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**SVRI Conference**

**Violence against Women – a human rights violation**

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Distinguished Delegates, Colleagues and Friends

It is an honour for me to address you today and I would like to thank the organisers and sponsors, including SVRI, MRC and WHO for inviting me to participate in this event.

### **Introduction**

States have an affirmative obligation to respect, protect and fulfil human rights, including fulfilling the responsibility to act with due diligence to eliminate violence against women. Elimination of violence against women is critical to women's ability to participate in the civil, political, economic, developmental, social and cultural spheres as full and equal citizens.

Unfortunately, pervasive levels of violence, and a culture of impunity, fundamentally jeopardize the realization of women's right to equality, non-discrimination, dignity and a life free of all forms of violence, and the right to participate effectively in their families, communities and their country. The continuing and new challenges to effectively address violence against women was highlighted in my 2014 reports to the HRC and the General Assembly, and includes among others: the shift to gender neutrality; the persisting public-private dichotomy in responses to violence against women; the failure of States to act with due diligence in eliminating violence against women; the lack of transformative remedies that address the root causes of violence against women, including individual, institutional and structural aspects; the financial crisis, austerity measures and cuts in social services spending; the shift in understanding of gendered responses and the move towards a focus on men and boys; and the lack of a legally binding instrument to hold both States and non-State actors accountable for this human rights violation, as a violation in and of itself.

As noted in my reports, violence against women is acknowledged as a pervasive and widespread violation of human rights, resulting in women's rights violations. An often-overlooked impact of violence against women is the role it plays in obstructing the exercise of effective citizenship by women. Viewing violence against women through the citizenship framework emphasizes women's participation and agency, thus highlighting the importance of women participating as full citizens in their communities. It also exposes the role that gender-based violence plays in impeding women's realization of a broad range of human rights that are essential to the exercise of full participatory citizenship; and it emphasizes the need for States to fulfil their responsibilities for preventing and responding to violence against women and girls, both in the public and private spheres. Thus violence against women needs to be acknowledged as a barrier to the realization of civil, political, economic, developmental, social and cultural rights, and consequently to the effective exercise of citizenship.

It is my hope that my intervention will contribute in some small way to the ongoing discourse on the elimination of all forms of violence against women, including its causes and consequences.

### **The mandate of the UNSRVAV**

Since its establishment in 1994, the mandate of the UN Special Rapporteur on violence against women has studied the forms, prevalence, causes and consequences of violence against women; it has analysed legal and institutional developments in the protection of women against violence as well as the remaining challenges; and has provided key recommendations to Governments and to the international community to overcome such challenges. Taking into account the intersectionality and the continuum of violence approach which have increasingly blurred the distinction between violence perpetrated in the public and the private spheres, my mandate analyses violence against women in four main spheres: (i) in the family; (ii) in the community; (iii) violence perpetrated or condoned by the State; and (iv) in the transnational arena. These four broad categories of violence are neither mutually exclusive nor ranked. From a temporal perspective, my mandate analyses violence against women and girls in times of peace, conflict, post-conflict, displacement and transitions.

I was appointed UN Special Rapporteur on violence against women, its causes and consequences by the United Nations Human Rights Council in June 2009 and concluded a 6 year term at the end of July this year. I have conducted nineteen country visits at the invitation of Government across different regions of the world. In all of these countries, domestic violence broadly, was identified as the primary manifestation of violence against women and girls. Other forms of violence include among others, rape and sexual violence, early and/or forced marriages, sexual harassment, caste-based discrimination, dowry-related deaths, witch-hunting, targeted killings of women, honour crimes, and acid attacks. Despite positive institutional and legislative developments adopted to address violence against women in many parts of the world, I have noted during my visits that discrimination and violence against women continues in law and practice. Also, the persistence of patriarchal attitudes towards women as well as stereotypical views regarding what their roles and responsibilities should be, further contribute to the violation of their human rights.

In many countries, women's economic dependency on perpetrators, due largely to unpaid labour and informal work, is further exacerbated as they struggle to access support payments, within a justice system that is not responsive to the consequences of such dependency. In terms of protection, the police and prosecution services are often accused of failing to investigate reports of violence, either due to corruption within the system, protection of known offenders, or because of cultural attitudes that fail to recognize violence against women as a crime. When these systems do respond, insensitivity and inappropriate investigations are the norm. The lack of effective accountability measures results in impunity in respect of State authorities for their failure to protect against and prevent harm, and also the failure to hold perpetrators accountable.

## **Continuing challenges**

Although, progress has been achieved in advancing women and girl's human rights and also gender equality at the national, regional and international level, there are gaps and challenges that have not been adequately addressed. Continuing and new sets of challenges that hamper efforts to promote the human rights of women and girls can be linked largely to the lack of a holistic approach that addresses individual, institutional and structural factors that are a cause and a consequence of violence against women and girls. Moreover, through the work of the mandate, my predecessors and I have observed that a culture of impunity persists and this contributes to the impossibility of achieving the goal of a life free of violence for women and girls. I will now highlight some challenges as noted in my 2014 reports to the Human Rights Council and to the General Assembly.

### ***Shift to neutrality***

Violence against women is a systemic, widespread and pervasive human rights violation, experienced largely by women because they are women. I argue that the concept of gender neutrality is framed in a way that understands violence as a universal threat to which all are potentially vulnerable and that male victims of violence require, and deserve, comparable resources to those afforded to female victims. This understanding ignores the reality that violence against men does not occur as a result of pervasive inequality and discrimination, and also that it is neither systemic nor pandemic in the way that violence against women indisputably is. Attempts to combine or synthesize all forms of violence into a "gender-neutral" framework tend to result in a depoliticized or diluted discourse, which abandons the transformative agenda. A different set of normative and practical measures is required to respond to and prevent violence against women and, equally importantly, to achieve the international law obligation of substantive equality, as opposed to formal equality.

### ***Persisting public-private dichotomy in responses to violence against women***

The public-private dichotomy is another manifestation of inequality and discrimination in responses to violence against women which ultimately relegates women to the private sphere. It is reinforced by the gender pay gap; the "double burden" of production and reproduction, which often limits the autonomy of women; and systems of guardianship, legal instruments or social control systems which are consciously designed to limit women's access to the public sphere. Even in societies in which women make sustained and significant contributions to the workforce, their roles in public life tend to be curtailed, and issues considered to be of particular concern to women are often assumed to be private. Violence against women is no exception, and the belief that personal relationships are not a matter of public concern continues to affect responses in the prevention, reporting and prosecution of cases of violence.

### ***Failure of States to act with due diligence to eliminate violence against women***

My 2013 report to the Human Rights Council reiterates that State responsibility to act with due diligence requires that there is a framework for discussing the responsibility of States through a dual lens of individual due diligence and systemic due diligence. Individual due diligence refers to the obligations that States owe to particular individuals, or groups of individuals, including to prevent, protect, punish and provide effective remedies. Individual due diligence places an obligation on the State to assist victims in rebuilding their lives and moving forward, and also requires States to punish not just the perpetrators, but also those who fail in their duty to respond to the violation. Systemic due diligence refers to the obligations that States have to ensure a holistic and sustained model of prevention, protection, punishment and reparations for acts of violence against women and girls.

### ***Lack of transformative remedies that address the root causes of violence against women***

Transformative remedies require that the problem of violence against women is acknowledged as systemic and not individual; and that this requires specific measures to address it as a gender-specific human rights violation. In my 2011 report to the Human Rights Council, report, I articulated a gender-specific and holistic framework, including protection, prevention and empowerment approaches. Responses in laws, policies and programmes require that the historical, current and future realities of the lives of women be taken into account through a lens of indivisibility and interdependency of rights. Compromising the resources available to women's groups for service provision and advocacy, including through the prioritizing of men's groups, undermines transformative change efforts.

Furthermore, the creation of hierarchies of violence against women, especially through political and funding actions is a source of concern. This is particularly evident in the articulation of sexual violence in conflict situations as being different and exceptional, as opposed to its being a continuation of a pattern of discrimination and violence that is exacerbated in times of conflict. This has led to the disproportionate focusing on the manifestation of violence against women in conflict situations, to the detriment and ignoring of the low-level "warfare" that women and girls experience in their homes and communities on a daily basis.

### ***Financial crisis, austerity measures and cuts in social services spending***

I have expressed deep concern about the weakening of the women's rights sector resulting from funding cuts for core service provision, including legal, policy and advocacy work. Furthermore, cuts in funding to non-governmental organizations (NGOs), as a form of reprisal against the work of women human rights defenders, is also of concern to my mandate.

### ***Lack of a legally binding instrument***

In my reports, I have highlighted the existence of a normative gap under international human rights law in respect of violence against women and girls. The approach of States' is one of

‘normativity without legality’ and is reflected in the endorsement of principles by States, through resolutions, but without the development and adoption of specific binding legal commitments as regards violence against women and girls. This issue raises crucial questions about State responsibility to act with due diligence, and also the responsibility of the State as the ultimate duty bearer to protect women and girls.

### ***Shift in understanding of gendered responses and the move towards a focus on men and boys***

In the past few years, there has been a move away from the understanding of a “gender focus” as articulated and understood in international normative frameworks and by women’s rights activists and organisations. Even though the shift to the “men and boys” agenda is fraught with difficulty, it appears to have attracted a great deal of funding, recognition and political support. In recent years, many men’s groups have moved from being targets of engagement and allies, to being leaders of initiatives on gender equality, especially through the setting up of specialized men’s organizations to engage men and boys. The logic of the shift in focus appears to be self-defeating because it empowers the group to which perpetrators belong — and a group which overwhelmingly continues to maintain economic, political and societal structures of power, privilege and opportunity — to offer women protection from violence and discrimination. There are also many problematic ideologies about the role of men and boys - and often, the focus is not on women as autonomous beings, disproportionately affected by inequality, discrimination and violence; but rather, violence against women is conflated with the interests of men and boys. Among others, the argument is that, since both men and women are subject to gender stereotypes and since corrupting forms of power are as damaging to men and to women, both men and women would benefit from the dismantling of gender stereotypes.

### **Conclusion**

The international community explicitly acknowledged violence against women as a human rights issue when it adopted the Vienna Declaration and Program of Action at the World Conference on Human Rights in 1993. Standard setting developments, such as General Recommendations 12, 19 and 30 of CEDAW and the Declaration on the Elimination of Violence against women, further acknowledge violence against women as a form of discrimination that impedes or nullifies women’s right to enjoy all other human rights on a basis of equality with men, and also address the obligations that States have to prevent and respond to violence against women. However these documents are not legally binding, but are of persuasive value.

In spite of the ‘soft law’ developments noted above, concerns raised more than two decades ago reaffirm my view that it is time to consider the adoption of an international (United Nations) legally binding instrument on violence against women and girls, with its own monitoring body. Such an instrument would ensure that States are held accountable to

standards that are legally binding; it would provide a globally applicable comprehensive normative framework for the protection of women and girls from all forms of violence; it would have a specific monitoring body to substantively provide in-depth analysis of both general and country-level developments; and it would serve an educative function for State and non-State actors.

I thank you for your attention and wish you well in your discussions.

Reports can be found at: [www.ohchr.org](http://www.ohchr.org) (Special Procedures – Violence against Women mandate)