

# Foreword

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Until recently, the juxtaposition of domestic violence and international law would have seemed an oxymoron. For by its nature, violence that is ‘domestic’ would seem, by definition, to stand outside the scrutiny of ‘international law’. For generations, domestic violence has lived beyond the shadows not just of international law, but of all law. Banished from international law’s gaze, and too often treated as an immutable face of particular cultures, domestic violence has too often been typecast as a ‘soft’ social issue that must take a back seat to other, ‘more pressing’ economic and political issues.

Today, this is finally changing. Increasingly, governments, courts and policy-makers are recognising systemic forms of domestic violence as an important international problem. Not only does domestic violence shatter lives and homes, it carries with it tangible and damaging economic and communal consequences. Over the last decade, various parts of the United Nations, including the Office of the Secretary-General, the Special Rapporteur on torture and the Special Rapporteur on violence against women, have turned their attention to systemic forms of domestic violence, finally recognising it for what it is: one of the most pervasive and pressing human rights concerns faced by the international community. Following the call of non-governmental organisations and community representatives, the world is finally taking note that just because some violence begins at home, that does not mean that it lacks global consequences.

Until now, no single volume has captured the arguments that view systemic domestic violence through an international law lens. There are no existing studies arguing for the internationalisation of extreme and systemic forms of domestic violence in a way that so comprehensively addresses both academic and practical needs. *Domestic Violence and International Law* fills that gap, by providing an original, provocative and much needed legal framework for the coherent development of a norm prohibiting systemic forms of domestic violence in international human rights law.

I have known the author, Dr Bonita Meyersfeld, for many years as a talented human rights lawyer, dedicated academic, and shrewd political policy adviser. Whilst gaining human rights expertise in many fields, Dr Meyersfeld has developed a thoroughgoing analysis that asks and addresses the most difficult questions often neglected by academics, lawyers and activists who dismiss the

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possibility that systemic forms of violence against women might violate international law.

This book advances the frontiers of academic and political thought on this important intellectual debate. It analyses the current position and history of international law regarding the practice of systemic forms of domestic violence, investigates what an emerging norm against that practice might look like, explores how meaningful reform could be achieved, and explains why the problem of domestic violence would benefit from articulation of clearer rules of international law.

*Domestic Violence and International Law* breaks new ground and will surely provide a valuable resource for lawyers, judges and policymakers for many years to come. Dr Meyersfeld creatively reformulates academic and political debate on domestic violence to focus upon the responsibility of states under international law to protect citizens from certain extreme forms of what she dubs 'systemic intimate violence'. Dr Meyersfeld focuses her attention in this book on violence perpetrated by men against women. But her analysis transcends this focus, and offers a useful and important blueprint for possible development of international law principles applicable to state responsibility for all forms of systemic intimate violence committed by private persons.

This book offers lawyers the legal arguments necessary to galvanise change, whether in international, regional or national courts. Judges can find in these pages balanced guidance on the jurisprudence in the field and considerations to guide their decisions. And policymakers at the national, regional and international levels will find tools and standards necessary to enhance protections for victims and survivors of domestic violence.

Most fundamentally, this book is memorable for the hope and optimism it expresses about the transformative possibilities of international law. Without compromising such intensely human values as privacy, autonomy and cultural identity, Dr Meyersfeld moves her reader with an abiding conviction: that international law, buoyed by the power of transnational actors, can propel public actors to protect abused and vulnerable people in their most private worlds.

## *Acknowledgement*

This book has its source in the pain and fear of countless people who have endured the terrible shock of violence. It also has its source in the intellectual, ideological and emotional fortitude of many people, for whose encouragement and love, I thank you.

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There are two people who have been at the heart of this book and to whom this book is dedicated. To my mother Sandra Du Trevou, you are my hero and inspiration in all I do. Thank you. To my husband Charles Young, thank you for reading, re-reading, questioning, editing and dissecting this book. Thank you for enduring this process and making me as happy as you do.

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