

**COMMISSION ON THE STATUS OF WOMEN**

**54<sup>th</sup> session**

**STATEMENT BY RASHIDA MANJOO  
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ITS CAUSES AND CONSEQUENCES  
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Mr. Chair, distinguished delegates, representatives of the United Nations and the NGO community,

It is an honour for me to address the Commission on the Status of Women (CSW) for the first time since my appointment in June 2009 as Special Rapporteur on violence against women, its causes and consequences. I am grateful for this opportunity to engage with the CSW and believe that our continuing dialogue will mutually enhance our efforts and strategies in implementing the broader UN gender agenda and eliminating violence against women.

At the outset let me commend the Commission for its leadership in organizing and following up on the world conferences on women which took place in Mexico (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995). The efforts undertaken by the Commission over the past decade to systematically review progress in the implementation of the twelve critical areas of concern identified in the Beijing Declaration and Platform for Action have been vigorous and valuable to all those who, including my mandate, have worked alongside the Commission to advance women's human rights.

This session will take stock of fifteen years of collective efforts to advance the status and condition of women in the world. This review will enable us to identify good practices and continuing challenges ahead. At this juncture in time, understanding where and why we have failed may be as important as understanding where and why we have succeeded.

In the field of violence against women, one of the twelve critical areas of concern identified in the Beijing Platform for Action, the review of progress reveals significant milestones. For example, the regional reviews of implementation of the Beijing process indicate that violence against women has been recognized as a key priority and has received considerable attention in all regions. A number of Governments have adopted legislation to eliminate certain forms of violence against women. Other Governments have strengthened existing legislation by taking into account the lessons learnt in previous stages as well as the need to combat new manifestations of violence. Throughout all regions, a number of state institutions have been established and a number of programmes and policies have been adopted for the purpose of addressing violence against women. Steps have also been taken to measure the extent of the problem, strengthen awareness-raising and prevent the occurrence of violence against women.

These developments have, in many instances, been supported by initiatives emanating from UN entities. One example pertains to the development of 'model' legislation. The first Special Rapporteur on violence against women, its causes and consequences in her 1996 report<sup>1</sup> set out a framework for model legislation with regard to domestic violence, with the goal of assisting States in meeting their human rights obligations in the private sphere. The model framework proposed civil and criminal remedies and also other non-legal remedies. This work was furthered in 2008 by a project initiated by the Division for the Advancement of Women on a 'comprehensive law on violence against women'. Also, the Secretary-General's Campaign UNiTE to End Violence against Women reinforces the obligations found in the Declaration on the Elimination of Violence against Women. The five key outcomes which serve as benchmarks for the campaign have been highlighted by this mandate on numerous occasions.

Yet important challenges remain. As highlighted by the regional reviews, effective implementation of legislation and the coordination and cooperation among social and health services and law enforcement agencies is a key challenge. The collection of reliable data on domestic violence remains a problem in several regions with a majority of cases being unreported. Another key challenge concerns access to justice and the need to dispense timely and appropriate punishment for perpetrators of violence. Similarly many plans and programmes for the prevention of violence and care for victims lack implementation. Certain groups of women remain at higher risk of becoming victims of violence including women belonging to minorities, women from indigenous communities, migrant women, women with disabilities and women living in rural areas. In a number of instances achievements may be undermined by negative traditions and customs which constrain women and prevent them from disclosing the violence they are subjected to.

Mr. Chair,

Indeed, much progress has been achieved over the last 15 years in recognizing violence against women as a human rights concern, including through the judgments of the ICTY and ICTR, and the inclusion of some forms of gender violence such as rape, sexual slavery, forced prostitution and forced pregnancy as war crimes and crimes against humanity in the Rome Statute of the ICC. While noting the 10<sup>th</sup> anniversary of Security Council Resolution 1325, I am encouraged by new developments in relation to violence against women in conflict situations, and in particular by the adoption of Security Council Resolution 1888 and the recent appointment of Ms. Margot Wallström as Special Representative of the Secretary General on sexual violence in conflict. I take this opportunity to congratulate her on this appointment and to wish her success in the implementation of her mandate. Resolution 1888 also calls for my mandate to play a role in its implementation, specifically to contribute "briefings and documentation on sexual violence in armed conflict to the Council". I therefore look forward to coordinating and cooperating with the Special Representative in this regard. Similarly, as we move closer this year to the establishment of a new gender entity, I stand ready to engage with it constructively in the protection and promotion of women's rights.

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<sup>1</sup> E/CN.4/1996/53/Add.2

Mr. Chair,

I would also like to take this opportunity to brief the Commission about the work that this mandate has carried out in the past year.

Concerning thematic reports, in 2009 this mandate focused on the political economy of women's rights and its implications for violence against women – a topical subject in the context of the global economic and financial crisis<sup>2</sup>. This analysis also provided an important contribution to advance our understanding of how the underlying political and economic structures of our societies affect women's rights and their vulnerability to violence.

A political economy approach seeks to make explicit the interconnections between the economic, social and political realms. It demonstrates that power operates not only through coercion, but also through the structured relations of production and reproduction; and also through relations which govern the distribution and use of resources, benefits, privileges and authority within the home and the society at large. A political economy perspective also allows us to examine the issue of culture and violence against women from a different light, and allows us to understand how relations of power sustain certain cultural norms.

Yet, the challenges posed by our current neo-liberal policy environment are often neglected in the analyses of women's human rights and are rarely included in strategies to address violence against them. This results in the detachment of the problem of violence against women from its underlying causes.

If we are to secure women's rights and their freedom from violence, it is imperative that we adopt an integrated human rights perspective that stresses the equal importance of civil and political rights and economic and social rights. Unless women can develop their capabilities and achieve economic independence, the human rights they are promised will not be realized. This report therefore looks at the linkages between violence against women and women's access to particular economic and social rights, such as the right to housing, land and property, food, water, health, education, and the right to decent work and social security.

I would like to express my deep conviction that our approach to understanding and responding to violence against women must be broadened to take account of the causes and consequences of violence, which are evident in women's poverty and labour exploitation, their socio-economic inequality with men, and their exclusion from political decision-making. I stand ready to further this objective throughout my mandate and to advance this comprehensive approach to addressing violence.

Mr. Chair,

Last year my predecessor presented to the Human Rights Council a study providing a comprehensive review of the 15 years of the work of the United Nations Special Rapporteur on violence against women, its causes and consequences (1994-2009)<sup>3</sup>. I

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<sup>2</sup> A/HRC/11/6

<sup>3</sup> A/HRC/11/6/Add.5

mention this study again in this context in order to highlight the potential usefulness of this review in complementing an analysis of the Beijing +15 Review, and in particular towards one of its critical areas of concern, namely, violence against women. This study aims to take stock of the achievements of the mandate over the last 15 years, as well as the conceptual and paradigm shifts, the lessons learned, and the challenges ahead in combating violence against women. I believe that this will continue to be a useful reference document which can complement other initiatives and assessments of our collective efforts to eradicate violence against women.

This year, my first thematic report will address the issue of reparations to women who have been subjected to violence. The issue of gender and reparations has received increased attention. However, conceptual and practical frameworks on reparations for victims of violence against women in different contexts - be it in peacetime, conflict or post conflict situations- still need to be consolidated and further developed. This report is intended to complement some of the previous work carried out by the mandate in this regard, in particular the report on the due diligence obligation, which recognizes that the aspect of reparations remains grossly underdeveloped<sup>4</sup>.

Mr. Chair,

Pursuant to Human Rights Council resolution 10/33, I contributed to the second joint report by seven thematic special procedures on the situation in the Democratic Republic of Congo, which will be presented to the current session of the Human Rights Council on 24 March 2010.

In my review of the situation of violence against women in the country, I report with regret that limited progress has been made in implementing the recommendations of the previous joint report with regard to the protection of women's human rights and the promotion of gender equality. Violence against women remains rampant throughout the country, particularly in the East where brutal sexual violence continues to be used as a weapon of war by all parties to the conflict. Laws and practices that discriminate against women remain in place and, along with impunity, constitute a root cause of violence against women.

The seriousness of the situation in the country requires that the Government and donors continue to address violence against women and provide assistance to survivors as a matter of priority by building on current initiatives and enhancing coordination, including with local women's organisations. In this context, the United Nations Comprehensive Strategy to Combat Sexual Violence offers a good framework to coordinate the response of the United Nations, the Government, civil society and the international donors.

Mr. Chair,

Concerning country visits, I will be submitting to the 14<sup>th</sup> session of the Human Rights Council in June 2010 the reports on my official visit to Kyrgyzstan and my follow up mission to El Salvador. I would like to take this opportunity to thank the Governments of these countries for extending an invitation to my mandate.

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<sup>4</sup> E/CN.4/2006/61

In November 2009 I visited Kyrgyzstan where I had the opportunity to engage in constructive discussions with representatives of various ministries and Government institutions, the Office of the Ombudsman, human rights and women's organizations, victims of violence, and representatives of the donor community and United Nations agencies.

During my visit, some of the forms of violence identified included: domestic violence, bride-kidnapping, under-age marriages, unregistered marriages, trafficking, polygamy, violence and discrimination against women based on their sexual orientation and gender identity, and violence committed by law enforcement agents.

Kyrgyzstan is party to numerous international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. Moreover, since 2002, the Government has taken steps to integrate these international standards into the national legal system by adopting an impressive number of legislative and policy frameworks, and corresponding action plans. These include: a law on equal rights and opportunities and a national action plan for achieving gender equality; provisions aimed at ensuring a minimum level of representation of women in the political life of the country; and a law on protection from domestic violence, which has been described as one of the most progressive in the region.

While I commend the Government of Kyrgyzstan for these efforts at the legal and policy levels, these formal commitments have not yet substantively translated into concrete actions and improvements in the lives of ordinary women. Impediments to the advancement of women and the protection of their rights, including freedom from violence, comprise: the lack of implementation of relevant laws and policies, including by law enforcement authorities; the feminization of poverty; and insufficient investments and reforms in the social sector, including in health and social security. The rate of maternal mortality in Kyrgyzstan for example is one of the highest in the CIS region. Since its independence in 1992 the country has also experienced a resurfacing of certain traditional practices, which has strengthened patriarchal systems of control over women. In this context, women and girls' vulnerability to violence, exploitation and destitution has increased.

I am encouraged by the commitments expressed by the Government to address many of these challenges, including through legal reforms in relation to unregistered religious marriages, criminal provisions on coercion into marriage, and improvements to the law on protection from domestic violence. I would like to express my hope that in addition to these particular initiatives, the Government of Kyrgyzstan, with the support of the donor and international community, considers the recommendations in my report, including those which aim to implement legislation in place, and to also strengthen the national gender machinery.

Mr. Chair,

From 17-19 March 2010, I will undertake a follow up country visit to El Salvador, last visited by this mandate in 2004. This visit will be an opportunity to look into the current situation of violence against women in that country and review progress made on the recommendations provided by my predecessor.

Earlier requests for country visits were also made by this mandate to the Governments of Uzbekistan, Turkmenistan and Jordan; more recently I have made requests for official country visits to Zimbabwe, Somalia and the USA. It is my hope that such requests are favorably considered.

Mr. Chair,

According to the resolutions establishing and extending this mandate<sup>5</sup>, I can seek and receive information on violence against women, including in the form of individual complaints or complaints with regard to particular issues of concern or systematic violations. I can then bring this information to the attention of the Governments concerned. This procedure remains confidential until the time communications to and replies from Governments are published annually in an official report submitted to the Human Rights Council. The last communications report by this mandate includes 93 communications to 34 Governments, 19 of which provided responses<sup>6</sup>.

This flexible and accessible complaint mechanism has already proven a valuable complement to other mechanisms such as those available under treaty bodies, and provides insight into trends and patterns of violations relating to violence against women. The use and effectiveness of this communication procedure could be further enhanced nonetheless. For example, frameworks could be potentially put in place so that communications to my mandate as well as other relevant mandates could be used more effectively in certain situations, such as in the context of early warning mechanisms. In addition, more educative work is needed on this aspect of my mandate. As noted by the previous Special Rapporteur on Violence against Women, the challenge of a lack of resources does impact negatively on the efficacy of my work.

Mr. Chair,

Holding regular regional consultations with civil society has become a distinctive and important feature of this mandate. I am committed to continue and to strengthen this practice, including by consolidating annual regional consultations in some regions as well as extending them to new regions. As such, during my first year as Special Rapporteur my mandate will already have participated in three regional consultations. In November 2009, an Asia Pacific Regional Consultation was held in Bangkok, Thailand, on the theme of sexual and reproductive rights. In January 2010, I took part in the third African Regional Consultation in Lusaka, Zambia, which was followed by a national consultation. The focus of the regional meeting was on sexual violence against women and girls in the context of so-called 'peace'. I would like to acknowledge the financial support provided by UNIFEM, the Open Society Institute and the International Centre for Human Rights and Democratic Development for this important meeting. Later this month, I will have the pleasure of attending the first ever Central American and Caribbean Regional Consultation, which will take place in El Salvador and address a number of key challenges relating to violence against women in that region.

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<sup>5</sup> Commission on Human Rights Resolution 1994/45 and Human Rights Council Resolution 7/24

<sup>6</sup> A/HRC/11/Add.1

Through these consultations with civil society, I have had the opportunity to witness first-hand the wealth of expertise that exists within civil society on a wide variety of gender related issues in these regions, and to appreciate the immense contribution that they can make to this mandate. Through these consultations, this mandate can keep abreast of regional and domestic trends, and establish direct contacts with women organisations, academics and victims in different regions of the world. Such venues also offer an opportunity to inform civil society on the work of special procedures and my mandate in particular, with a view to promoting and facilitating cooperation, including in relation to the communications procedure and country visits.

I also participated in a number of conferences and workshops at the invitation of civil society actors in the USA and Italy, and had the honor of taking part in the "International Conference on violence against women", an important initiative of the Italian Presidency of the G8, which took place in Rome in September 2009.

Mr. Chair,

Let me conclude by reiterating my sincere thanks for the opportunity to address this Commission. I feel honored to have been entrusted with the responsibility of the mandate on violence against women and your continued support is appreciated.