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**Statement by Ms. Rashida Manjoo,
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and consequences**

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Chairperson, Excellencies, Distinguished Delegates, Colleagues and Friends,

It is a pleasure for me to address you at the 57th session of the Commission on the Status of Women (CSW) to present my oral report. This year we mark the adoption of the twentieth anniversary of the Vienna Declaration and Programme of Action by the World Conference on Human Rights in Vienna. That conference was a landmark for women's human rights and in particular for the identification of violence against women as a human rights issue and an issue of international concern, rather than a private matter.

The World Conference triggered a number of important initiatives related to standard setting and monitoring in the field of women's rights. Amongst others, the Conference urged the General Assembly to adopt the Declaration on violence against women and welcomed the decision of the then Commission on Human Rights to establish the mandate of the Special Rapporteur on violence against women, which I currently hold. It is important to celebrate the milestones achieved in advancing women's rights, but to also take cognisance of the enormous challenges we continue to face in the struggle to promote and protect the human rights of women. As highlighted in the May 2012 report of the UN System Task Team on the Post-2015 UN Development Agenda, inequalities, including gender discrimination and gender-based violence, need to be one of the top priorities of concern for the post-2015 agenda.¹

Please allow me, Madam President, to brief the Commission about the work that my mandate has undertaken over the past two years.

2011 Thematic report to the HRC

In 2011, I prepared a thematic report on multiple and intersecting forms of discrimination and violence against women.² My report questions the human rights discourse regarding violence, which regards real violence as public violence perpetrated by or at the behest of the State. I argue that this discourse has led to the marginalization and invisibility of violence perpetrated against women, and I highlight how the more everyday ordinary violence that takes place within ostensibly private spaces does not receive sufficient attention.

The report proposes a holistic approach which requires amongst others: 1) treating rights as universal, interdependent and indivisible; 2) situating violence on a continuum that spans interpersonal and structural violence; 3) accounting for both individual and structural discrimination, including structural and institutional inequalities; and 4) analyzing social and/or economic hierarchies among women, and, between women and men, i.e. both intra-gender and inter-gender.

2011 Report to the General Assembly

Also in 2011, I presented my first written report to the General Assembly.³ This report is an overview of the mandate's work and main findings, and the challenges it continues to identify. In my report I argue that States' efforts to comply with their obligations and to act with due diligence requires addressing both the individual and the structural causes that lead

¹ Report of the UN System Task Team on the Post-2015 Development Agenda, "Realizing the Future We Want for All", paras. 60-62 and 91.

² A/HRC/17/26

³ A/66/215

to violence against women. In doing so, States should consider the various manifestations of violence suffered by women and the multiple forms of discrimination they encounter, in order to adopt multifaceted strategies to effectively prevent and combat this violence. I conclude the report by presenting my proposal for a holistic approach to understanding and addressing discrimination and violence against women.

2012 Thematic report to the HRC

In 2012 I presented a thematic report on the topic of gender-related killings of women. The prevalence of different manifestations of gender-related killings has reached alarming proportions. Women subjected to continuous violence and living under conditions of gender-based discrimination and threat are always in fear of execution. While such killings are culturally embedded and tolerated, the responsibility of the State to act with due diligence in the promotion and protection of women's rights, is largely lacking as regards the killing of women.

The report reviews the conceptual evolution of terms describing gender-related killings and analyses the global prevalence of the problem, including: a) as a result of intimate-partner violence; b) due to accusations of sorcery/witchcraft; c) in the name of "honour"; d) in the context of armed conflict; e) in the context of dowry-related killings of women; f) in the context of aboriginal and indigenous women; g) as the extreme forms of violent killings of women; h) as a result of sexual orientation and gender identity; and i) other forms of gender-related killings of women and girls, including infanticide.

The discrimination and violence that is reflected in gender-related killings of women can be understood as multiple concentric circles, each intersecting with the other. These circles include structural, institutional, interpersonal and individual factors. Thus an understanding of gender-related killings requires taking into account the political, social and economic contexts within which it takes place, including the responses of men to women's empowerment; the political, legal and societal reaction to such killings; the principle of the continuum of violence; and patterns of structural discrimination and inequality that continue to form part of the reality of women's lives.

Impunity for the killings of women has become a global concern. When the State fails to hold the perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence, but also sends a message to society that violence against women is both acceptable and inevitable. As a result, patterns of violent behaviour are normalized.

I believe that a holistic approach in preventing gender-related killings must also be emphasized in all the measures taken by States to investigate and sanction violence, more especially in crafting, implementing and evaluating legislation, policies and national plans of action. Such an approach would require that systemic discrimination, oppression and marginalization of women be addressed at the political, operative, judicial and administrative levels.

The weaknesses in information gathering, the lack of disaggregated analysis and the poor quality of data are major barriers in effectively investigating such killings. The use of inexact categories for the classification of murders, such as the category "others", results in misidentification, concealment and underreporting of such murders, in particular those that

do not occur in a family situation. These factors then impact on the development of meaningful prevention strategies and advocacy for improved policies.

Despite progressive jurisprudence from the regional human rights systems, often there is no mechanism to coordinate the implementation of the judgements at the national level, with some authorities stating that the absence of a special implementing law precludes fulfilment of their responsibility.

The exercise of due diligence requires that States (a) conduct effective investigations of the crime, and prosecute and sanction acts of violence perpetrated by State or private actors; (b) guarantee *de jure* and *de facto* access to adequate and effective judicial remedies; (c) include in the obligation of access to justice, a requirement to treat women victims and their relatives with respect and dignity throughout the legal process; (d) ensure comprehensive reparations for women victims of violence and their relatives; (e) identify certain groups of women as being at particular risk for acts of violence due to having been subjected to discrimination based on more than one factor, including women belonging to ethnic, racial and minority groups; and (f) modify the social and cultural patterns of conduct of men and women and eliminate prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either of the sexes, and on stereotyped roles for men and women.

2012 Report to the General Assembly

In October 2012, I presented my report to the General Assembly⁴ addressing the issue of violence against women with disabilities. The report examines the manifestations, causes and consequences of violence against women with disabilities, relevant international and regional legal frameworks and provides recommendations.

In the report I argue that although women with disabilities experience many of the same forms of violence that all women experience - when gender, disability and other factors intersect - the violence against them takes on unique forms, has unique causes and results in unique consequences. They experience both the stereotypical attitudes towards women and towards persons with disabilities.

Women with disabilities are at a higher risk of being victims of domestic violence as opposed to women without disabilities; are likely to experience abuse over a longer period of time; and, they suffer injuries that are more severe as a result of the violence.

In institutional settings, women with disabilities face multiple forms of violence, including forced intake of psychotropic drugs or other forced psychiatric treatment. Furthermore, forced institutionalization itself constitutes a form of violence. Reforms are also necessary in order to reduce unnecessary imprisonment of individuals with disabilities. Good practices in respect of alternatives to prison custody, for people with disabilities, should be developed.

In the report I argue that in addressing violence against women with disabilities, States should ensure an empowerment perspective, as opposed to a vulnerability perspective, and must also apply a social model of disability, as opposed to a medical or charity model, within their prevention and response work.

⁴ A/67/227

Country-level reforms to improve health-care services and facilities in general, including in respect of sexual and reproductive health, should be adopted.

In the justice system, women with disabilities also face a number of obstacles, including the systematic failure of the courts to acknowledge them as competent witnesses. States should revoke any remaining laws that discriminate on the basis of sex/gender against women with disabilities, and should address gender bias against women with disabilities in the administration of justice. In this context, States should ensure that the justice sector is responsive to and supportive of women with disabilities who report cases of violence; should support innovative justice services, including one-stop shops, legal aid and specialized courts, in order to ensure substantive and procedural access to justice; and should involve women with disabilities in shaping and restructuring the legal system.

States should improve and expand disaggregated data collection (gender, age, disability), including on the prevalence, manifestations, causes and consequences of violence against women with disabilities.

Appropriate training materials on the prevention of and response to violence against women with disabilities for all sectors should be developed, in collaboration with women with disabilities, thereby enhancing the relevance of the materials and the skills of disabled peoples. In this connection, efforts should be made to ensure that publications, presentations and other media products feature women with disabilities, thereby recognizing the importance of media images in changing perceptions, eliminating discrimination and ending violence.

Many States have ratified the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant regional instruments. However, it has been difficult to assess effective implementation of these instruments with regard to preventing and responding to violence against women with disabilities.

2013 Thematic Report

This year, my thematic report to the Human Rights Council will be devoted to a study on the State responsibility for eliminating violence against women. The issue of the application of the principle of due diligence has been a constant element of study by previous Special Rapporteurs and since the inception of my mandate. My intention is to contribute to this debate with empirical information from some regions of the world.

A *note verbale* was sent to Member States and a questionnaire was produced for other relevant stakeholders in order to collect country experiences on the interpretation, application and effectiveness of the due diligence standard as a tool for eliminating violence against women.

Furthermore, regional expert meetings were convened as follows: in Tunis (for the MENA region); in Bratislava (for the Eastern and Southern European and Balkans) and in Fiji (for the Pacific Islands countries). Two meetings were also convened by other organisations in Cape Town and Kampala (for selected Anglophone African countries). These meetings provided forums to share experiences and expertise on the application of States' responsibility in eliminating violence against women at the national and regional levels; to

discuss policy, legal, programmatic and institutional challenges in the application of the due diligence standard; and sought to identify emerging practices and lessons learnt in different countries of these regions.

Country visits in 2011 and 2012

During the course of 2011, I conducted official visits to Jordan, Italy and Somalia. These mission reports were presented to the Human Rights Council in June 2012. This year, I will present reports to Human Rights Council on my visits to Bosnia and Herzegovina, Croatia, Papua New Guinea and Solomon Islands. I would like to express my gratitude to these Governments for their valuable support and cooperation in the conduct of these missions. I look forward to continuing our dialogue with regard to the follow-up to the recommendations issued therein.

I am pleased to announce that I recently received a positive reply to conduct a visit to India in April 2013. South Africa, which I also requested to visit, is in the process of considering suggested dates for a mission to take place in the first half of this year, while Columbia has requested that the proposed visit should be deferred to next year or later. Azerbaijan has issued an invitation for June of this year, but I am unable to accede to this date and new dates are being proposed. I also express the hope that my requests to visit Cuba, Israel, Palestine and Venezuela will be positively responded to. Other requests for country visits to the Governments of Bangladesh, Nepal, Uzbekistan, Turkmenistan, and Zimbabwe, unfortunately remain unanswered. I would like to encourage the Governments of these countries to respond favourably to my requests in order to engage in a dialogue on the elimination and prevention of violence against women and girls.

Conclusion

In conclusion, I believe we must all pay tribute to the tireless efforts of individual women and civil society organisations in the fight against discrimination and in the advancing of women's rights globally. As noted in numerous reports, including the UN Women report on the online discussion on eliminating violence against women and girls, civil society organizations (CSOs) are carrying the burden of providing services and on primary prevention efforts. We must applaud the work of civil society organisations in responding to and preventing violence, often due to the absence of effective state responses.⁵

In this regard, my predecessors' and I have constantly stressed that the responsibility to protect women and girls from violence and discrimination is primarily the responsibility of the State, as the ultimate duty bearer. However, State responsibility for eliminating violence against women and girls must also include cooperation and collaboration with relevant non-state actors, particularly organisations involved in the women's human rights sector generally and in the violence against women sector in particular.

Over the course of last year, my mandate has received numerous complaints from victims and civil society organisations with regard to the lack of adequate responses from a variety of sectors, whether schools, courts, shelters, prisons, hospitals or workplace. While in many of these cases, the instruments for ensuring remedies and access to services were formally in

⁵ UN Women, "Report on the online discussion on eliminating violence against women and girls — gaps, challenges and strategic directions in prevention and multisectoral services and responses", CSW 57 online discussion, page 9.

place, they *de facto* failed to offer effective protection and prevention measures to women and girls.

The principles of equality, non-discrimination and good faith, in international law, inform and nurture State responsibility for observing the normative framework through which obligations and accountability emanate. In this context, States must take positive steps to effectively meet their responsibility to respect, protect and fulfil human rights obligations. It must be stressed that in applying due diligence in protection and prevention measures to eliminate violence against women and girls, it is imperative to go beyond the mere enactment of formal legal provisions.

Thank you for your attention and I look forward to our discussions.