

STATEMENT BY RASHIDA MANJOO  
SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN,  
ITS CAUSES AND CONSEQUENCES

New York, 28 February 2011

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 second 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 Commission and trust that the current dialogue will enhance our efforts and strategies in promoting the protection of women's rights, including the right to be free from all forms of violence, both public and private.

At the outset let me commend the Commission for having chosen, as the main theme for this session, such an important topic as access and participation of women and girls in women's equal access to full employment and decent work. This programme fully equality in accessing education, training and information, and the interrelations of the right to education, full employment and decent work with other rights, including the right to be free from violence, cannot be overemphasized.

In the work of my mandate, my predecessors and I have noted that education acts as a critical link in the realization of fundamental human rights and is a crucial means to empowering women and girls to participate in the economic, social and political life of their societies. Quality education, full employment and decent work have a direct effect on unlocking women's potential, including making noticeable improvements in the economic and social situation and generally the overall well-being of both women and their families and of substantial benefits to the broader society. Education or employment or any other factor that leads to isolation from a woman's community, leading to lower status, increased vulnerability to discrimination, human rights violations, including violence and abuse in myriad forms.

My mandate has consistently included education and gender equality requirements within the scope of its recommendations and has placed emphasis on these interventions as part of the due diligence obligation of the States to prevent violence against women. Accordingly, in addition to recommendations directed at context-specific forms of violence, my work emphasizes the role of the State in ensuring gender equality frameworks, bringing in attitudes and women's participation in decision-making and undertaking programmes with a strong focus on empowering women as agents of change. It is only through empowering strategies that women's resistance to violence will be enhanced, not only to fight oppression on a daily basis, but more importantly to overcome

disempower in forces, and to the challenging and transforming of gender hierarchies.

I am grateful for the discussions during this session with a view to identifying good practices and addressing the continuing challenges that exist.

Mr. Chair,

My first thematic report on the topic of 'reparations' about the work that my mandate has carried out in the past year.

### *Thematic report on reparations to women who have been subjected to violence*

My first thematic report to the Human Rights Council in June 2010 addressed the issue of reparations to women who have been subjected to violence.<sup>1</sup>

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, particularly in the Basic Principles and Guidelines on the Right to a Fair Trial and Truth Justice and Reparations of international Human Rights Law. States are responsible for their failure to meet their international obligations, even when substantial breaches originate in the conduct of private persons, as States have to exercise due diligence to eliminate, reduce and mitigate the harmful and consequences of private discrimination.

Nevertheless, the implementation of the due diligence obligation to reparations, and in particular to women who have been subjected to violence, remains grossly underdeveloped. The right to reparations, both at a substantive and procedural level, is often the one that is most neglected of both sexes. This is due to the unique and differentiated impact that violence has on women and given that the violence perpetrated against individual women or different groups of women feeds into and reinforces pre-existing and often cross-cutting structural subordination and systemic marginalization, my report argues for specific measures of redress that address both individual reparation and the wider structural factors that enable violations of rights.

Mr. Chair,

In my view, the structural and multiple forms of discrimination that women face during conflict and post-conflict as well as in times of peace, I argue 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 address the existing patterns of cross-cutting structural subordination and systemic marginalization and structural factors that are the root cause of the discrimination that women experience. In this regard, complex schemes of reparations, such as those that provide a variety of

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

benefits, including increased self-confidence, can be addressed for female beneficiaries in terms of transformative potential, both on a practical material level and in terms of their self-confidence and esteem. Measures of symbolic recognition are also crucial as they can simultaneously address both the recognition of victims and the dismantling of discriminatory social structures that give

violence

This year, my thematic report to the Human Rights Council will address this issue of multiple forms of violence against women. This area remains a less developed part of the international human rights system. The mandate has consistently drawn attention to the imperative of applying an intersectional approach to identify and address the effects of multiple forms of discrimination operating simultaneously and permeating the continuum of violence. Far beyond addressing economic inequalities, this framework has drawn attention to the experiences of women of indigenous, ethnic minorities and structural inequalities, among others, in the contexts that heighten their risks and vulnerability to violence, it has also highlighted the need to take into account gender-based discrimination intersects with other forms of "otherness" including amongst others race, ethnicity, religion, disability and economic status, thus forcing the majority of the world's women into situations of double or triple marginalization.

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

Mr. Chair,

Pursuant to Human Rights Council resolution 13/22, I contributed to the third joint report by seven thematic special procedures on the situation in the Democratic Republic of Congo, which will be presented to the Human Rights Council in March 2011<sup>2</sup>.

In the report, I express my deep concern at the serious violations of rights of the human rights of men, women and children by State and non-State actors, and join my efforts in reiterating our call on the Human Rights Council to once again consider the creation of a Special Procedures country-specific mandate. The reports on sexual violence perpetrated by armed groups against hundreds of women and girls that took place in Walikale territory in August 2010 is another horrendous manifestation of the pervasiveness of sexual violence in the DRC, and reflects a culture of impunity that continues to exist.

I welcome the recent decision by a military court in Kinshasa for the first time sentenced a high-ranking commander for crimes against humanity for having sent his troops to rape, beat and loot the population in Fizi on New Year's Day. Besides sending a clear signal that sexual violence in conflict will not be tolerated, this verdict shows that accountability for sexual violence is possible when there is political will. In this regard, I call on the Government of the DRC to bring to justice other perpetrators of sexual violence crimes, while simultaneously strengthening

<sup>2</sup> Third joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo, A/HRC/16/68

...the needs of victims of such crimes.

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### *Country Visits*

Concerning country visits, I will be submitting to the 17<sup>th</sup> session of the Human Rights Council in July 2011 the reports on my official visits to El Salvador, Algeria, Zambia and the United States of America. I would like to take this opportunity to thank the Governments of these countries for their full cooperation and look forward to a fruitful and continued dialogue on the implementation of my recommendations.

I have recently received a positive reply to conduct a visit to Italy in May this year. I also hope that my visit to Jordan in the second semester of 2011 will be favourably considered. Earlier requests for country visits to the Governments of Azerbaijan, Turkmenistan, Zimbabwe, Sri Lanka, Somalia, Nepal and Bangladesh have to date remained unanswered. It is my hope that the Governments of these countries will soon engage with my mandate in order to advance the promotion and protection of women's human rights.

I would like to take this opportunity to highlight one specific aspect of violence against women, i.e. systematic sexual violence during my country missions: the various forms of violence against women and girls, including rape, sexual harassment, sexual slavery, forced prostitution, forced marriage, slavery, trafficking, and other forms of exploitation, including degrading living conditions, including overcrowding, lack of adequate water, sanitation and health services, as well as reports of verbal, physical and sexual abuse against women, including allegations of humiliating or degrading treatment, either as a form of punishment or as a means to extract confessions. Many of the women interviewed have undergone judicial proceedings without their knowledge or consent, and without knowledge of proceedings in general, and the charges against them in particular. In many cases, these women have been victims of domestic and other forms of violence, who have received no form of redress and whose experiences of discrimination and poverty have contributed to the reasons for their victimization. For women and girls, further punishment consists of obstacles such as visiting restrictions and geographical distance keep them separated from their families and their children. This is an area that I will continue to pay particular attention to through the exercises of my mandate.

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### *Communications*

The communications contained in my report to the Human Rights Council this year, as well as the communications received during my mandate, reflect the persistence of inequality and discrimination, and the continued prevalence of violence against women, its causes and consequences, as well as the need for continued efforts to address these issues. In my report to 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 persistent prevalence of sexual violence and other forms of violence amounting to torture or

<sup>1</sup> Communications report, A/HRC/14/22/Add.1

ill-treatment; an increase in cases of violence against women, including violence against women facing multiple and intersecting layers of discrimination; the failure of States to prevent and respond to violence against women; and the numerous obstacles posed by laws, regulations, drafts and special judicial provisions which allegedly discriminate against women and may encourage violence against women.

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### *Regional Consultations with Civil Society*

This mandate, although primarily consultations with civil society organisations, has kept abreast of regional and domestic trends, initiatives and challenges against violence and has established a network with women's rights organisations, scholars, academics and victims in different parts of the world. In March 2010, I attended the High Level Panel of Experts 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. Of major concern in the region is the alarming rise in the number of femicides or extremely violent murders of girls and women, which several human rights of my interlocutors called a "culture of hatred against women" and an "indicator" of the failure of the criminal justice system. Most often, however, femicide is simply the final and most serious consequence of a process of violence rooted in gender inequality, discrimination and violence against women, which is a systematic disregard for women's human rights and the failure of States to comply with their due diligence obligations. Throughout my mandate, I will continue to focus on this extreme form of gender-based violence, including its causes and consequences.

In September last year, along with the Independent Expert in the field of cultural rights, I attended a regional consultation in Nepal, which focused on women, culture and human rights. In January this year, an Asia Pacific Regional Consultation was held in Malaysia on the theme of multiple forms of discrimination and was followed by a national consultation.

Such consultations also offer a unique opportunity to inform civil society on the work of special procedures and to coordinate their work with a view to promoting and facilitating cooperation, including through country visits. I continue valuing the exchanges during these consultations and hope that civil society organisations will remain engaged and be supportive in such important endeavours.

Mr. Chair,

Despite the global focus on violence against women, the reality on the ground shows that violence against women remains the most prevalent and pervasive form of human rights violation that exists, both in times of peace, conflict or post-conflict. In my view, the current major challenge in combating this phenomenon depends on the effective implementation of existing human rights standards to ensure that the root causes and consequences of violence against women are treated at an international level and brought home to the national arena.

Over the past years, the Security Council, the Human Rights Council and the General Assembly have reiterated that States have the obligation to protect all human rights and fundamental freedoms of women and girls. They have also emphasized the States' obligation to exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls, to fight against impunity and to provide protection. The Commission has consistently stressed that failure to do so constitutes a violation of the enjoyment of women's human rights and fundamental freedoms. Furthermore, the CEDAW Committee, in its most recent general recommendation on the core obligations of States parties under Article 1 of the Convention, reinforces the general view that States must address all aspects of their legal obligations under the Convention to respect, protect and fulfill women's right to non-discrimination and to the enjoyment of equality. It underscores that States parties have an obligation not to cause discrimination against women through acts or omissions, and also that States must react actively against discrimination against women, regardless of whether such acts or omissions are perpetrated by the State or by private actors.

If we can continue, in a substantive and sustainable manner, to push for the observance of all States to the due diligence obligation, then we will move towards a conception of human rights that meets our aspirations for a just world, where women's lives are free of discrimination, inequality and violence, whether public or private.

I thank you for your attention.