

15 years of the Special Rapporteur on violence against women: gains, challenges and the way forward

Friday, 5th June 2009

13:00-15:00

Room XXV, Palais des Nations

Last two decades have seen some important developments at the international level in the struggle to free women's lives of violence, including the recognition of violence against women (VAW) as a human rights violation. It also has to be noted that several important international documents in relation to VAW have been adopted such as the Declaration on the Elimination of Violence against Women (DVAW), CEDAW General Recommendation No. 19, Vienna Declaration and Programme of Action and UN Secretary General's In-depth study on VAW, to name a few.

A milestone was achieved with the endless and painstaking efforts and campaign of women's rights groups in 1994. This year witnessed the victorious establishment of the Special Rapporteur on Violence against Women, Its Causes and Consequences (SRVAW) mandate. The works of the two mandate holders in the last 15 years have accorded explicit and official recognition of VAW as a human rights violation by the international community, within and outside the UN system. The mandate has gained notable achievements in combating violence as well as its root causes.

Gains

(Definition of VAW – conceptual and legal framework) Defining and broadening the scope of 'violence against women' by accommodating different understandings and approaches have been one of the major conceptual achievements of the SRVAW. By elaborating and naming various forms of violence within the family, the community, in armed conflict, and perpetrated by the state and non-state actors, the SRVAW was able to propose legal frameworks and responses to address distinct forms of violence faced by women. Standard setting in law has been critical to defining state responsibility in relation to their obligation under international human rights laws. In particular, it has to be noted that the SRVAWs' extensive and focused work on VAW in situations of armed conflict has led to the recognition of sexual violence as a serious violation of international law and constituting a crime against humanity and/or a war crime (Rome Statue of the International Criminal Court and Security Council Resolution 1820) as well as furthering women's role and representation in post-conflict processes (Security Council Resolution 1325).

Furthermore, the mandate has placed increasing emphasis on root causes of VAW inherent in existing unequal power relations by looking at structural gender inequality in society, patriarchal structures, socio-economic frameworks/policies and harmful practices that reinforce, exacerbate or condone VAW. Particularly, the SRVAW has shown how the control of female sexuality is central to the normative systems at the social, cultural and state levels, thereby reinforcing and reproducing unequal power relations that justify VAW.¹ Departing from examining only VAW but also its causes and consequences which consequently challenge existing socio-economic and political power structures, the SRVAWs contributed to the shaping of international and national laws and policies towards the proactive prevention of rights violations rather than mere palliative reactions towards VAW.

(Systematic Integration of gender in the UN systems) The mandate has broadened the scope of VAW by working towards the systematic integration of gender into international human rights mechanisms. The mandate interacts with and responds to concerns raised within the UN, including integrating gender dimensions of the HIV/AIDS pandemic, and works jointly with other special mechanisms' mandate holders to integrate the issue of VAW. For instance, in accordance with the call of the UN Permanent Forum on Indigenous Issues at its sixth session² to the SRVAW to hold regional consultations with indigenous women, the SRVAW had a joint consultation with the UN Special Rapporteur on the situation of human rights and fundamental freedoms of

¹ For fuller discussion on the SRVAW's view/approach on sexuality and violence, see *15 Years of the United Nations Special Rapporteur on Violence against Women, Its Causes and Consequences* (2008), at pp.36-38.

² United Nations Permanent Forum on Indigenous Issues, Report on the sixth session (14-15 May 2007) at para. 105 (E/2007/43).

indigenous people (UNSRIP). The intersections between the multiple forms of discrimination and violence that indigenous women face, by virtue of five identifiable factors- gender, poverty, class/caste, rural location and being migrants have been highlighted at the consultation.³

(Intersectional approach) Multiple layers of discrimination converge to aggravate the vulnerability of women and a continue chain of structural discrimination and VAW. The focus on multiple forms of violence resulting from the intersections of various systems of inequality and domination has been used as integral analytical tool of the mandate in addressing the experiences of diverse women's groups. An intersectional approach is also demonstrated by works jointly undertaken by the SRVAW with other special rapporteurs in sending communications, country visits, reports and statements as well as the mandate's cooperation with different treaty bodies and other bodies. This includes the Preparatory Committee for the Durban Review Conference, where intersectionality of gender and race were recognised.

(From victimization towards empowerment/rights approach) The SRVAW mandate took significant approaches to challenge patriarchal structures and practices by using the language of rights, rather the language of wrongs. Hence emphasis has been given on how women are not always victims and in need of protection. Rather, women are agents of change and transformation. However, women still are situated in a vulnerable position due to unequal power relations and the structure of societies that privileges men. To address and respond to the root causes of VAW, which will in turn contribute towards the elimination of VAW and its consequences, the SRVAW asserted that women need to be empowered and enabled to resist oppression; to develop their capabilities as autonomous beings and constantly negotiate the terms of their existence in the public and private sphere, through interventions ranging from education, skills training, legal literacy, access to productive resources, among others⁴. It is this empowerment approach that will build women's capacities to facilitate full realisation of women's rights.

Challenges

The SRVAW mandate has been a dynamic and powerful medium through which experiences of violations of women, many of which were marginalised and invisible in the domain of international law, have found recognition and a place within the framework of human rights realization.⁵ Yet, gender inequality still exists, VAW continues with impunity and in fact is emerging in new and dangerous forms deepening existing vulnerabilities and subordination of women. Global trends such as militarization, increasing armed conflict, neoliberal global policies and fundamentalisms will continue to pose serious challenges to women, furthering unequal power relations between men and women, powerful and vulnerable, rich and poor.

As recognized by the two SRVAWs, compliance, effective implementation and accountability are among the major challenges the mandate is faced with. Particularly, low responses from governments to SRVAW's urgent appeals/allegation letter and lack of institutionalized follow up measures to ensure the full implementation of the mandate's recommendations are serious areas of concern. To lessen the gap between existing mechanisms and implementation, the SRVAW has creatively and proactively interacted with different UN bodies/special agencies and processes. However, serious measures still need to be taken to advance implementation which will be part of the discussion at the event such as working with different UN mechanisms in particular other special procedures, treaty bodies, Universal Periodical Review, Security Council in relation to their obligations to human rights.

³ The UNSRIP acknowledged that close work with the SRVAW has enabled the mandate holder to gain insight into the critical and emerging issues peculiar to and affecting indigenous women in the region, and explore effective strategies to address the situation of violence against indigenous women within the SR mandate.

⁴ E/CN.4/2006/61. para 80.

⁵ 15 years review

In consideration of gains and challenges, the end of SRVAW Yakin Ertürk's term provides an opportunity to critically review, analyse and reflect on the achievements and what future directions need to be taken.

Objectives of the side event:

The event will review 15 years of the SRVAW to guide and strengthen the mandate of the future SRVAW and other stakeholders, including the UN, member states, civil society and international and regional institutions in pursuing and intensifying their efforts to eliminate VAW as well as to protect, promote and realise all rights of women.

Specific objectives of the parallel event are:

- To review and celebrate the achievements of 15 years of the SRVAW;
- To identify emerging areas of concern and challenges faced by women wherein which the SRVAW mandate can take the lead in the years to come;
- To share experiences of women's rights groups working with the SRVAW and the mandate's impact in bringing changes in laws, policies and faced realities of women at local and national levels;
- To share how the SRVAW has organically coordinated with other Special Procedures and UN mechanisms to mainstream gender within the UN and address intersectionality;
- To share views on how other initiatives such as the UN Secretary-General's Campaign to end VAW and the SRVAW mandate can be mutually reinforcing; and
- To develop strategies on how to best facilitate and ensure implementation of the recommendations of the SRVAW, together with other special procedures, treaty bodies and other specialized UN bodies/agencies (including UN Security Council Resolutions 1325 and 1820).

Invited speakers:

- Ms. Kyung-wha Kang, UN Deputy High Commissioner for Human Rights (opening remarks)
- Ms. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences
- Ms. Madhu Mehra, Researcher and drafter of the "15 Years of the United Nations Special Rapporteur on Violence against Women, Its Causes and Consequences."
- Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions
- Ms. Renu Rajbhandari, Chairperson, WOREC, Nepal
- Ms. Madeleine Rees, Women's Rights and Gender Unit, OHCHR

Moderator: Ms. Mariana Duarte, Coordinator, Violence against Women, OMCT

Organizers

The event will be organized by the Working Group on Violence against Women and Girls (WG on VAW&G) in partnership with Asia Pacific Forum on Women, Law and Development (APWLD). APWLD is a regional women's network based in Chiang Mai, Thailand which is committed to enabling women to use law as an instrument of social change for equality, justice and development. The WG on VAW&G is a working group of the Geneva-based NGO Committee on the Status of Women.