**Submission from the International Development Law Organization (IDLO) in response to the Questionnaire from the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health** **to inform her next thematic report on “Violence and its impact on the right to health”, to be presented to the Human Rights Council in June 2022**

January 17, 2022

Geneva, Switzerland

IDLO, as the only global intergovernmental organization exclusively devoted to promoting the rule of law to advance peace and sustainable development, recognises and supports the significant work of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

We welcome the theme of the upcoming report of the Special Rapporteur on “Violence and its impact on the right to health” and particularly its focus on gender-based violence, in its multifaceted manifestations. IDLO appreciates the opportunity to inform the report and assist the mandate of the Special Rapporteur.

**Introduction**

Combatting gender-based violence (GBV) is a key objective under IDLO’s [Strategic Plan 2021-2024](https://www.idlo.int/about-idlo/strategic-plan/2021-2024).  IDLO has been working around the world in countries such as Honduras, Mali, Mexico, Myanmar, Somalia, and Tunisia to [combat gender-based violence](https://www.idlo.int/what-we-do/women-and-girls/violence-and-discrimination), focusing on strengthening the capacity of justice sector institutions, formal or informal, to respond to GBV; increasing women's legal empowerment to access justice and claim their rights; and combatting discriminatory laws and ensuring the emergence of gender-responsive legal and institutional frameworks to address GBV.

Recognizing the urgency to combat gender-based violence, IDLO joined the Generation Equality Forum, in particular the [Action Coalition on Gender-based Violence](https://forum.generationequality.org/action-coalitions) to help catalyze tangible results in the next five years. As a [Commitment Maker](https://www.idlo.int/news/highlights/idlo-commitment-generation-equality-action-coalitions), we pledged to adopt an integrated approach to addressing GBV against women and girls focused on strengthening gender-responsive justice. IDLO also joined UN Women, UNODC and other partners in two collective commitments on increasing access to essential services for survivors of gender-based violence and implementing and scaling up gender-responsive policing.

**Response to the Questionnaire**

IDLO is pleased to highlight relevant examples from our work that may contribute to the following questions:

|  |
| --- |
| **Question 2:** Please describe whether the legal framework prohibits and sanctions these forms of violence and the definitions and forms of violence included in the legal system. Please explain redress options for survivors of violence, (the pathway they go through if they decide to file a complaint), levels of impunity and if access to comprehensive physical and mental care for GBV-survivors is recognized as a form of reparation.**Question 5:** Please share information on the health and other type of responses provided by the State and/or other actors in your country/ies or regions in focus to survivors of each/some of the aforementioned forms of violence. Please assess what works well and not so well, and whether COVID-19 impacted the response and how.**Question 8:** Please share examples of good practices and examples of comprehensive health responses to survivors of violence and indicate efficient multi-sectorial efforts at the community, national, regional and international levels by State or non-State actors. |

**Research**

1. IDLO is currently developing an issue paper with the Global Women's Institute of the George Washington University on **‘**[**Survivor-centered Justice for Gender-Based Violence in Complex Situations**](https://www.idlo.int/news/highlights/survivor-centered-justice-why-it-essential-ending-gender-based-violence)’ that will provide a deeper understanding of the challenges women and girls who are survivors of GBV face in accessing justice in complex settings, and the approaches for improving access to and effectiveness of the justice system.[[1]](#footnote-1) The upcoming issue paper summarizes key lessons and promising practices drawn from six case studies, each with a distinctive thematic focus: Afghanistan (conflict), Honduras (femicide and organized crime), Papua New Guinea (customary and informal justice), The Philippines (climate change and disasters), South Sudan (conflict) and Tunisia (COVID-19). The case studies build on IDLO’s current and previous work on GBV, as well as draw from external promising practice examples, thus contributing concrete examples and practical guidance for national implementation.
2. In 2019, together with UN Women, the World Bank and the Pathfinders for Peaceful, Just and Inclusive Societies’ Task Force on Justice, IDLO published the [*Justice for Women Report*](https://www.idlo.int/publications/justice-women-high-level-group-report), a milestone report which called for increased attention and investment on justice for women.  The Justice for Women report highlights ‘Intimate partner violence’ as one of the key justice challenges facing women (**pp. 22-24**) and offers a number of promising approaches to prevent and combat GBV focusing on the role of the law and legal reform, while recognizing that these are just part of a larger puzzle and a multipronged effort to reduce the prevalence of violence against women (**pp. 54-61**).

The report highlights justice is a key component of the comprehensive effort that is required to end violence against women and girls. To begin with, research on 84 countries found that the existence of a law against domestic violence is associated, on average, with a 3.7 percent lower national rate of physical intimate partner violence ([UN Women, IDLO, World Bank and Task Force on Justice 2019](https://www.idlo.int/sites/default/files/pdfs/publications/Justice-for-Women_Full-Report-English.pdf), **p.56**). The prohibition of GBV can have a preventive effect. New laws, however, are only one part of the puzzle. While more longitudinal studies are needed, emerging evidence shows that investments in legal reforms, special services for women, and transforming social norms can indeed prevent violence against women and girls on a large scale.[[2]](#footnote-2) The report concludes with a ‘Call to Action’, which prioritzes several major directions, including the ‘enactment of legislation, enforcement measures and appropriate response for the prevention of violence against women’ (**p. 82**).

1. Released in 2020, and building on the Justice for Women Report, the[*Justice for Women Amidst COVID-19*](https://www.idlo.int/publications/justice-women-amidst-covid-19)report documents major challenges to women’s access to justice in light of the COVID-19 pandemic. The report was developed by UN Women, IDLO, UNDP, UNODC, World Bank, Pathfinders for Peaceful, Just and Inclusive Societies, and endorsed by The Elders.  The *Justice for Women amidst COVID-19* report noted, early in the pandemic, the ‘worsening risks of intimate partner violence and other forms of domestic violence’ (**pp. 19-20**) and highlighted innovative justice interventions to prevent and respond to IPV in the context of the COVID-19 crisis (**pp. 27-29**).
2. IDLO’s publication[*Legal Empowerment, Social Accountability and HIV Prevention for Young Women and Girls: Lessons from Tanzania and Uganda*](https://www.idlo.int/publications/legal-empowerment-social-accountability-and-hiv-prevention-young-women-and-girls)(2020) reviews IDLO's programming in Tanzania and Uganda which integrated legal empowerment and social accountability strategies to accelerate justice for women and girls. Implemented as part of the DREAMS Innovation Challenge, IDLO's program aimed at reducing new HIV infections among adolescent girls and young women by strengthening demand for quality HIV prevention services while increasing the capacity of service providers and policymakers to use rights-based local engagement and feedback processes. This Lessons Learned Brief explores and explains how IDLO's use of integrated legal empowerment and social accountability strategies within a cohesive and multi-pronged intervention for HIV prevention programming among young women and girls represents a unique and innovative approach.
3. IDLO’s earlier publication, [*Advancing the Right to Health: The Vital Role of Law*](https://www.idlo.int/publications/advancing-right-health-vital-role-law) (2017), jointly published with the World Health Organization, the University of Sydney and the O’Neill Institute has a dedicated chapter on Maternal, reproductive and child health, which specifically looks at the health consequences of violence against women and provides illustration of concrete rule of law-based solutions to violence against women (**pp. 284-288**).

**Programming**

Preventing and combatting GBV constitutes the largest area of IDLO’s programmatic work on gender.  IDLO has an extensive track record of GBV programming in diverse contexts, working mostly in conflict and fragile situations.

IDLO's GBV work focuses on (a) strengthening the capacity of justice sector institutions to respond to GBV, whether they are formal or informal institutions; (b) increasing women's legal empowerment to access justice and claim their rights; and (c) combatting discriminatory laws and ensuring the emergence of gender-responsive legal and institutional frameworks on GBV.

Examples of our country-specific GBV work include:

1. In **Kenya**, IDLO has been working with key institutions such as the Judiciary, State Department of Gender Affairs, and National Gender Equality Commission to strengthen legal and policy frameworks for combatting GBV at both national and county levels. Examples of policy frameworks developed in partnership with IDLO include: (i) the National Policy on the Prevention and Protection from Unlawful Sexual Acts and the Administration of Justice in Sexual Offences Matters; (ii) the National Policy on the Eradication of Female Genital Mutilation; (iii) the Meru Sexual and Gender-Based Violence Policy, based on a model law and policy on SGBV for County Governments; and (iv) Guidelines for the Establishment of GBV Recovery Centres in all health facilities in Kenya. IDLO is also working with county-level governments to improve access to justice in GBV cases. In addition, IDLO is engaging with the National Council on the Administration of Justice on the development of a centralized system for criminal justice actors to facilitate data collection and documentation of GBV cases.
2. In **Mali**, as part of our multi-country program in the Sahel region, IDLO is strengthening the capacity of criminal justice actors to respond to gender-based violence and working to improve the quality of justice services to make them more efficient, transparent, and accessible to citizens. As part of these efforts, IDLO supported the establishment and operation of Consultation and Coordination Groups (Cadres de Concertation, or CdCs), informal committees coordinating localized solutions among state criminal justice chain actors, civil society organizations, and local and traditional authorities. Due to the work of the CdCs in Mali, nearly 3,000 female victims of GBV were able to access information, professional advice, or services, including in the justice system. [More…](https://www.idlo.int/what-we-do/initiatives/integrated-support-criminal-justice-systems-sahel-mali-burkina-faso-niger)
3. In **Mongolia**, IDLO launched a law clinic for survivors of sexual and gender-based violence (SGBV) and has supported the development and operation of a CSO referral network for survivors. Moreover, expanding its work on child rights, IDLO is supporting specialized children’s rights committees to provide legal and other services to child victims and witnesses in the context of the COVID-19 pandemic, and is developing children’s workbooks on child rights and reference material for parents of children with disabilities. [See also…](https://www.idlo.int/news/mongolia-combating-domestic-violence-civil-society-and-students)
4. In **Somalia**, IDLO is supporting the formalization and standardization of alternative dispute resolution (ADR) processes based on local traditional justice mechanisms (Xeer), including for handling and/or referring cases of GBV and the protection of survivors, to promote fair and equitable access to justice, particularly for women and marginalized groups. IDLO’s research, [*Accessing Justice: Somalia's Alternative Dispute Resolution Centers*](https://www.idlo.int/publications/accessing-justice-somalias-alternative-dispute-resolution-centers), identified gaps and areas for improvement on gender equality in the ADR processes and provided recommendations and action areas for future ADR policies and programming. [More…](https://www.idlo.int/news/multimedia/videos/empowering-women-somalias-alternative-disputes-resolution-centers)
5. In **Tunisia**, IDLO has supported the establishment of a support network to facilitate the economic participation of GBV survivors. Initially designed to reach about 160 women beneficiaries from the governorates of Kef and Grand Tunis, the network is expanding though the creation of a mobile app launched by IDLO in cooperation with the Ministry of Women, Family and Children. Responding to the increase in domestic violence in the context of COVID-19, IDLO also supported a newly created dedicated helpline to provide legal information and advice on gender-based violence. [See also…](https://www.idlo.int/news/manual-womens-shelters-tunisia-becomes-law)
6. In **Uganda**, as part of its Community Justice Programme (CJP), IDLO is providing technical support to formal institutions, such as the Judiciary, Office of the Director of Public Prosecutions, Uganda Police Force and Uganda Prison Service through capacity building in of GBV case management. IDLO also supports CSO partners in conducting research on specific forms of GBV; providing gender-responsive legal aid services to GBV survivors; and strengthening referrals and accountability mechanisms.

We are grateful for this opportunity to contribute to the work of the Special Rapporteur and inform her thematic report on “Violence and its impact on the right to health”, to be presented to the Human Rights Council in June 2022. We look forward to the report and to her work on this important theme.

\*\*\*

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.

1. IDLO will be pleased to share an advance copy of the publication with the Special Rapporteur before its official launch, which is scheduled for July 2022. [↑](#footnote-ref-1)
2. Ellsberg M, Ugarte W, Ovince J, et al. Long-term change in the prevalence of intimate partner violence: a 20-year follow-up study in León, Nicaragua, 1995- 2016. *BMJ Global Health* 2020. Available at: <https://globalwomensinstitute.gwu.edu/research-reports-articles> [↑](#footnote-ref-2)