

CONCEPT NOTE

VIOLENCE AGAINST WOMEN AND GENDER-BASED VIOLENCE

BACKGROUND INFORMATION ON THE PACIFIC REGION

AND QUESTIONS FOR DISCUSSION

“We need to stand together, and keep moving forward, until women and girls can live free of fear, violence and discrimination - able to make their own choices, and empowered to raise their own voice.”

[Michelle Bachelet](#), United Nations High Commissioner for Human Rights, 2019

Background

Achieving gender equality, and the empowerment of all women and girls, is not only a key human rights issue it is also one of the 17 Sustainable Development Goals ([Goal 5](#)) - and one of the elements mainstreamed throughout the whole of Agenda 2030, as the central claim of “*Leaving No One Behind*” will not be achieved without reaching Goal 5.

This goal is even more important for SIDS around the world, which have their own particular vulnerabilities and human rights issues and often face high rates of violence against women. Since the adoption of the SIDS Accelerated Modalities of Action Pathway ([Samoa Pathway](#)) in 2014, gender equality has been considered a priority area for all SIDS, especially in terms of the support provided to them in order to achieve their sustainable development.

Data on specific violence against women and gender equality indicators is rarely collected and other relevant data is not always disaggregated by sex. But, according to the Pacific Community (SPC), two thirds of [women in the Pacific region](#) have been impacted by violence against women, mainly in their families or communities: twice the global average.

Marginalized, discriminated against and victims of physical and psychological violence, the situation of these women and girls is further aggravated by the difficulty of accessing formal justice and obtaining reparation. Contributing factors include limited knowledge

of their rights; difficulty in accessing public services; improper conduct by police; personal fear - for example, of the perpetrator; and taboos and social traditions surrounding the issue.

In most cases, violence against women is deeply rooted in systemic discrimination, including social norms that tolerate it and fail to provide support to women and to victims. Moreover, despite ongoing efforts to change the situation, governments often face difficulties in effectively implementing laws and programmes to address violence against women, either directly or indirectly, in both rural communities and urban areas.

The [16 Days of Activism against Gender-Based Violence](#) campaign, led by the United Nations, aims to raise awareness of this [phenomenon](#), generally defined as any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women - including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. For 2019, this annual campaign will begin on 25th November, the International Day for the Elimination of Violence against Women, and will end on 10th December, Human Rights Day, highlighting the link between violence against women and human rights.

Since 1991, 187 States have participated in the campaign, making it clear that violence against women is a global issue that is deeply significant to women in every region and culture.

Human Rights Council mechanisms and resolutions dealing specifically with issues related to violence against women

Numerous resolutions and mechanisms of the Human Rights Council have confirmed that violence against women constitutes a violation of the human rights and fundamental freedoms of women and girls.

I. Special Procedures

- **Special Rapporteur on violence against women, including its causes and consequences**

Established in 1994 by the United Nations Commission on Human Rights ([E/CN.4/RES/1994/45](#)), the mandate of the [Special Rapporteur on violence against women, including its causes and consequences](#) underscores the fundamental obligations of governments to ensure equality, security, liberty, integrity and dignity of all human beings by addressing violence against women. Thereafter renewed by the Human Rights Council, most recently at its 41st session ([A/HRC/41/L.5/Rev.1](#)), this mandate enables an independent expert to conduct country visits and investigations, to transmit urgent appeals and communications to States regarding alleged cases of violence against women, and to submit annual thematic reports to the Human Rights Council.

The Special Rapporteur undertakes several country visits each year pursuant to an invitation by the State's government and visited the Pacific SIDS, the [Solomon Islands](#) and [Papua New Guinea](#), in 2012.

- **Working Group on the issue of discrimination against women and girls in law and in practice**

Established in 2010 by the Human Rights Council ([A/HRC/RES/15/23](#)), the [Working Group on the issue of discrimination against women and girls in law and in practice](#) has also strengthened its action to address violence against women. Thereafter renewed, and most recently at its 41st session ([A/HRC/41/L.6/Rev.1](#)), this mandate tasks five independent experts to identify and promote good practices through dialogue with the different stakeholders and to provide support to States when addressing multiple forms of discrimination against women and girls, including violence against women.

The Working Group visited [Samoa](#), in 2017.

- **Other mandate holders**

Most other special procedures mechanisms produce thematic reports of the intersection between women's rights, gender equality and their specific mandate as well as reports following country visits that also often include sections on women's rights.

- **Special Rapporteur on trafficking in persons, especially women and children**

Established in 2004 by the Commission on Human Rights ([E/CN.4/DEC/2004/110](#)), the [Special Rapporteur on trafficking in persons, especially women and children](#) focuses on the human rights aspects of the victims of trafficking in persons. Thereafter renewed, and most recently at the 35th session of the Human Rights Council ([A/HRC/RES/35/5](#)), the mandate addresses this specific form of violence against women.

The Special Rapporteur never went to one of the Pacific SIDS.

- **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Established in 1985 by the Commission on Human Rights ([E/CN.4/RES/1985/33](#)), the [Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#) focuses on the human rights aspects of the victims of trafficking in persons. Thereafter renewed, and most recently at the 34th session of the Human Rights Council ([A/HRC/RES/34/19](#)), this mandate also addresses forms of violence against women that constitute torture or other cruel, inhuman or degrading treatment or punishment ([A/HRC/7/3](#) and [A/74/148](#)).

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The Special Rapporteur visited [Papua New Guinea](#), in 2010.

II. Resolutions related to violence against women

In accordance with a General Assembly resolution adopted in 2006 ([A/RES/61/143](#)), which invited the Human Rights Council to discuss violence against women and to set priorities for addressing the issue in its work, the Human Rights Council adopted a resolution on integrating the human rights of women throughout the United Nations system in 2007 ([A/HRC/RES/6/30](#)). This resolution strongly insists on States' obligations under international law and mentions how the Human Rights Council's mechanisms can better address violence against women.

Since then, the Human Rights Council adopts an annual resolution on discrimination and violence against women during its September session (in 2019: [A/HRC/41/L.6/Rev.1](#)), showing that it remains actively seized of the matter.

III. Universal Periodic Review

All stakeholders have to take full account of both women's rights and gender equality at all stages of the Universal Periodic Review ([A/HRC/RES/6/30](#)), a process by which States scrutinises every State's human rights record every four years.

All States have received recommendations related to these issues. [12 030 recommendations related to women's rights](#) have been issued in the three cycles of the Universal Periodic Review and 168 States have received recommendations on women's rights during their review.

IV. Panel discussions

Since 2007 ([A/HRC/RES/6/30](#)), the Human Rights Council includes in its programme of work two major discussions on violence and discrimination against women: the [Annual discussion on the integration of a gender perspective throughout its work and that of its mechanisms](#), which takes place during the September session, and the [Annual full day discussion on the human rights of women](#), which takes place during the June-July session. As requested by the General Assembly, one debate of the annual full day discussion must be directly related to violence against women; in 2019 the focus was on violence against women in the world of work ([A/HRC/41/L.5/Rev.1](#)).

A [Panel discussion on women's rights and climate change: climate action, good practices and lessons learned](#) was also established in 2018 ([A/HRC/RES/38/4](#)) and also takes place during the June-July session.

In 2019, the Pacific SIDS (Fiji, the Marshall Islands, Vanuatu and Nauru) made several statements during these different panel discussions, in their national capacity and on behalf of other States.

Possible questions for discussion

1. What practices and initiatives is your country undertaking at a national or regional level to address gender-based violence? Please provide examples.
2. How can these practices and initiatives could be brought to the Human Rights Council's attention so that other countries can learn from them?
3. To what extent the Human Rights Council's actions (mechanisms, resolutions, panel discussions) have had an impact/effect on national policies aimed at reducing gender-based violence?
Please provide examples of good practices as well as positive experiences in this regard.
4. Have knowledge tools developed by the UN human rights system been used in the development of the implementation framework for Goal 5 ?
5. How could the Human Rights Council be more effective in this area? Should new tools or mechanisms be envisaged, and if so what could they be?
To what extent may the Council play a preventive role in this area?

References

[Resolution 1994/45](#)

[A/HRC/41/L.5/Rev.1](#)

[A/HRC/23/49/Add.1](#)

[A/HRC/23/49/Add.2](#)

[A/HRC/RES/15/23](#)

[A/HRC/RES/32/4](#)

[A/HRC/38/46/Add.1](#)

[A/RES/61/143](#)

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[Resolution 6/30](#)

[A/HRC/RES/38/4](#)

[A/HRC/41/26](#)

[Concept note panel discussion \(HRC41\)](#)

[Concept note panel discussion \(HRC42\)](#)

[CEDAW, GC35](#)

[CESCR, GC23](#)

[ILO Domestic Workers Convention No. 189 \(2011\)](#)

[ILO Discrimination \(Employment and Occupation\) Convention No. 111 \(1958\)](#)

[ILO Maternity Protection Convention No. 183 \(2000\) and ILO Maternity Protection Recommendation No. 191 \(2000\)](#)