The Clarion Project, 19<sup>th</sup> February 2014 <http://www.clarionproject.org/understanding-islamism/womens-rights-under-sharia>

<sup>7</sup> 'Why do some men use violence against women, and how can we prevent it? Quantitative findings from the UN Multi Country Study on men and violence in Asia and the Pacific' 2013, p3

<sup>8</sup> As reported in a number of international media outlets, including All Africa <http://allafrica.com/stories/201312230116.html>, The Guardian <http://www.guardian.com/world/2013/oct/31/kenya-gang-rape-protests-nairobi-attackers-grass-cutting-punishment>, and The BBC <http://www.bbc.com/news/world-africa-24765670>

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