

**Violence against women as a human rights violation  
and a barrier to the effective exercise of citizenship**

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## My work as the UN SRVAW in practice

- Further developing the conceptual understandings – producing thematic reports for the HRC (6) and GA (5) – pushing the normative boundaries and understandings on violence against women, its causes and consequences
  - Investigations – through conducting country visits at the invitation of governments – 19 country mission reports over 6 years
  - Communication procedure – under-utilized, despite advantages regarding allegations.
  - Promotional work of mandate through consultations, conferences etc
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# International norms and standards

- General Assembly Declaration on the Elimination of Violence against Women (1993)
  - Beijing Platform for Action (1995)
  - General Assembly, Human Rights Council and Security Council resolutions
  - General recommendation no. 12 and 19 of the Committee on the Elimination of all forms of Discrimination against Women & concluding observations of the CEDAW committee
  - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
  - Rome Statute of the International Criminal Court
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# Regional legally binding instruments

- Inter-American Convention on the Prevention, Punishment and Eradication of violence against women, “Convention Belem do Para, (1994)
  - Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), 2003
  - Council of Europe Convention on preventing and combating violence against women and domestic violence 2008 (came into effect 2010)
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# Human Rights and Violence against women

- 1993 – Vienna conference – explicit recognition of women’s rights as human rights and VAW as a human rights violation.
  - 1994 – adoption of DEVAW and creation of SRVAW mandate
  - Current discourse: VAWG is a widespread and pervasive human rights violation and it impacts the exercise and realization of all other human rights.
  - My 2014 report to the GA – linking VAW to human rights realization challenges, and as a barrier to the effective exercise of citizenship.
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# Core components of citizenship

- Full inclusive and participatory citizenship requires:
    - PARTICIPATION
    - AUTONOMY
    - AGENCY
    - NON-DISCRIMINATION
    - EQUALITY
    - LIFE FREE OF VIOLENCE
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# Situated understanding of citizenship and VAW

- VAW : prevents women's participation as full and equal citizens and results in violation of HRs
  - Reinforces male domination and control and impacts autonomy of women and the exercise of agency (choice/action/active agents)
  - Violates right to equality, non-discrimination and dignity at all levels – in the home, the community and the workplace.
  - Maintains and reinforces systemic inequality and discrimination
  - Supports gender discriminatory norms and the normalization of VAW
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# Challenges regarding State responses

- Lack of understanding and acceptance of VAWG as a human rights issue that has consequences for the effective exercise of citizenship
  - Inadequate State responses - minimum time, effort and resources allocated for effective redress
  - Minimum effort to deal with the problem in a systematic, comprehensive and sustained manner
  - Inadequate attention to investigating patterns, causes and consequences of violence
  - Under-reporting and few prosecutions and even fewer convictions
  - Sanctions often do not reflect the seriousness of the crime perpetrated
  - Failure to address individual, communal, institutional and structural aspects of causes and consequences of violence against women
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## Mandate's findings regarding challenges to eliminating VAWG

- Gaps in the understanding of VAWG and also in the response of the State
  - Failure of the State in its obligation to act with due diligence
  - Persistence of public/private dichotomy in responses
  - Shift in understanding of a gendered response - neutrality and shift in focus to men and boys
  - Lack of transformative remedies that address root causes
  - Cuts in social spending – austerity measures
  - Lack of specific legally binding provisions on VAW within the international human rights framework
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## Shift to neutrality

- Shift in focus from specificity on women, to gender mainstreaming to gender neutrality – in laws, policies and programs. Ignores lived realities of women.
  - Concept of gender neutrality leads to formal equality outcomes, as opposed to substantive equality outcomes.
  - In VAW sector - implies that male victims of violence require, and deserve, comparable resources to those afforded to female victims. Consequences of this in terms of budgets and attitudes to women victims?
  - Concept of neutrality ignores the reality that violence against men does not occur as a result of pervasive inequality and discrimination; that it is neither systemic nor pandemic in the way that violence against women indisputably is.
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# Persisting public-private dichotomy in responses

- Relegation of women and issues of concern to women to the private sphere. Unequal treatment and discrimination in the responses to crimes experienced by women.
  - Reinforced by social, economic and legal factors including the gender pay gap; the “double burden” of production and reproduction, which often limits the autonomy of women; systems of guardianship or legal instruments consciously designed to limit women’s access to the public sphere.
  - Belief that personal relationships are not a matter of public concern continues to affect responses in the prevention, reporting and prosecution of cases of violence.
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# Failure of States to act with due diligence to eliminate violence against women

- Framework for discussing the responsibility of States through a dual lens of individual due diligence and systemic due diligence.
  - Individual due diligence refers to the obligations that States owe to particular individuals, or groups of individuals, including to prevent, protect, punish and provide effective remedies.
  - Systemic due diligence refers to the obligations that States have to ensure a holistic and sustained model of prevention, protection, punishment and reparations for acts of violence against women and girls.
  - Failure to hold accountable both perpetrators - and also State authorities who fail to protect against and prevent harm.
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## Lack of transformative remedies that address root causes

- Violence against women must be acknowledged as widespread, pervasive and systemic, and that it functions on a continuum – it is not an individual and isolated incident.
  - Need specific measures to address it as a gender-specific human rights violation that disproportionately impacts women.
  - Requires a holistic approach in terms of protection, prevention and empowerment - through a lens of indivisibility and interdependency of rights.
  - Take into account the historical, current and future realities and contexts of the lives of women – individual, communal, institutional and structural.
  - Avoid the creation of hierarchies and privileging of certain manifestations of violence against women e.g. sexual violence in conflict.
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# Financial crisis, austerity measures and cuts in social services spending

- Global challenge – with public sector cutbacks and changes to processes to access funding from the State (localism, tendering, corporate/profit models of access)
  - Funding cuts for core service provision, including legal, policy and advocacy work - results in the weakening of the women's rights sector.
  - Diminishing of funding for specificity in service provision
  - Funding cuts to NGOs as a form of reprisal against the work of women human rights defenders
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## Lack of a legally binding instrument at international level

- Existence of a normative gap in international human rights law.
  - Gaps in CEDAW
  - Practice of the UN has been one of normativity without legality (2014 HRC report).
  - Are States being held accountable for failure to protect and prevent harm? Responsibility to protect – applicable to all forms of VAW?
  - Action needed by Human Rights Council, Commission on the Status of Women and General Assembly.
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# Shift in understanding of gendered responses

- Shift to focus on men and boys
  - Men's groups have moved from being targets of education and being allies, to promoters/leaders of initiatives on gender equality and VAW
  - Shift empowers the group to which perpetrators belong to offer protection from violence and discrimination
  - Focus is not on women as autonomous beings, disproportionately affected by inequality, discrimination and violence; rather, violence against women is conflated with the interests of men and boys
  - Argument is that since both men and women are subject to gender stereotypes and since corrupting forms of power are as damaging to men and to women, both men and women would benefit from the dismantling of gender stereotypes.
  - Perpetuation of ideologies by men as protectors of mothers, wives, sisters etc. That women need protection based on the status – as opposed to protection from human rights violations.
  - Has resulted in a shift of resources, political support and public profile of the work of women's rights activists and organisations.
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## Gender related killings of women (femicide/ feminicide/honour killings/witchcraft killings...

- Subject of my 2012 report to the HRC due to concerns about rising prevalence rates/different manifestations and justifications for such killings
  - Killings are the extreme manifestation of existing forms of VAW – ultimate act of violence. Not new and isolated acts that arise suddenly and unexpectedly.
  - Women in VAW situations always ‘living on death row – always in fear of execution’
  - Serve individual, political, institutional, communal, structural and societal purposes – including to sustain power, control and authority over women
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## Looking forward:

- World Health Organization global review of scientific data - 2013 report - concluded that VAW is “a global public health problem of epidemic proportions, requiring urgent action”.
  - How do we deal with an epidemic?
  - How do we address the challenges in protection, prevention, accountability, empowerment and transformative solutions?
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## Three pillars to take note of:



# Conclusion: Transformative action at the national level

State responsibility to act with due diligence requires States to:

- Ensure that accountability is the norm and not impunity – through an independent and efficient judicial system that is responsive and respectful, and one that provides effective remedies that are transformative. Accountability is applicable to the direct perpetrators of harm, but also State authorities who fail to protect against and prevent harm
  - Ensure an empowerment approach to women, taking into account socio-economic realities, historical disadvantage, current contexts, and diversity and difference. Provide necessary tools and resources to ensure that women can become active agents in the choices they make about their lives.
  - Develop more substantive and sustainable measures in respect of political, economic and social transformation – at the individual, communal, institutional and social spheres. This requires an understanding and acceptance that VAWG is a barrier to the realisation of all human rights, and to the effective exercise of citizenship.
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