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**Statement by Ms. Rashida Manjoo,  
Special Rapporteur on Violence against women, its causes  
and consequences**



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Chairperson, Excellencies, Distinguished Delegates, Colleagues and Friends,

It is a pleasure for me to address you at the 59<sup>th</sup> session of the Commission on the Status of Women to present my oral report. This will be the last occasion that I will address this Commission in my capacity as Special Rapporteur, as my tenure will end in July.

The review and appraisal of the Beijing Declaration and Platform for Action during this session is welcome. Among other crucial issues, this session allows us to reflect on the issue of violence against women, which is acknowledged as a widespread and pervasive human rights violation that we face today, whether in times of peace, conflict, post-conflict, displacement or transitions. The Beijing Declaration and Platform recognised violence against women as one of the twelve critical areas of concern, importantly as a violation of women's human rights and fundamental freedoms, and consequently as an obstacle to the achievement of equality, development and peace.

For over 25 years, the global women's human rights movement has worked to address violence, inequality, discrimination, subordination and oppression of women and girls, and to transform the status and realities of women, while working within a human rights framework. In addition to the interpretive guidelines provided by CEDAW, in 1993 the General Assembly adopted the Declaration on the Elimination of Violence against Women, thereby providing a more comprehensive non-binding framework on violence against women in terms of definition, scope, obligations of the State, and the role of the United Nations. Pursuant to a decision of the Commission on Human Rights in 1993, the appointment of a Special Rapporteur on violence against women was considered, and the mandate was established through a resolution. The acknowledgement of violence against women as a human rights issue has led to the General Assembly, the Human Rights Council and the Security Council passing resolutions that focus on violence against women and girls.

I have studied the measures undertaken by Governments in their attempts to meet their obligations to eliminate violence against women, mainly through legislative measures, institutional and policy measures, and awareness raising and capacity-building activities. With diverse levels of commitment, resources and political will, most countries have put in place measures in an attempt to curb the prevalence of violence against women. However, and despite these efforts, violence against women remains a pervasive and widespread

phenomenon, and no single country can claim that there is progressive elimination occurring. In fact, civil society in general, and women's rights activists in particular, argue that the problem is increasing and has reached epidemic proportions.

### **2014 Thematic reports to the Human Rights Council and the General Assembly**

In 2014 we celebrated the 20<sup>th</sup> anniversary of the establishment of the mandate of the Special Rapporteur on violence against women, its causes and consequences, and also the Declaration on the Elimination of Violence against Women. This provided a unique opportunity to reflect on global developments in the elimination of violence against women over the last two decades, but also on gaps and challenges. Over the past two decades, the work of the mandate has included conceptual developments and also the oversight of application and compliance practices, as part of a State's obligation to effectively implement international norms and standards. The mandate has consistently argued that violence against women cannot be fully understood without also considering interpersonal, institutional and structural forms of violence and discrimination that form the reality of women's lives.

The 2014 thematic report that I presented to the Human Rights Council covers twenty years of developments within the United Nations regarding violence against women, and reflects on the gains, gaps and the continuing challenges. The report provides a mapping of soft law developments within the United Nations over the past twenty years, and it critically analyses the challenges of 20 years of 'normativity without legality', as reflected in the endorsement of principles by States, but without the adoption of binding legal commitments.<sup>1</sup> The lack of a specific legally binding instrument on violence against women, to hold both States and non-state actors accountable, constitutes one of the challenges that my mandate has identified over the last five years. I argue that despite the existence of interpretative guidelines and monitoring by human rights treaty bodies and the universal periodic review, the limitations of large and varied monitoring mandates, coupled with time constraints when examining State party reports, results in insufficient interrogation concerning the information relating to violence against women, its causes and consequences, and also an insufficient assessment of responses.

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<sup>1</sup> A/HRC/26/38

States must take positive steps to effectively meet their responsibility to respect, protect and fulfil human rights obligations. In my view, the adoption of a United Nations binding international instrument on violence against women and girls, with its own universal monitoring body, would ensure that States are held accountable to standards that are legally binding; it would provide a clear normative framework for the protection of women and girls globally; and it would have a specific monitoring body to substantively provide in-depth analysis of both general and country-level developments. With a legally binding instrument a protective, preventive and educative framework would be established that reaffirms the commitment of the international community to its articulation that women's rights are human rights, and that violence against women is a pervasive and widespread human rights violation, in and of itself. I have recommended that the Human Rights Council and the General Assembly undertake an inquiry into the normative gap under international law, in the quest to further strengthen efforts to eliminate violence against women.

My 2014 report to the General Assembly addresses the issue of violence against women as a barrier to the realization of women's civil, political, economic, social, cultural and developmental rights. An often-overlooked impact of violence against women is the role it plays in obstructing the realization of women's citizenship rights, thereby precluding women's participation, autonomy and agency as full citizens in their communities. Human dignity and the rights to freedom, non-discrimination and equality lie at the heart of the human rights regime, thereby providing the necessary conditions for human agency in exercising citizenship rights. Violence against women, whether in the public or private spheres, contributes to impeding women's realization of a broad range of human rights that are essential to the exercise of full, inclusive and participatory citizenship. Viewed through this framework, violence against women has to be acknowledged as a barrier to the realization of all human rights, and consequently to the effective exercise of citizenship rights.<sup>2</sup>

The abovementioned reports to the Human Rights Council and the General Assembly also identify some of the continuing challenges that are a barrier to the successful elimination of

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<sup>2</sup> A/69/368

all manifestations of violence against women. These challenges include 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 state and non-state actors accountable for this violation, as a human rights violation. In relation to these challenges, I have recommended that the Secretary-General initiate a study on the impact of such challenges in the quest to eliminate violence against women.

### **Country visits in 2014 and 2015**

In 2014 I visited the United Kingdom of Great Britain and Northern Ireland, Honduras and Afghanistan. I would like to thank the Governments of these countries for their cooperation. I would also like to thank the Governments of Sudan, South Africa and most recently Israel for accepting my requests to visit. Accepted visits to South Africa and Sudan, in the course of being prepared, were postponed at the request of these governments, and these have been rescheduled. I will visit Sudan in May and I am awaiting confirmation from South Africa on the new dates that I have proposed. It is my hope that the mandate will receive favourable responses to my request for visits, from the Governments of the Bahamas, the Plurinational State of Bolivia, the Bolivarian Republic of Venezuela, Cuba, France, Libya, Nepal, Nigeria, South Sudan, Turkmenistan, Uzbekistan and Zimbabwe.

The situation of Palestinian Women living in the Occupied Territories is of concern to this Commission, and it is a standing item on its agenda. Furthermore, this Commission considers a yearly report prepared by the Secretary General on the situation of and assistance to Palestinian women, based on information from United Nations entities and also individual experts that monitor the situation of Palestinians in the occupied Palestinian territories. In this regard, I would like to bring to your attention that it was with deep regret that I was forced to cancel my visit to the occupied Palestinian territory in January 2015, due to the impossibility of obtaining a visa that would have enabled me to travel to the territory. Despite numerous and on-going requests to the Government of Israel, the lack of cooperation in granting me a

visa is a source of concern, and has hindered the exercise of my functioning as an independent expert.

My intention, as per normal practice during my country visits, was to support the Palestinian Authority to strengthen its capacity to protect and promote women's rights and to meet its international human rights obligations. The information my mandate would have gathered, had I been able to conduct the official visit, could have provided an important perspective for this Commission. While the Government of Israel has finally responded to my request for an official visit to Israel, with recommended dates that fall after the end of my term, it is my hope that the Israeli Government will cooperate in issuing me with a visa to enable me to conduct the planned official visit to the occupied Palestinian territory before the end of July 2015.

### **Regional study tour to the Caribbean**

I am pleased to announce that in April I will undertake a regional study tour to four English speaking Caribbean countries, jointly with Commissioner Tracy Robinson, Rapporteur on Women's Rights and Chairperson of the Inter-American Commission on Human Rights. Taking into consideration the shared historical context of most English speaking countries in the Caribbean, and their similar political and socio-economic situation and challenges, a regional study tour will allow both our mandates to engage in dialogues with State and non-State actors.

### **The post-2015 development agenda**

In relation to the post-2015 process, I welcome the proposed goals generally, and in particular goals 5 and 16. It is disappointing that there is no stand-alone goal on violence against women and girls, despite it being acknowledged as a pervasive and widespread human rights violation, and a threat to the achievement of equality, peace and development. While the work to set goals and targets will culminate in September 2015 with the adoption of the post-2015 development agenda, increased efforts must be made on the issue of monitoring these new goals and targets, with appropriate indicators and also evaluation systems to assess effective compliance. The proposed Sustainable Development Goals will remain aspirational, if they are not accompanied by well crafted and effective monitoring and review processes, strong political will to implement this new development agenda, and importantly, adequate resource allocation for effective implementation.

## **Conclusion**

In conclusion, I would like to request this Commission to consider the following recommendations:

- 1) As the premier policy-making body on women's human rights within the United Nations, this Commission should initiate a process of consultations on ways and means to address the normative gap in international law on violence against women and girls. In May 1991, the Economic and Social Council adopted resolution 1991/18 on violence against women in all its forms, in which it recommended the development of a framework for an international instrument that would explicitly address the issue of violence against women. Subsequent discussions by the international community led to the recommendation of a 'soft law approach', resulting in the General Assembly adopting the Declaration on the Elimination of Violence against Women in 1993 through resolution 48/104. This Declaration serves an educative and aspirational function, but it is not legally binding. Twenty-two years later, it is time to now discuss a legally binding, specific framework on violence against women and girls, within the United Nations system.
  
- 2) This Commission should request the Economic and Social Council to adopt, in its resolution on the 'Situation of and assistance to Palestinian women', a call on the Government of Israel to facilitate the issuance of visas to independent human rights experts wishing to visit the occupied Palestinian territories. This will allow independent experts, particularly within the system of Special Procedures of the Human Rights Council, to seek and receive information and to recommend ways, measures and means to address the violation of women's human rights.

Thank you for your attention and I wish you well in your deliberations.