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Statement by Ms. Rashida Manjoo
Special Rapporteur on violence against women,
its causes and consequences
65th session of the General Assembly
Third Committee
Item 28
11 October 2010
New York



Mr. Chairperson, distinguished delegates, representatives of the United Nations and the NGO community,

It is with great pleasure that I address the 65th session of the General Assembly in my capacity as Special Rapporteur on violence against women, its causes and consequences.

At the outset let me applaud the work of this Assembly in ensuring the swift establishment of UN Women, the new UN entity tasked with providing leadership, coordination and cohesion to the work of the UN in the field of women's rights and gender equality. I would particularly like to congratulate Ms. Michelle Bachelet on her appointment as the head of this new entity. I look forward to developing a constructive partnership with her and her office to advance the agenda on the human rights of women generally, and the elimination of violence against women in particular.

I would also like to briefly refer to the Millennium Development Goals Summit that took place recently and emphasize that meaningful participation and empowerment, equality and non-discrimination, accountability and transparency are central features of the human rights-based approach to development. I would like to echo the views of many human rights advocates that consider violence against women as the "missing MDG", and call for greater efforts in the implementation of laws, policies and programmes to prevent and address violence against women.

I would now like to take this opportunity to inform the General Assembly of the activities undertaken by the mandate over the last year.

Thematic Report to the HRC

Mr. Chairperson,

My first thematic report to the Council addresses the issue of reparations to women who have been subjected to violence.¹

The legal basis for a right to a remedy and, linked to it, a right to reparation has become firmly enshrined in the corpus of international human rights and humanitarian instruments.

The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law define the contours of State responsibility for providing reparation to victims for acts or omissions which can be attributed to the State. States are responsible for their failures to meet their international obligations even when substantive breaches originate in the conduct of private persons, as States have to exercise due diligence to eliminate, reduce and mitigate the incidence and consequences of private discrimination.

Nevertheless, the implementation of the due diligence obligation to reparations -as recognised by the Convention on the Elimination of all Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women- remains grossly underdeveloped. The little attention devoted to reparations, both at a substantive and procedural level, for women who suffer violence, contrasts with the fact that women are often the target of both sex-specific and other forms of violence in times of peace, conflict and post-conflict. Women often bear the brunt of the consequences of violence that targets them, their partners and

¹ Thematic report on reparations for women subjected to violence, A/HRC/14/22

dependants. Given the disparate and differentiated impact that violence has on women and on different groups of women, there is a need for specific measures of redress in order to meet their specific needs and priorities. Violence perpetrated against individual women generally feeds into patterns of pre-existing and often cross-cutting structural subordination and systemic marginalization. Hence measures of redress need to address both individual reparation and the wider structural factors that enable violations of rights.

Mr. Chairperson,

In view of the structural and multiple forms of discrimination that women face during conflict and post-conflict as well as in times of peace, my report highlights that reparations cannot be just about returning women to the situation in which they were found before the individual instance of violence. Instead, reparations should strive to have a transformative potential. This implies that reparations should aspire, to the extent possible, to subvert instead of reinforce pre-existing patterns of cross-cutting structural subordination, gender hierarchies, systemic marginalization and structural inequalities that may be at the root cause of the violence that women experience.

Official Country Visits and Reports

Mr. Chairperson,

I would now like to present an overview of the findings from the country missions I conducted in November 2009 to Kyrgyzstan and in March 2010 to El Salvador. Before doing so, however, let me reiterate my sincere thanks to the Governments of these countries for their cooperation and hospitality during my visit.

Kyrgyzstan²

From 9 to 16 November 2009, I carried out an official visit to the Kyrgyz Republic at the invitation of the Government. The Government has undertaken important initiatives with a number of significant achievements in raising the status of women. It has adopted a set of national legislative and policy frameworks, which have the potential to provide comprehensive human rights protection to women and girls. For example, it has adopted a law on equal rights and opportunities and a National Action Plan for Achieving Gender Equality; a law on protection from domestic violence, which is considered one of the most progressive in the region; and has included provisions in the Election Code ensuring a minimum level of representation of women in the political life of the country. These formal legislative and policy efforts are commendable. Unfortunately such measures by themselves have not yielded sufficient results to date to address the root causes and the consequences of discrimination and violence against women.

Various forms of violence against women such as domestic violence, bride-kidnapping, trafficking, custodial violence, sexual violence and harassment and violence against lesbians, bisexuals and transgender persons were identified as remaining unreported and unpunished. Marriage practices such as unregistered religious marriages, early marriage, and polygamy are increasingly undermining women's rights and status in the family and society. This is exacerbated by other social phenomena, such as the growing feminization of poverty and economic dependence, social acceptance of certain forms of violence and a resurgence of patriarchal practices, which are rendering women and girls more vulnerable to violence,

² Country mission report on Kyrgyzstan, A/HRC/14/22/Add.2

exploitation and destitution. One of the reasons articulated for the above is the disproportionate impact of the transition to democracy and the market economy on women.

In my report, I make a number of specific recommendations which I hope will contribute to the Government's efforts in addressing these issues. In particular, I urge the Government to strengthen the national women's machinery, including by establishing an independent State body specifically responsible for women's rights and gender equality, which has the legal authority to solicit accountability from relevant ministries and agencies. I also encourage the Government to make specific budgetary commitments towards the implementation of programmes related to gender equality, the socio-economic position and rights of women, and to addressing violence against women. Following the inter-ethnic violence that took place in June 2010, which included physical and sexual attacks against women and girls, it is my hope that no efforts will be spared to duly investigate and bring to justice the perpetrators of such acts.

El Salvador

From 17 to 19 March this year I conducted a follow-up visit to El Salvador, last visited by the mandate in 2004³. The objective of this visit was to review progress made on the recommendations made by my predecessor, assessing the current situation of violence against women and the State response to such violence. In my preliminary observations⁴ I applauded the national law reform proposals on violence against women, equal opportunities and promotion and protection of the rights of children and adolescents. Furthermore, ongoing discussions on the ratification of the Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Rome Treaty are indicators of the Government's willingness to fulfill its due diligence obligations in terms of international human rights frameworks.

However, I am concerned at the significant challenges that continue to exist in the area of violence against women and girls. Of particular concern is the alarming rise in the number of murders of women and girls and the brutality inflicted on their bodies, which is often accompanied by kidnapping and sexual assault. Other forms of violence that were identified in my predecessor's report and continue to be prevalent and pervasive include domestic violence, sexual abuse against women and children in the home and the community, violence and sexual harassment in the workplace, particularly in the maquila sector and the domestic sphere, police-related violence and sexual commercial exploitation. A full report of the visit, including recommendations to the relevant authorities, will be presented to the Human Rights Council in June 2011.

I am also pleased to inform you that, at the invitation of the respective Governments, I will be visiting Algeria and Zambia before the end of the year. I also hope to receive very soon an official confirmation from the US Government to carry out a country visit in January 2011. It is my hope as well that I will receive positive responses to the requests I have made to visit Jordan, Somalia, Zimbabwe, Turkmenistan, Uzbekistan, Nepal and Bangladesh.

³ 2004 country mission report on El Salvador, E/CN.4/2005/72/Add.2

⁴ See http://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?MID=SR_Violen_AgnstWomen

*Group of Experts on the Democratic Republic of the Congo*⁵

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 was presented to the 13th session of the Human Rights Council in March 2010. My contribution highlights the lack of progress since the initial joint report of 2009⁶ and stresses that violence against women, in particular rape and gang rape remains a serious concern, including in areas not affected by armed conflict. I also underscore that discriminatory laws and practices continue to exist and, along with impunity, remain a root cause of violence against women.

I am appalled at the reports on sexual violence perpetrated by armed groups against hundreds of women and girls that took place in Walikale territory in August 2010. While condemning these horrendous acts in the strongest terms, I would also like to recall that sexual violence against women and girls in the DRC remains distressfully pervasive, as reflected in the abovementioned report. It is the primary responsibility of the Government to prevent reoccurrence of such events, ensure security in its territory and to protect civilians with respect for the rule of law, human rights and international humanitarian law.

Co-operation with Expert Bodies

This year I continued strengthening cooperation with inter-governmental expert bodies tasked to monitor the situation of women's human rights. In particular in March this year I presented an oral report to the 54th session of the Commission on Status of Women. In July I held consultations with the CEDAW Committee in order to discuss the scope and modalities for enhanced cooperation between our respective mandates.

I have also had the opportunity to engage in discussions with other inter-governmental bodies on a number of issues related to my mandate.

In May this year, I participated in a conference on the phenomenon of femicides in the Latin America region hosted by the European Parliament. In my interventions, I highlighted the need to address significant gaps between the formal availability of judicial remedies and the lack of their effective application, and referred in that regard to the recent groundbreaking decision of the Inter-American Court of Human Rights, *Cotton Field case v. Mexico*⁷, which sets very high standards in terms of the State's due diligence obligation. In May, in the framework of a colloquium on the Promotion and Protection of the Human Rights of Migrant Domestic Workers in the European Union, held in Brussels, I had consultations with the ILO and several EU partners on the multi-layered dimension of discrimination and risk of violence faced by migrant domestic workers.

In July, I participated in a panel discussion on "Human Rights in Humanitarian Emergency Response" on the margins of the Economic and Social Council Humanitarian Affairs segment in New York. The event discussed the relevance and added value of the work of Special Procedures in relation to relief, recovery and reconstruction, with a view to contribute to durable solutions grounded in human rights. My intervention focused on the need to advocate for gender-sensitive humanitarian assistance, which can contribute to mitigating the different and negative effects that complex emergencies and natural disasters have on men and women. This is particularly important, as in the aftermath of an emergency, pre-existing vulnerabilities and patterns of discrimination and human rights violations are often exacerbated putting

⁵ Second joint report on the situation in the Democratic Republic of Congo, A/HRC/13/64

⁶ First joint report on the situation in the Democratic Republic of Congo, A/HRC/10/59

⁷ IACtHR, *Cotton Field v. Mexico*, Admissibility, merits, reparations and costs, November 16, 2009

women and girls at an increased risk of human rights abuses. Today, we see this reality reflected in the situation in Haiti. I have received numerous reports on the rise in violence against women and girls, in particular rape and domestic violence in IDP camps and elsewhere. I stand ready, in line with the call from the Human Rights Council after its special session on Haiti, to offer my full support to the efforts that are currently being deployed to combat violence against women in the country⁸.

Recent HRC Resolutions

Mr. Chairperson

I welcome the adoption by the Human Rights Council of resolution 15/17 on preventable maternal mortality and morbidity and human rights, which encourages States and other stakeholders to renew their commitment and initiatives towards eliminating preventable maternal mortality and morbidity, through the adoption of human rights-based approaches and in cooperation with all UN entities, including the Special Procedures. My mandate will continue to address this issue, with particular focus on the root causes of maternal mortality and morbidity, including discrimination and all forms of violence against women and girls.

I also welcome the adoption of resolution 15/21 on the rights to freedom of peaceful assembly and of association, which reiterates the rights of all individuals to assemble peacefully and associate freely and also appoints a Special Rapporteur. In light of the numerous allegations I receive concerning violence against women human right defenders and other women attempting to exercise their right to assembly and association, I look forward to a constructive cooperation with this new mandate.

I also look forward to a constructive cooperation with the 5 independent experts of the Working Group created by resolution 15/21 on the elimination of discrimination against women. Their tasks will include identifying, promoting and exchanging views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact.

Communications

The communications contained in my report to the Human Rights Council this year⁹ concerned a wide array of issues which reflect a pattern of inequality and discrimination related to violence against women, its causes and consequences, as defined in General Recommendation 19 of the CEDAW Committee and the United Nations Declaration on the Elimination of Violence against Women. The communications I sent to Governments largely reflect the following trends: a pervasiveness of sexual violence and other forms of violence amounting to torture or ill-treatment; an increase in cases of violence against women human rights defenders, as well as women facing multiple and intersecting layers of discrimination; the failure of States to prevent and respond to violence against women; and the challenges and obstacles posed by laws, regulations, drafts and specific legal provisions which allegedly discriminate against women and may condone or cause violence against women.

⁸ The Human Rights Council special session on Haiti in January 2010 called upon mandate holders “to identify, in collaboration with the Haitian Government, areas for cooperation and technical assistance with Haiti, on the basis of the expertise and the presence of the UN system on the ground” (see A/HRC/S13/2)

⁹ See Communications report, A/HRC/14/22/Add.1

Regional Consultations with Civil Society

Mr. Chairperson,

This mandate, through regional consultations with civil society organisations, has kept abreast of regional and domestic trends pertaining to violence against women and has established direct contact with women's rights organisations, academics and victims in different parts of the world. In November 2009, an Asia Pacific Regional Consultation was held in Thailand on the theme of sexual and reproductive rights. In January 2010, I took part in the third African Regional Consultation in Zambia, on sexual violence against women and girls in the context of so-called 'peace'. In March this year, I attended the first ever Central American and Caribbean Regional Consultation, which took place in El Salvador, and which addressed a number of key challenges relating to violence against women in that region. On 2 and 3 September, along with my colleague, the Independent Expert in the field of cultural rights, Ms. Farida Shaheed, I attended a regional consultation in Kathmandu, Nepal, which focused on women, culture and human rights.

Thematic reports and focus in the future

Despite the global focus on violence against women, the reality on the ground shows that many forms and manifestations of violence against women intersect and remain endemic around the world, cutting across national boundaries, race, class and religion, violating the human rights and dignity of women, including the right to equality, non-discrimination, physical integrity and freedom from violence. My next thematic report to the Human Rights Council will address the challenges posed by the interaction of multiple, pervasive and systemic forms of discrimination and its nexus with violence against women.

Conclusion

The intensification of efforts to address the root causes of violence against women is an urgent imperative for all of us. The daily struggle of women and girls throughout the world for their right to a life free of violence is reflected in the reports of my mandate, in those of CEDAW and also other UN entities. It is an indictment on each one of us and should force us to reflect on our collective failure to adequately address the most prevalent and pervasive form of human rights violations that exists, whether in times of peace, conflict or post-conflict situations.

I thank you for your attention and look forward to a constructive dialogue.