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**Statement by Ms. Rashida Manjoo
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its causes and consequences**

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

It is with great pleasure that I address the 66th session of the General Assembly in my capacity as Special Rapporteur on violence against women, its causes and consequences. I would like to take this opportunity to share the findings of my first written report to the General Assembly, submitted pursuant to resolution 65/187, and also to inform you of the activities I have undertaken as the mandate holder over the last year.

Report to the General Assembly: The continuum of violence against women from the home to the transnational sphere: the challenges of effective redress

Mr. Chairperson,

My report provides an overview of the mandate's work and main findings, and the challenges it continues to identify. It also presents specific recommendations to address violence against women through a holistic framework based on States' obligations to respect, protect and fulfil the human rights of women and girls.

Since 1994, the mandate of the Special Rapporteur on violence against women has studied the forms, prevalence, causes and consequences of violence against women; analyzed the legal and institutional developments in the protection of women against violence as well as the remaining challenges; and provided key recommendations to Governments and to the international community to overcome such challenges.

The mandate has analysed violence against women in four main spheres: in the family; in the community; violence that is perpetrated or condoned by the State; and violence that occurs in the transnational sphere. It is important to highlight that these four broad categories are neither mutually exclusive nor ranked. Whether it occurs in times of conflict, post conflict or so called peace, the various forms and manifestations of violence against women are simultaneously causes and consequences of discrimination, inequality and oppression.

Mr. Chairperson,

Under international human rights law, States' are compelled to prevent and respond to all acts of violence against women. States' due diligence responsibility comprises an obligation to: 1) prevent acts of violence against women, 2) investigate and punish all acts of violence against women, 3) protect women against acts of violence, and 4) provide remedies including reparation to victims of violence against women.

At a minimum, States' efforts should include legislative measures, including the ratification of international human rights instruments and the adoption of specific legislation on violence against women; institutional and policy measures, which will ensure the adequate investigation and prosecution of acts of violence against women; and capacity building activities, with an aim to eliminating discriminatory and stereotypical attitudes.

States' efforts to comply with their due diligence obligation must address the structural causes that lead to violence against women. Through the implementation of existing human rights standards, States should ensure that the root causes and consequences of violence against women are tackled at all levels of society, starting within the family and up to the transnational sphere. In doing so, States should consider the multiple forms of violence suffered by women and the different types of discrimination they encounter, in order to adopt multifaceted strategies to effectively prevent and combat this violence. A holistic perspective

acknowledges that all forms of abuse qualitatively impact the economic, social, cultural and political well-being of women, of their communities and of the State.

It has become increasingly clear that there is a correlation between prevalence rates and effective and responsive accountability measures. The investigation, prosecution, protection and redress measures, offered to women victims of violence, will have a direct effect on the prevalence rates of such violence. The ultimate objective of States' efforts when investigating and punishing acts of violence against women, and when protecting and offering redress to victims, should be the prevention of re-victimization and future acts of violence by addressing structural discrimination and ensuring the empowerment of women.

The fulfillment of the human rights of women also requires political will and an adequate allocation of resources to address existing inequalities and discrimination. In undertaking these endeavours, States should act without discrimination, and must commit the same efforts and resources to preventing, investigating, punishing and providing remedies for acts of violence against women as they commit to address other forms of violence. States should act in good faith and take positive steps and measures to ensure that women's human rights are protected, respected, promoted and fulfilled.

I conclude my report by proposing a holistic approach to understanding and addressing discrimination and violence against women. This approach has four main recommendations:

1) Firstly, rights must be treated as universal, interdependent and indivisible. Everyone is entitled to have their human rights respected, protected and fulfilled regardless of their geographic location or social position, and this includes the right of women to be free from violence. Yet, understanding rights as universal should not preclude States from taking into consideration the specificities of violence against women and engaging at a local level to adequately recognize the diverse experiences of oppression faced by women. A holistic approach requires that attention be paid to the particular in order to fully realize the universal. This means also grappling with the fact that the rhetoric of universality is not borne out by the material reality in which women live. Human rights are also interdependent and indivisible. States should move beyond the more common focus that privileges civil and political rights and recognize how the denial of social, economic, and cultural rights restricts women from meaningfully exercising civil and political life.

2) A holistic approach to dealing with violence against women requires an understanding that such violence is situated along a continuum, both in terms of time and location; and the varied forms and manifestations reflect this. Violence crosses public and private domains and ranges from intimate and interpersonal violence to structural, systematic, and institutional forms of violence. States must acknowledge that violence against women is not the root problem, but that violence occurs because other forms of discrimination are allowed to flourish. If a woman experiences violence in her home and is then denied security and protection by the legal system, she is encountering more than one form of violence. Hence, the response required to ensure that women's lives are free of violence must occur on multiple levels, from the individual to the institutional, from the local to the transnational, and in times of peace to times of post-conflict.

3) The holistic approach requires States to recognize the existence of structural and institutional inequalities related to both individual and structural discrimination. Whether based on race, ethnicity, national origin, ability, socio-economic class, sexual orientation, gender identity, religion, culture, tradition or other realities, discrimination often intensifies acts of violence against women. The acknowledgement of structural aspects and factors of discrimination is necessary for achieving non-discrimination and equality. Efforts to end all

forms of violence against women must consider not only how individual lives are affected by the immediate impact of abuse, but how structures of discrimination and inequality perpetuate and exacerbate a victim's experience. Interventions that seek to only ameliorate the abuse, and which do not factor in women's realities, are not challenging the fundamental gender inequalities and discrimination that contribute to the abuse in the first place.

4) Adopting a holistic model with regards to violence against women requires an understanding of the ways in which inter- and intra-gender differences exist. Women are differently positioned within social, economic and cultural hierarchies, which lead to certain women not being able to enjoy universal human rights. Discrimination affects women in different ways depending on how they are positioned within such hierarchies. This approach also reveals critical aspects of intra-gender discrimination and inequality, which up until now have been invisible in inter-gender efforts that treat all women homogeneously in the responses to violence. A holistic approach for the elimination of all forms of violence against all women requires addressing systematic discrimination and marginalization through the adoption of measures that address inequality and discrimination among women, and between women and men.

Mr. Chairperson,

A one-size-fits-all programmatic approach is insufficient for combating gender-based violence. Violence results from a complex interplay of individual, family, community and social factors – and, even though all women are at risk for violence in every society in the world, not all women are equally vulnerable to acts and structures of violence.

The UN human rights treaties, declarations and mechanisms provide the institutional framework within which Governments, non-states actors, and local activists can promote a holistic response to identifying, preventing, responding to, and ultimately ending, all forms of violence against women. The fight for the human rights of women remains a collective endeavour in which we should jointly take action to ensure their full enjoyment by all women and girls worldwide.

Country Visits

I would now like to present a brief overview of the findings from the country missions I conducted during the reporting period. At the outset let me take this opportunity to thank the Governments of Algeria, Zambia and the United States of America for their cooperation and hospitality during my visits. I am particularly pleased to report that each mission generated a positive dialogue at both governmental and non-governmental levels, and I look forward to a fruitful and continued dialogue with the Governments of these countries and other stakeholders on the implementation of my recommendations.

I am also pleased to report that in 2011, I received positive replies to requests to visit Italy, Jordan, Somalia and the Solomon Islands. I would like to thank these Governments for responding positively to my requests and urge those Governments that have not yet responded to do so. I particularly look forward to receiving favourable responses from the Governments of Bangladesh, Nepal, Papua New Guinea, Turkmenistan, Uzbekistan and Zimbabwe.

Algeria¹

In November 2010, I conducted a follow-up visit to Algeria. In recent years there have been significant legislative developments in the Nationality, the Family and the Penal Codes which are aimed at eliminating critical areas of inequality between women and men. Developments

¹ Country mission report to Algeria, A/HRC/17/26/Add.3

in the Family Code illustrate the Government's approach to respond to the context and challenges of Algerian society, which is ultimately aimed at gradually effecting social change with the participation of the community.

My report highlights the persistent de jure and/or de facto discrimination as well as entrenched attitudes and stereotypes that relegate women to a subordinate role. Violence against women in the family, sexual harassment at work and in educational and training institutions, and stigmatization of and hostility towards unmarried women and women living on their own, are areas of concern.

*Zambia*²

In December 2010, I visited Zambia. My visit took place during a very exciting time in the country when the review process of the Constitution was almost close to completion. Also, I noted the general excitement concerning the Anti-Gender Based Violence Bill 2010, which was before Parliament then and is now awaiting Presidential approval.

My mission report notes that overall the Government has secured a number of important legal and institutional achievements in the areas of gender, equality and protection from violence against women in the context of complex and difficult social and economic challenges. Yet, these achievements have not translated into concrete improvements in the lives of the majority of women in the country who remain marginalized, discriminated against and at high risk of being subjected to violence. Women's access to justice and protection is impeded by generalised impunity, limited numbers of shelters, lack of or insufficient legal representation and limited awareness of their rights, as well as by economic dependency and societal reluctance to recognize numerous forms of violence as crimes and human rights violations requiring serious attention. The persistence of negative customary and religious practices, despite efforts by State institutions to regulate some of them, continues to exacerbate discrimination against women and women's position of dependence and subordination.

*United States of America*³

Earlier this year I conducted a mission to the United States of America. The objective of this visit was to examine the situation of violence against women broadly, including issues such as violence in custodial settings, domestic violence, violence against women in the military, and violence against women who face multiple, intersecting forms of discrimination, particularly Native-American, immigrant and African-American women.

My report notes that despite positive legislative and policy initiatives to reduce the prevalence of violence against women, there is little in terms of actual legally binding federal provisions which provide substantive protection or prevention for acts of domestic violence against women. The effect of certain jurisprudence is that even where local and state police are grossly negligent in their duties to protect women's right to physical security, and even where they fail to respond to an urgent call, there is no federal level constitutional or statutory remedy. It has been argued that without any solid and binding national scheme at the federal level, mandating legislation and also training programs, there is little protection afforded for domestic violence victims in various jurisdictions, and many women in different parts of the country continue to suffer from inadequate protection.⁴ This has had particularly detrimental effects on poor, minority, and immigrant women.

² Country mission report to Zambia, A/HRC/17/26/Add.4

³ Country mission report to the United States of America, A/HRC/17/26/Add.5

⁴ Brandt-Young, Christine and Buel, Sarah M., *Amici Curiae Brief in Support of Jessica Gonzales (o the VAWA)*, Oct 17, 2008.

Other mandated activities

Thematic Report to the Human Rights Council⁵

In June 2011, I presented my second thematic report to the Human Rights Council which focused on multiple and intersecting forms of discrimination and violence against women. The report analyzes the forms, causes and consequences of multiple forms of discrimination as regards violence against women; highlights the reality that multiple and intersecting forms of discrimination have contributed to and exacerbated violence against women; and argues that the intersections between gender-based discrimination and other forms of discrimination, and the consequences thereof, are too often overlooked.

Communications⁶

The communications contained in my report to the Human Rights Council this year reflect a pattern of inequality and discrimination related to violence against women, its causes and consequences. I regret to note that only three Governments, out of the 13 concerned, replied to my communications. I would like to reiterate that communications are an important part of the cooperation and the dialogue of Governments with my mandate.

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 July this year, I participated in a general discussion on the protection of women's human rights in conflict and post-conflict which was organized by the Committee on the Elimination of all forms of Discrimination against Women. I also held a bilateral meeting with the Committee with a view to strengthening partnerships between the two mandates. In February 2011, I presented an oral report to the Commission on the Status of Women and stressed the need for more effective implementation by States of the due diligence obligation in regard to violence against women.

Group of Experts on the Democratic Republic of the Congo⁷

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 was presented to the Human Rights Council in March 2011. In the report, I express my deep concern at the serious violations of the human rights of women and girls by both State and non-State actors, and join my peers in reiterating our call on the Human Rights Council to once again consider the creation of a Special Procedures country-specific mandate.

Regional Consultations with Civil Society

In January 2011, I took part in a regional consultation for Asia Pacific, held in Malaysia, which was followed by a national consultation. In June 2011, I also participated in consultations held in Brussels with European civil society organizations, including representatives of European observatories on violence against women.

Conclusion

Mr. Chairperson,

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 and of other UN entities. For example, in the majority of the twenty-one country reports considered by the Committee on the

⁵ A/HRC/17/26

⁶ Communications report, A/HRC/17/26/Add.1

⁷ Third joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo, A/HRC/16/68

Elimination of all forms of Discrimination against Women in 2010, the prevalence of violence was either high, persistent or on the increase.⁸

Our joint presence here today highlights the fact that ensuring the human rights of women remains a collective responsibility that requires joint action for effective implementation. The primary responsibility, however, rests with States, in line with their obligations to protect, respect and fulfil all human rights for all, without discrimination. I remain fully committed to cooperate closely with the UN System and to assist States in their endeavours to make this a reality.

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

⁸ CEDAW/C/EGY/CO/7, para. 23; CEDAW/C/MWI/CO/6, para. 22; CEDAW/PAN/CO/7, para. 7; CEDAW/ALB/CO/3, para. 3; CEDAW/C/AUS/CO/7, para. 28; CEDAW/C/FIJ/CO/4, para. 22; CEDAW/C/USR/CO/7, para. 22; CEDAW/CO/TUR/6, para. 22; CEDAW/C/MLT/CO/4, para. 22; CEDAW/C/TUN/C/6, para. 26; CEDAW/C/UGA/CO/7, para. 23.

