



Contribution regarding the mandate of the Special Rapporteur on Violence against Women (VAW)

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Eight months ago, I assumed my functions as UN Special Rapporteur on Violence Against Women. This is a position that was first established in 1994 by the UN Human Rights Council (formerly the Human Rights Commission) through a resolution (1994/45), and it has been renewed since then. Since 2006, the Special Rapporteur submits annual reports to the Human Rights Council.

For those who are not familiar with the position of Special Rapporteur, I am an independent expert, so I technically report only to the Human Rights Council, and I am in that sense not part of the traditional UN machinery, nor do I report to the UN Secretary-General or the UN secretariat.

Through this function, I am requested to seek and receive information on violence against women and girls from Governments, treaty bodies, specialized agencies, intergovernmental and non-governmental organizations, including women's organizations, and to recommend measures, ways, and means at the local, national, regional, and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences.

Lastly, I am also requested to liaise closely with all special procedures and other human rights mechanisms of the Human Rights Council and with the treaty bodies, taking into account the request of the Council to



regularly and systematically integrate the human rights of women and a gender perspective into their work, and for me to cooperate closely with the Commission on the Status of Women in the discharge of its functions.

My involvement or experience with violence against women precedes assuming this function. As a woman myself, it should come as no surprise to say that, like most women in their lifetime, I have experienced sexual harassment.

I consider myself lucky that I have not experienced other more severe forms of sexual violence or gender-based violence; most women are not so lucky. Globally, an estimated 736 million women—almost one in three—have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both at least once in their lifetime, with 30 percent of them aged 15 and older. These figures do not include incidents of sexual harassment.

The other way I became closely involved is, of course, through my long work as a humanitarian, specifically working with refugees and migrants. Here, we know that refugee and migrant women and girls can be particularly exposed to gender-based violence either in their own countries, along the migration route, or in the end destination countries once they have arrived.

Having said that, I should underline that with time, I have come to realize that violence against women is not restricted to any particular country or place and is not proportionate to the level of economic development of a country. Women and girls everywhere are still being killed or at serious risk of being killed and subjected to violence as well as intimidation and harassment.

The truth is that we are witnessing a pandemic of violence against women long before the COVID-19 pandemic came on the scene, and that has, as you all know, compounded the pandemic of violence. There are clear indications that COVID-19 has generally increased the incidence of



domestic violence against women. In this regard, my mandate has expressed concern about the gender-blind policies that have been adopted.

One of the worst forms of gender-based violence (GBV) is, of course, femicide or gender-related killings, and these continue to rage everywhere, mainly committed by men and mainly by men that the victims know, particularly, but not limited to, intimate partners.

Data availability continues to be problematic, particularly data that shows the relationship between the victim and the perpetrator. Given this situation, the mandate has established a femicide watch initiative to contribute to the prevention and monitoring of femicide.

This initiative includes issuing a call for input to the femicide watch report on the 25th of November of each year - the International Day for the Elimination of Violence against Women. I have not published last year's report yet but will do so shortly.

What can we say of the trends so far when it comes to femicide: it should be said that significant progress has been passed in the past five years towards the creation of different types of bodies with the purpose of monitoring violence against women and femicide for example in Argentina, Spain, and Morocco [1] – amongst others. In several other countries, including Canada and Honduras, universities are at the forefront of creating femicide watch bodies. In others, civil society has been key in gathering information about femicide and creating their own observatories.

Progress has also been made on the collection and systematization of data on femicide, although with different methodologies and scope. At the same time, and in several countries, an absence of criminal legislation of the specific offence of femicide continues.

In times of conflict, rape and other forms of sexual and gender-based violence continue to be rampant and continue to be used as tools of war –



applied deliberately to intimidate, punish and break the opponent.

They can act as constituent elements of war crimes, crimes against humanity, genocide, torture, and other violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL).

Here, I want to draw attention to an important point made by a collective of international and human rights mechanisms that I am also party to, otherwise known as the EDVAW¹ Platform, which has argued that sexual violence and violence against women during conflict cannot be understood in isolation from gender-based discrimination that women experience in times of ‘peace’. On the contrary:

That violence is connected to and derives from the more general patterns of gender inequality and violence against women. This results in women becoming more vulnerable

to conflict-related violence and human rights violations in general and in the failure to provide access to interim measures and reparations. In that sense, and as the Platform had emphasized, addressing the root causes of gender-based violence against women and girls requires a holistic approach along a continuum of “before, during, and after a conflict”.

It also requires the meaningful and full participation of women in all political negotiations as well as peacebuilding and governance processes, in line with UN Security Council Resolution 1325, which has established a framework for addressing sexual violence in conflict.

It is perhaps not a coincidence then that just as we experience challenges in implementing Security Council Resolution 1325, we have also seen an increasing awareness of the level of violence women are subjected to in politics.

¹ [EDVAW](#) stands for Independent Expert Mechanisms on Discrimination and Violence against Women



Violence against women in politics is a highly misogynistic form of behaviour that targets women as women in an attempt to silence them as political actors. It is a specific form of GBV that encompasses a range of attacks that are aimed at undermining women as political actors to exclude them as a group from political life and silence them as political actors.

Younger women and LGBT women in politics face a heightened risk of abuse. Given that this form of violence aims at inhibiting women from entering and remaining in politics, it is also a threat to democracy and its underlying principles.

While the old/classical forms of violence against women have not gone away, it is concerning that just like everything around us today, the forms of violence women experience mutate, adapt and occupy new spaces. For example, with the onset of online technology, we have seen an explosion of violence against women online.

The problem, of course, is that there are no robust laws in place and, in some places, none to regulate the use of online technologies and ensure that they conform with human rights standards, hiding behind the seemingly “borderless” nature of the internet. We must, however, demand that zero tolerance is applied in cases of violence against women, a violence that seeks to shame, abuse, maim and exploit them, and in many cases, threaten to kill them. Different profiles of women are particularly at risk, including women journalists, women politicians, and women human rights defenders.

Governments, private companies, and others may seek to hide their responsibilities behind the seemingly “borderless” nature of the internet. But human rights are universal, and, as such, there is one human rights regime that protects the rights of women and girls offline as well as online and that demands zero tolerance for violence against women and girls in the digital space. Violence against women and girls flourishes because those who seek to silence women and girls and facilitate



their exploitation, abuse, maiming, and killing are not firmly prevented from and held accountable for their actions.

I am not suggesting that the criminalisation of online violence alone will solve the problem. As GREVIO's² recommendations [2] on the digital dimension of violence argue, tackling online violence requires a comprehensive all-society approach, such as: ensuring recognition of the digital dimension of violence against women in national strategies, having internet intermediaries share the responsibility, taking action to put an end to impunity for digital acts of gender-based violence, as well as equipping law enforcement with the necessary instruments and knowledge to investigate and prosecute perpetrators effectively.

Furthermore, it would be important to promote the inclusion of digital literacy and online safety in formal

curricula and at all levels of education.

Speaking of mutation of forms of violence and its adjustments, we are also seeing an increase in gender-insensitive judicial processes, particularly in family law and custody issues.

For at least a decade, we have seen an increase in worrisome application of the law in child custody cases in judicial systems where ingrained gender stereotypes lead them to favor the testimony of the father at the expense of the mother, even if the latter brings forward well-founded allegations against the father that he has been abusive of their children. In other words, and despite clear guidance to the contrary in the Convention on the Rights of the Child, courts continue to determine that it is always in the child's best interest to maintain contact with the father by granting joint custody or sole custody, even when the father is abusive.

² [GREVIO](#) stands for Group of Experts on Action against Violence against Women and Domestic Violence



What I am alluding to is happening against the backdrop of a significant push back against gender equality by an anti-gender movement and coalition that is becoming more organized, better resourced, and more assertive. We see their efforts play out in attempts to restrict the right to abortion, scrap gender studies in universities, and cancel sexuality education at schools. In addition, we are witnessing the continued policies criminalizing same-sex relationships between two consenting adults in close to 70 countries. Women who live outside the hetero-normative framework of identity are still being punished for who they are. The concerning issue is, of course, that in many places, these movements start by co-opting the law of the land and the justice sectors.

The most illustrative example of this is, of course, the backlash we have seen against the Istanbul Convention, which is the Council of Europe's Convention which has been avantgarde in a number of ways: applying the term gender in a legally binding international instrument, as

well as explicitly referring to the prohibition of gender discrimination on the basis of gender identity. Unfortunately, the process of ratification has slowed down or stopped in some countries on the pretext that it does not conform with their constitutions.

I do not need to tell you the implications of all of this. In addition to being a violation of the human rights of women, it also means that women cannot fully participate in society and contribute to it. I have often said that women's rights are not just human rights; they also go to the heart of what it means to be a prosperous, developed, and peaceful society or community.

As we, the UN Special Procedures, reflected in our statement on international women's day last year, there are so many existential threats and problems that we collectively face on this planet and that require women's full and equal participation, whether it be addressing COVID-19 or tackling the climate crisis and environmental degradation.



These global crises interact with and further deepen pre-existing inequalities as well as legal, institutional, and policy gaps in the fight to eliminate gender-based violence against women and girls and, in many cases, worsen them. Indigenous women, internally displaced women, women with disabilities, lesbian and transgender women, and women belonging to other vulnerable or marginalized groups are particularly affected by the failure of these policies to prevent such violence, as well as protect and assist survivors.

It is for this reason that my upcoming report to the 77th session of the UN General Assembly will focus on the impact of the climate crisis, environmental degradation, and related displacement on gender-based violence against women and girls and the ways in which intersectionality impacts the experience of violence and its consequences.

The report also hopes to shed light on the extent to which women and girls can access information and

participate fully and meaningfully in the mitigation of the climate crisis. Moreover, I would like to see how decisions on financing climate change mitigation, adaption, and response affect challenges in financing the climate change mitigation and response and affect funds available for preventing and ending GBV.

So, there is still a lot to do, and though the challenges are immense, there are also achievements. In several countries, like Colombia and Mexico, courts have upheld the rights of women to sexual and reproductive health and abortion. In others, same-sex marriages have been legalized and are no longer criminalized.

Moreover, there is generally a realization of the importance of prevention work, including the responsibility that men and boys have to bring about the real transformative change that we need. I also think that there is a better understanding of what we call the intersectionality of different forms of discrimination and how some women, by virtue of their



overlapping identities, can be more exposed to violence against them.

I also feel there is a growing realization that when you push back against gender equality you weaken the entire system of rights because you start chipping away at the rights of freedom of expression, opinion, association, etc. I am also heartened by the increased coordination, information exchange, and collaboration by the gender equality movement and its allies – one of the more positive consequences of the

internet. Together we will continue to work on putting an end to this unacceptable and totally preventable pandemic, the pandemic of violence against women.

REFERENCES

- [1] L. Hanafi, "Contextualised analysis of access to justice in Morocco," *Arribat - International Journal of Human Rights*, vol. 1, no. 1, pp. 42-67, 2021.
- [2] Council of Europe, *GREVIO General Recommendation No. 1 on the digital dimension of violence against women*, 2021.