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Multisectoral Services and Responses for Women and Girls Subject to Violence

**The need for a holistic response in the quest to eliminate violence against women and
girls**

by

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its causes and consequences**

Chairperson, Excellencies, Distinguished Delegates, Colleagues and Friends,

I would like to thank UN Women and the Bureau of the Commission on the Status of Women, for inviting me to participate in this panel discussion on “Elimination and prevention of all forms of violence against women and girls”. It is my hope that this event will allow us to reflect on the roles, functions and strategies that multi-sectoral services and responses contribute to the ultimate goal of elimination of all forms of violence.

Introduction

My work as mandate holder has allowed me to conduct thematic research, visit a wide range of countries, and evaluate the measures undertaken by Governments to address violence against women and girls. States responses have, to differing extents, focused on: a) legislative measures, including the ratification of international human rights instruments, the harmonization of national legislation, or the adoption of specific legislation on violence against women; b) institutional and policy measures, including the introduction of specialized mechanisms to investigate and prosecute violence against women, provide support and services to victims, and enhance cooperation and information-sharing between authorities and service providers; and c) awareness raising and capacity-building activities, including gender-sensitive training for civil servants, campaigns aimed at raising awareness on violence against women, and the integration of a gender equality perspective into the public sphere.

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 is reaching epidemic proportions, and that if this was a medical disease, a state of emergency would be declared globally.

I strongly believe that the failure in response and prevention measures stems from the inability and, unfortunately, in some cases, the unwillingness, to acknowledge and address the core structural causes of violence against women. Violence against women is rooted in the multiple and intersecting forms of discrimination and inequalities faced by women, and is strongly linked to their social and economic situation. Whether it occurs in the family or in the community, in times of peace, conflict, post-conflict, transitions or displacement, the various forms and manifestations of violence against women are a reflection and reinforcement of the discrimination, inequality and oppression to which women are subjected to generally, in public and private spaces.

This mandate has continually stressed how linkages should be made between violence against women and other systems of oppression prevalent within societies. All three mandate-holders have concluded that a legislative and policy approach will not bring about substantive change if it is not implemented within a holistic approach that simultaneously targets the empowerment of women, social transformation, and the provision of remedies that ultimately break the continuum of discrimination and violence. The international community and the women’s human rights

movement have increasingly raised concerns about the multiple and intersecting forms of discrimination that lead to violence against women. My 2011 report to the Human Rights Council was devoted to this topic.¹

The 1993 Vienna Conference on Human Rights recognized violence against women as a specific human rights violation which required the attention and resources of the United Nations. Two years later, the World Conference on Women in Beijing acknowledged the particular vulnerability to violence of “women belonging to minority groups, indigenous women, refugee women, women migrants [...], women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking”.² In 2001, the Durban Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance highlighted how “racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights”.³

As a result of such developments, the United Nations discourse regarding violence against women currently hinges on three core principles: first, violence against women and girls is addressed as a matter of equality and non-discrimination between women and men; second, multiple and intersecting forms of discrimination are recognized as increasing the risk that some women will experience targeted, compounded or structural discrimination; and third, the interdependence of human rights is reflected in efforts such as those that seek to address the causes of violence against women related to the civil, cultural, economic, political and social spheres.

Violence violates the equality and non-discrimination rights of women and girls in ways that are contingent on women’s material conditions, individual attributes and social locations.

1. Material reality, such as educational attainment, housing, and access to land, water, food and work, all play a role in how and to what extent women experience violence. Not only does violence against women disproportionately target the most vulnerable women in society, but the conditions in which women live can also position them as being especially vulnerable to gender-based violence.
2. Further contributory factors for risk of violence include individual aspects of women’s bodily attributes such as race, skin colour, intellectual and physical abilities, age, language skills and fluency, ethnic identity and sexual orientation.
3. Social location refers to the different positions occupied by individual women that give rise to intra-gender differences among women. Factors such as geographic location, level of

¹ A/HRC/17/26

² A/CONF.177/20 and A/CONF.177/20/Add.1.

³ World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Declaration (2001).

education, employment situation, household size, marital relationships, and access to political and civic participation, all impact women's vulnerability to violence.

A holistic approach for the elimination of all forms of violence against all women therefore requires that systematic discrimination and marginalization must be factored in and addressed, as a key component of remedies offered.

My 2011 report reflects on how interpersonal violence against women, that is instances of economic, psychological, sexual, physical and verbal abuse, cannot be fully understood without considering the institutional and structural forms of violence against women. This is reflected in laws, policies and practices that maintain one group's advantage over another in places of employment, in terms of educational opportunities, access to resources, protection by the police and other State forces, and Government services and benefits. Additionally, an absence of laws that criminalize all forms of violence against women also serves as a form of structural violence.

There are clear synergies and linkages between interpersonal, institutional and structural violence against women. No form of interpersonal violence against women is devoid of structural violence – as in all places, such abuse is underpinned by beliefs about the perpetrator's right to harm another, based on societal notions of gender and rights. Additionally, women's lack of and/or unequal access to resources may be structurally maintained by institutional factors such as differential inheritance rights, land tenure laws, and property ownership practices. A woman's inability to own her own property or land may result from structural factors that contribute to her experiences of interpersonal violence. If a woman is dependent on her spouse or family network for her economic wellbeing, she is at greater risk of vulnerability to violence and also the ability to escape from harm.

Interpersonal, institutional and structural forms of violence perpetuate gender inequalities, but also racial hierarchies, religious orthodoxies, ethnic group exclusionary practices, and resource allocation that benefit some groups of women at the expense of others. Therefore, interventions that seek only to 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.

I strongly believe that the lack of a holistic approach to violence against women has been the main obstacle in identifying, preventing, and ultimately ending, all forms of violence against women. This is made evident in States' responses to their due diligence obligation to prevent, punish and investigate violence against women.

Protection and prevention

There is no doubt that the manner in which police officers respond, their attitude toward victims, and the protection they provide are a vital first step in ensuring victim safety and offender accountability. Unfortunately, police still do not treat cases of violence against women with the same seriousness as other crimes, particularly when it is a case of domestic violence. Police fail to respond to reports and when they do respond, they do so inappropriately. It is common for police officers to encourage informal resolution between the parties instead of arresting the offender, or, they accuse victims of violent behavior as well, thus justifying dual arrests. Police officers decision-making as regards arrest and pursuing of cases is influenced and shaped by

their personal and traditional views on women, in many cases. Also, the lack of sensitivity and of a women's human rights perspective, often results in a lack of substantive protection for women victims.

In addition, police officers responses are limited in some cases, simply because of a lack of resources. While in some countries specialized police units have been put in place to address domestic violence and/or sexual violence cases, and officers have undergone specialized training, these units are often under-staffed and under-resourced, they are not available in all police stations or at all hours, and thus the responding officer at the scene of the crime is usually a generalist police officer, as opposed to a specialized one.

Once the police have responded to a case of violence against women, they play a crucial role in referring or transporting victims to support services such as shelters, specialized NGOs, to relatives, and/or hospitals. While I have encountered encouraging examples of joint protocols of action, referral systems, and multidisciplinary mobile teams; adequate coordination among state service providers and between them and non-state services, continues to be the main challenge.

In many of my country mission I have witnessed how state-run services, particularly social services, often operate with an explicit focus on family reconciliation or reunification. In such countries, the norm is to resolve cases through reconciliation and not through accountability measures such as prosecution and punishment of perpetrators. These institutions often reflect inadequate and inappropriate responses to the protection needs of women victims, with employees lacking understanding of the complex nature of abusive relationships and failing to respond adequately, to the point of jeopardizing victims' safety. Employees have often not undergone any training on violence against women, nor on risk-assessment, which would enable them to identify situations of risk and act to protect victims. The focus on preserving unity results in employees advising the victims to return home to perpetrators, or warning them that they will be separated from their children should they go to a shelter. The priority given by such services to family reunification is worrying as the mediation or reconciliation processes followed rarely acknowledge or address the power imbalances which exist between victims and abusers.

Also of concern, is the practice in some countries, where these social services centres or individual social workers act as gatekeepers between victims and shelters, particularly NGO-run shelters which are funded by the State. While the monitoring and oversight of women's shelters is important in order to ensure appropriate standards, I believe civil society organizations should continue to operate women's protection centers/shelters independently and not be subjected to state regulations as to admission policies. The mix of publicly and privately run shelters is in the best interests of women and is indeed an international good practice, yet this should not result in victims having to face further red-tape and bureaucracy to access urgent and much needed services.

During one of my country visits I witnessed a very positive example of state/non-state coordination in a service centre. An innovative feature of this center is that it houses, in the same building, several state and non-state agencies that help victims during the entire judicial process. Advocates at the center not only help victims complete the necessary paperwork to request a protection order and explain the civil and criminal court process, but they also accompany

victims to court, help them create safety plans for themselves and their families, assist in finding shelter or temporary housing, and refer them to other resources and service providers.

Prosecution and Punishment

The challenges faced by women victims of violence are also reflected in the inadequate responses by other sections of the criminal justice system. The relevant role-players rarely have the required levels of specialization and cases are often decided without the best interest of women in mind, and without due consideration of the consequences of structural and institutional of gender inequality and discrimination that is rooted in such violence.

Judicial practices include insensitivity, the discrediting of victims' experiences, doubting their testimony if they wait too long to report cases, or accusing them of lying about violence experienced. Women are also accused of attempting to abuse the system to obtain financial benefits, as opposed to seeking protection for a real threat. In some countries, judicial sentences focus on the treatment for perpetrators rather than the protection of victims. Often, psychosocial and addiction treatments are ordered along with suspended sentences, even in high-risk cases. I have heard testimonies of court decisions being influenced by patriarchal views among many judges who feel that they need to be sensitive to men when deciding on such cases, due to men's roles as "breadwinners and providers" in families.

Women victims often undergo judicial proceedings without adequate social, psychological and legal assistance and are at high risk of re-victimization during these processes. While free legal aid is sometimes available for victims, it is difficult to access, for a variety of reasons, including because of application forms that are extremely complicated, due to means test relating to income level requirements, or due to a lack of awareness about its availability.

These challenges are further exacerbated for women facing multiple layers of inequality and discrimination. For example, emergency calls from minority or immigrant women may be ignored or dismissed as these communities are seen as naturally violent or problematic; women with disabilities may face physical obstacles to access police stations, hospitals or court-houses; migrant women may not want to report violence situations due to fears of deportation and family disintegration; indigenous women may be unable to access free legal aid due to language barriers; and rural women may need to walk for days before reaching the closest service point, amongst other barriers.

The abovementioned practices indicate a strong need for specialization to address the problem of violence against women. Unfortunately, scarce human and monetary resources are a barrier to specialization in the criminal justice system. Thus procedural obstacles, coupled with victims' feelings of shame, trauma or fear of stigmatization, make women victims even more reluctant to reach out to the authorities and report any abuse. This then contributes to a lack of knowledge of the manifestation and prevalence of the problem.

The holistic approach to addressing violence against women

The multiplicity of forms of violence against women as well as the fact that this violence frequently occurs at the intersection of different types of discrimination makes it necessary to

adopt multifaceted strategies. The holistic approach considers each woman's social location and bodily integrity to better understand the scope of vulnerability, risk and consequences of violence, whether interpersonal or structural or both. As a starting point for intervention and the provision of remedies, a holistic approach makes clear that gender inequality and gender stratification are but two of the many factors that perpetuate and promote violence against women in all parts of the world. Such an approach counters efforts that focus on violence against women as solely a woman's issue, as such an approach risks minimizing the role that socio-economic, cultural, religious, racial, ethnic, ability, education, sexual orientation, access to citizenship and resource allocation inequalities play in maintaining epidemic levels of violence against women.

A holistic approach requires:

- 1) treating rights as universal, interdependent and indivisible, yet 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;
- 2) situating violence on a continuum that spans interpersonal and structural violence and acknowledging that violence against women is not the root problem, but that it occurs because other forms of discrimination have been allowed to flourish;
- 3) accounting for both individual and structural discrimination, thus considering not only how individual lives are affected by the immediate impact of abuse, but how structures of discrimination and inequality perpetuate and exacerbate gender, racial and other inequalities; and
- 4) analyzing not only the social and/or economic hierarchies between women and men (inter-gender), but also among women (intra-gender), to identify how discrimination affects women in different ways depending on how they are positioned within social, economic and cultural hierarchies, and incorporating this into anti-violence efforts.

Conclusion

Gender-based violence is an increasingly complex issue to tackle globally because of the fluidity of violence itself. Violence crosses public and private domains and ranges from intimate and interpersonal violence to structural, systematic, and institutional forms of violence. A holistic approach to understanding violence against women requires it to be situated along a continuum, in terms of time and space, in order to capture its varied manifestations in various settings.

Violence against women cannot be resolved with a one-size-fits-all programmatic approach. Combating violence against women requires multiple approaches for its elimination. In adopting multiple approaches, preventing and combating violence must become localized, but also take into account differences within community populations. In addition, multiple approaches require adequate human and material resources in order to assess and monitor how laws, policies, and institutions impact violence and discrimination, including in the areas of redress and compensation to victims.

Determining how best to protect, promote and fulfil women's rights to non-discrimination, equality and freedom from violence, also requires States to respect their international commitments under the due diligence obligation to prevent, protect and provide compensation to

women victims of violence, as well as to hold the perpetrators of such violence responsible for their actions.

These obligations include a wide range of issues, including the adoption of legislation and policies, and increased educational efforts aimed at addressing the prejudices and stereotypes on which gender-based violence and multiple forms of discrimination are based. Efforts should also support and empower the work being done by civil society in its efforts to combat violence against women. The United Nations system as a whole should also strive to adopt a holistic approach to addressing violence against women and multiple forms of discrimination. This will require systematically adopting a twin-track approach of both gender mainstreaming and women-focus specificity, which takes into account women's inter-and intra-gender equality and non-discrimination rights, and also the right to be free of all forms of violence, both public and private.

It is my hope that this panel will allow us to better reflect on these issues, and to identify concrete ways in which we can make the holistic approach to violence against women a reality.

I thank you for your attention and look forward to engaging in a fruitful discussion.