

STATEMENT BY RASHIDA MANJOO
SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN,
ITS CAUSES AND CONSEQUENCES
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Mr. Chair, distinguished delegates, representatives of the United Nations and the NGO community,

It is an honour for me to address the Commission on the Status of Women (CSW) for the second time since my appointment in June 2009 as Special Rapporteur on violence against women, its causes and consequences. I am grateful for this opportunity to engage with the Commission and trust that the current dialogue will enhance our efforts and strategies in promoting the protection of women's rights, including the right to be free from all forms of violence, both public and private.

At the outset let me commend the Commission for having chosen, as the main theme for this session, such an important topic as access and participation of women and girls in women's equal access to full employment and decent work. This programme fully equality in accessing education, training and information, and the interrelations of the right to education, full employment and decent work with other rights, including the right to be free from violence, cannot be overemphasized.

In the work of my mandate, my predecessors and I have noted that education acts as a critical link in the realization of fundamental human rights and is a crucial means to empowering women and girls to participate in the economic, social and political life of their societies. Quality education, full employment and decent work have a direct effect on unlocking women's potential, including making noticeable improvements in the economic and social situation and generally the overall well-being of both women and their families. Lack of substantial access to the education sector, education or employment or any other... leading to lower status, increased vulnerability to discrimination, human rights violations, including violence and abuse in myriad forms.

My mandate has consistently included education and gender equality requirements within the scope of its recommendations and has placed emphasis on these interventions as part of the due diligence obligation of the States to prevent violence against women. Accordingly, in addition to recommendations directed at context-specific forms of violence, my work emphasizes the role of the State in ensuring gender equality frameworks, bringing in attitudes... with a strong focus on empowering women... it is only through empowering strategies that women's resistance to violence will be enhanced, not only to fight oppression on a daily basis, but more importantly to overcome

disempower in forces, and to the challenging and transforming of gender hierarchies.

I am grateful for the discussions during this session with a view to identify good practices and address the continuing challenges that exist.

Mr. Chair,

My first thematic report on the topic of 'reparations' about the work that my mandate has carried out in the past year.

Thematic report on reparations to women who have been subjected to violence

My first thematic report to the Human Rights Council in June 2010 addressed the issue of reparations to women who have been subjected to violence.¹

The legal basis for a right to a remedy and, linked to it, a right to reparation has become firmly enshrined in the corpus of international human rights and humanitarian instruments, particularly in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.² States are responsible for their failure to meet their international obligations, even when substantial breaches originate in the conduct of private persons, as States have to exercise due diligence to eliminate, reduce and mitigate the harmful and consequences of private discrimination.

Nevertheless, the implementation of the due diligence obligation to reparations, and in particular to women who have been subjected to violence, remains grossly underdeveloped. The right to reparations, both at a substantive and procedural level, is often the least-protected right of both sexes. It is also the least-protected right of women who are the victims of both sex-based violence and violence against women. Given the disparate and differentiated impact that violence has on women and given that the violence perpetrated against individual women or different groups of women feeds into and reinforces pre-existing and often cross-cutting structural subordination and systemic marginalization, my report argues for specific measures of redress that address both individual reparation and the wider structural factors that enable violations of rights.

Mr. Chair,

In my view, the structural and multiple forms of discrimination that women face during conflict and post-conflict as well as in times of peace, I argue that reparations cannot be just about returning women to the situation in which they were found before the individual instance of violence. Instead, reparations should strive to have a transformative potential. This implies that reparations should aspire, to the extent possible, to address the root causes of the pre-existing patterns of cross-cutting structural subordination, gender inequality, systemic marginalization and structural violence that are the root cause of the violence that women experience. In this regard, complex schemes of reparations, such as those that provide a variety of

¹ Thematic report on reparations for women subjected to violence, A/HRC/14/22

benefits, including increased self-confidence, can be addressed for female beneficiaries in terms of transformative potential, both on a practical material level and in terms of their self-confidence and esteem. Measures of symbolic recognition are also crucial as they can simultaneously address both the recognition of victims and the dismantling of discriminatory understandings that give

violence

This year, my thematic report to the Human Rights Council will address this issue of multiple forms of discrimination operating simultaneously and permeating the continuum of violence. In addition, addressing economic inequalities within this framework has drawn attention to the experiences of women of indigenous peoples and structural inequalities, for example, in the contexts that heighten their risks and vulnerability to violence, it has also highlighted the need to take into account gender-based discrimination intersects with other forms of "otherness" including amongst others race, ethnicity, religion, disability and economic status, thus forcing the majority of the world's women into situations of double or triple marginalization.

Group of Experts on the Democratic Republic of the Congo

Mr. Chair,

Pursuant to Human Rights Council resolution 13/22, I contributed to the third joint report by seven thematic special procedures of the International and Democratic Republic of Congo, which will be presented to the Human Rights Council in March 2011².

In the report, I express my deep concern at the serious violations of rights of the human rights of men, women and children by State and non-State actors, and join my efforts in reiterating our call on the High Commissioner to once again consider the creation of a Special Procedures country-specific mandate. The reports on sexual violence perpetrated by armed groups against hundreds of women and girls that took place in Walikale territory in August 2010 is another horrendous manifestation of the pervasiveness of sexual violence in the DRC, and reflects a culture of impunity that continues to exist.

I welcome the recent decision by a military court in Kinshasa for the first time sentenced a high-ranking commander for crimes against humanity for having sent his troops to rape, beat and loot the population in Fizi on New Year's Day. Besides sending a clear signal that sexual violence in conflict will not be tolerated, this verdict shows that accountability for sexual violence is possible when there is political will. In this regard, I call on the Government of the DRC to bring to justice other perpetrators of sexual violence crimes, while simultaneously strengthening

² Third joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo, A/HRC/16/68

ill-treatment; an increase in cases of violence against women, as well as women facing multiple and intersecting layers of discrimination, the failure of States to prevent and respond to violence against women, the numerous obstacles posed by laws, regulations, drafts and special judicial provisions which allegedly discriminate against women and may encourage violence against women.

Regional Consultations with Civil Society

This mandate, although primarily consultations with civil society organisations, has kept abreast of regional and domestic trends, initiatives and challenges against violence and has established a network with women's rights organisations, scholars, academics and victims in different parts of the world. In March 2010, I attended the first ever Latin American and Caribbean Regional Consultation, which took place in El Salvador, and which addressed a number of key challenges relating to violence against women in that region. Of major concern in the region is the alarming rise in the number of femicides or extremely violent murders of girls and women, which several human rights of my interlocutors called a "culture of hatred against women" and an "indicator" of the failure of the criminal justice system. Most often, however, femicide is simply the final and most serious consequence of a process of violence rooted in gender inequality, discrimination and the violation of women's rights, as well as a systematic disregard for women's human rights and the failure of States to comply with their due diligence obligations. Throughout my mandate, I will continue to focus on this extreme form of gender-based violence, including its causes and consequences.

In September last year, along with the Independent Expert in the field of cultural rights, I attended a regional consultation in Nepal, which focused on women, culture and human rights. In January this year, an Asia Pacific Regional Consultation was held in Malaysia on the theme of multiple forms of discrimination and was followed by a national consultation.

Such consultations also offer a unique opportunity to inform civil society on the work of special procedures and to coordinate their work with a view to promoting and facilitating cooperation, including with civil society, in the context of their country visits. I continue valuing the exchanges during these consultations and hope that civil society organisations will continue to remain engaged and be supportive in such important endeavours.

Mr. Chair,

Despite the global focus on violence against women, the reality on the ground shows that violence against women remains the most prevalent and pervasive form of human rights violation that exists, both in times of peace, conflict or post-conflict. In my view, the current major challenge in combating this phenomenon depends on the effective implementation of existing human rights standards to ensure that the root causes and consequences of violence against women are treated as a global issue from the home to the international arena.

Over the past years, the Security Council, the Human Rights Council and the General Assembly have reiterated that States have the obligation to protect all human rights and fundamental freedoms of women and girls. They have also emphasized the States' obligation to exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls, to fight against impunity and to provide protection. The Commission has consistently stressed that failure to do so constitutes a violation of the enjoyment of women's human rights and fundamental freedoms. Furthermore, the CEDAW Committee, in its general recommendation on the core obligations of States parties under Article 1 of the Convention, reinforces the general view that States must address all aspects of their legal obligations under the Convention to respect, protect and fulfill women's right to non-discrimination and to the enjoyment of equality. It underscores that States parties have an obligation not to cause discrimination against women through acts or omissions, and also that States must react actively against discrimination against women, regardless of whether such acts or omissions are perpetrated by the State or by private actors.

If we can continue, in a substantive and sustainable manner, to push for the observance of all States to meet their due diligence obligation, then we will move towards a conception of human rights that meets our aspirations for a just world, where women's lives are free of discrimination, inequality and violence, whether public or private.

I thank you for your attention.