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its causes and consequences

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Mr. Chairperson, distinguished delegates, representatives of the United Nations and the NGO community,

It is with great pleasure that I address the 67th session of the General Assembly and present my report pursuant to resolution 65/187. This report provides information on my activities and also addresses the issue of violence against women with disabilities.¹

The impact of the combined effects of gender, disability, and other factors has not gained sufficient attention, and violence against women with disabilities remains largely unaddressed. This situation continues despite the evolution of normative frameworks concerning both the human rights of women and of persons with disabilities, and also, the fact that women with disabilities make up a significant part of the world's population. Recent reports such as that of the OHCHR and this report can serve to give visibility and initiate discussions on the issue. Although women with disabilities experience many of the same forms of violence that all women experience - when gender, disability and other factors intersect - violence takes on unique forms, has unique causes, and results in unique consequences.

An analysis of violence against women with disabilities must be informed by, and reflective of, a social model understanding of disability, in keeping with the Convention on the Rights of Persons with Disabilities. According to this Convention, accommodation, inclusion and support are the obligated responses to disability, including for families of persons with disabilities. In my report I discuss the "gender-mainstreaming, disability-inclusive" approach which draws upon a feminist-disability discourse that seeks to challenge dominant assumptions about living with a disability, and situates the disability experience in the context of rights and exclusions. This approach also questions the assumption that disability is a flaw or a deficiency and defines disability broadly from a social rather than a medical perspective.

Mr. Chairperson,

Women with disabilities experience both the stereotypical attitudes towards women and towards persons with disabilities. Social sanctions relating to contexts, location, bodily integrity, poverty, race/ethnicity, religion, language and other identity status or life experiences can further increase the risk of group or individual violence for women with disabilities. Women with disabilities are subject to multiple forms of discrimination and violence because of such factors.

The manifestations of violence against women and girls with disabilities occur in various spheres, including in the home, the community, perpetrated and/or condoned by the State as well as in the transnational sphere. The forms of violence to which women with disabilities are subjected can be of a physical, psychological, sexual or financial nature and include neglect, social isolation, entrapment, degradation, detention, denial of health care, forced sterilization and psychiatric treatment.

Women with disabilities are twice as likely to experience domestic violence as non-disabled women, and are likely to experience abuse over a longer period of time and to suffer more severe injuries as a result of the violence. In domestic violence situations, women with disabilities may fear reporting or leaving an abuser because of emotional, financial or physical dependence. Also they may fear losing custody of their children, should they leave.

Women with disabilities are often treated as if they have no control, or should have no control, over their sexual and reproductive choices. They may be forcibly sterilized or forced to terminate wanted pregnancies — under the paternalistic guise of "for their own good". This is done sometimes with the sanction of partners, parents, institutions or guardians. There is a long history of socially and even legally sanctioned forced and non-consensual sterilization of women with disabilities. Denying access

¹A/67/227

to reproductive health care, or forcing women with disabilities to undergo procedures aimed at controlling their reproductive choices, is a form of violence against women.

Women in institutions who need support services are usually more vulnerable. In institutional settings, women with disabilities are subject to numerous forms of violence, including forced intake of psychotropic drugs or other forced psychiatric treatment. Furthermore, forced institutionalization itself constitutes a form of violence.

Women with disabilities also face a number of obstacles in the justice system, including the systematic failure of the courts to acknowledge them as competent witnesses. This exclusion is particularly problematic in cases involving sexual assault or other forms of gender-based violence, in which the complaining witness may provide key evidence necessary for a conviction. Sexual abuse cases involving a complainant with learning disabilities rarely go to court, and if they do, the complainant frequently does not serve as a witness against the accused. The tendency to "infantilize" women with mental disabilities contributes to the discounting of their testimony. Law enforcement and legal agencies may dismiss complaints since they see women with disabilities who require assistive communication or accommodations, as well as women with psychosocial and intellectual disabilities, as lacking credibility. The institutions, the physical structures, and also the legal proceedings themselves may place substantial barriers to accessibility and participation of witnesses² with disabilities.

Mr. Chairperson,

Although ratification of 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 is widespread, it is difficult to assess effective implementation of these instruments with regard to preventing and responding to violence against women with disabilities.

In many countries there is a lack of specific and comprehensive laws, policies and programmes for persons with disabilities in general or for women with disabilities in particular. States that do have a disability law or policy do not specifically address the rights of women with disabilities in general, or violence against women with disabilities specifically.

At the non-governmental organization level, in some countries there are dedicated organizations or coalitions that conduct research and provide services and training. Innovative use of the internet has also led to the development of interactive websites where readers share information and experiences. I have recommended, amongst others, that appropriate training materials on the prevention of and response to violence against women with disabilities for all sectors be developed, in collaboration with women with disabilities, in order to enhance both the relevance of the materials and the skills of disabled peoples.

Thematic Report to the Human Rights Council²

My report to the Human Rights Council this year focused on the issue of gender related killings of women. The report addressed the killings of women whether they occur in the family, the community, or are perpetrated or condoned by the State. Globally, the prevalence of different manifestations of such killings is increasing. Terms such as femicide, feminicide, honour killings, crimes of passion, and so on, have been used to define such killings. Rather than a new form of violence, gender-related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents which arise suddenly and unexpectedly, but are the ultimate act experienced in a continuum of violence.

²A/HRC/20/16

The report provides an overview of the global trends and manifestations of gender related killings of women and international human rights law and jurisprudence regarding this issue. These include: killings of women as a result of intimate partner violence; killings of women due to accusations of sorcery/witchcraft; killings of women and girls in the name of "honour"; killings in the context of armed conflict; killings of indigenous women; extreme forms of violent killings of women, such as those related to gangs, organised crime, drug dealers, and human and drug trafficking chains; killings as a result of sexual orientation and gender identity; and other forms of gender-related killings of women and girls, such as female infanticide.

Some specific examples of steps taken by States to comply with their due diligence obligation to prevent killings of women are also provided. These include the adoption of specific legislation, the development of awareness-raising campaigns, and the provision of training for professional groups including the police, prosecutors and members of the judiciary. Some States have adopted multi-sectoral national action plans on violence against women in an effort to coordinate activities between and within government agencies. The report calls for the adoption of a holistic approach in responding to and preventing gender-related killings in all the measures taken by States, especially in crafting, implementing and evaluating legislation, policies and programs.

Country Missions

At the outset let me thank all Governments who facilitated my country visits or extended invitations to visit, including Papua New Guinea and Solomon Islands which I visited in March 2012 as well Bosnia Herzegovina, Croatia, India and South Africa which I intend to visit between now and mid-2013. I look forward to positive responses for my requests to visit Bangladesh, Nepal, Tadjikistan, Uzbekistan, Venezuela and Zimbabwe. I will now briefly report on my missions to Jordan, Somalia and Italy.

Jordan³

In November 2011, I visited Jordan where the status of women has been gradually changing. Today women enjoy, in principle, equal rights with men with regard to political participation, education and employment. During the mission, I analysed different manifestation of violence against women such as domestic violence, sexual harassment and sexual violence, gender-related killings of women, and violence against migrant domestic workers and refugee women.

Despite many positive legislative efforts, current legislation still discriminates against women on issues such as nationality and citizenship rights, as well as pension and social security rights. Even in cases where positive legislative amendments have been made, the implementation of the law is still hampered by the persistence of patriarchal cultural norms and customs which result in de facto discrimination against women.

I commended the Government on the adoption of a specific law on family violence, but also expressed concerns about the impact of the Family Violence Protection Law which prioritises family reconciliation. In a context of unequal power relations, this can potentially be detrimental to the protection of women's human rights. In response to concerns relating to protective detention, I was pleased to hear about plans to establish a new specialist shelter that will provide an alternative housing option, thereby addressing concerns relating to the holding of women in prisons.

Jordan has come a long way in terms of educational achievements for women and girls. Unfortunately, despite this achievement, they only comprise 14% of the labour force in the country. In

³A/HRC/20/16/Add.1

my report I argue that a purely legal or programmatic approach will not be sufficient to achieve women's equality, given the traditional roles that the majority of them have conventionally undertaken. More incentives are needed to increase the employment of women within the private sector, and to create responsive environments to encourage them to enter this sector. Such measures will encourage women to make career choices based on their real interests, and importantly the development needs of Jordan.

Somalia⁴

I visited Somalia in December 2011 where I learnt of recurring instances of sexual violence, especially affecting internally displaced women; domestic violence; FGM; and forced and early marriages. It was clear that there is a lack of substantive reporting of violence against women and girls. The absence of accountability mechanisms and specialized services for women and girl victims of various forms of violence, also contributes to such invisibility and silencing. The problem of domestic violence remains the most pervasive form of violence against women that interlocutors described. The invisibility of violence in the private sphere has been further exacerbated by the internal conflict, the displacement of populations and non-functioning State authorities.

The mission was underpinned by the recognition of the historical, sociological and environmental context within which Somalis continue to live today, both inside and outside the country. This has resulted in a situation which will require repairing the ruptures in the social fabric; guaranteeing the security of the population; and most importantly, institutional, political and economic reforms, based on the values of peace, security, reconciliation, and social and political cohesion. However, I argue that such values should not preclude addressing past and on-going violations of human rights in general and women's human rights in particular.

Despite the many challenges for the full and effective participation of women in the political process, I commend the Government's tentative efforts to address the issues of violence against women, which include a draft Law against FGM by the Puntland authorities, the creation of a Task Force on Gender-Based Violence by the Transitional Federal Government and the appointment of women as Ministers and Members of Parliament, including through quota policies for women in the public sphere. I am pleased that the Government has accepted all of the 155 recommendations resulting from the Universal Periodic Review (UPR) process and I urge the international community and UN agencies to assist Somalia in the follow-up and implementation of these recommendations.

During my visit, I noted the fragmentation of programs and policies of UN agencies, donors and other humanitarian stakeholders. This is an obstacle to sustainable and effective development. While substantial resources have been allocated to support humanitarian needs and strengthen authorities' capacity to respond to violence, the lives of ordinary Somalis have generally not improved and thousands remain extremely vulnerable. There is a need for more creative efforts to capacitate and include civil society in political development processes in general and in the development of projects for the empowerment of women in particular.

Italy⁵

I visited Italy in January of this year. Issues that I looked into include domestic violence; femicide; violence against women who face multiple and intersecting forms of discrimination, including Roma, Sinti and other migrant women; detained women; women with disabilities and transgendered people. Violence against women remains a significant problem due, amongst others, to the persisting underlying structural causes of inequality and discrimination against women. While the legal

⁴A/HRC/20/16/Add.3

⁵A/HRC/20/16/Add.2

framework largely provides for protection for violence against women, this remains fragmented. Inadequate punishment of perpetrators and lack of effective redress was a concern noted in most interviews.

I commend the Government's efforts to address the issue of violence against women, including through the promulgation of laws such as the one on stalking; the establishment of national plans of action on violence against women and also on women, peace and security; a National Plan for the Inclusion of Women in the Labor Market, as well as the establishment and merger of government bodies responsible for the promotion and protection of women's rights.

With statistics ranging between 70 and 87%, depending on the source, domestic violence is the most pervasive form of violence that continues to affect Italian women across the country. The continuum of violence in the home is reflected in the increasing numbers of victims of femicide. Reported statistics indicate that in 2006, 101 women were killed by a partner, spouse or former partner and this figure increased to 127 in 2010. These statistics do not necessarily take into consideration the prevalence of violence against women from the Roma, Sinti and other minority communities. As minorities, such groups face multiple forms of violence and discrimination in both the private and public sectors. Most manifestations of domestic violence are underreported in a context of a family-oriented and patriarchal society; poor awareness of violence in the home as being a crime; economic dependency; and perceptions that the state response to such complaints will not be appropriate or helpful.

Let me stress that the current political and economic situation faced by Italians cannot be used to justify the decrease of attention and resources to address all manifestations of violence against all women and girls in the country. My report calls for practical and innovative use of the limited resources available to address the social, economic and cultural barriers underlying such violence. There is a vast amount of experience and expertise in the provision of legal, social, psychological and economic assistance to victims of violence against women, by both the state and non-state sectors. It is crucial that this should not be lost in the current economic climate.

Mr. Chairperson,

The past year has been both challenging and rewarding. My mandate has achieved successful engagement with both State and non-State partners. As I enter the second term of my mandate, I would like to reiterate the need for the addressing of fragmentation in responses to violence against women; the need for greater focus on prevention measures; and importantly the need for a holistic approach which is underpinned by values of universality, interdependence and indivisibility of rights. Respect for, protection of, and fulfillment of rights requires such an approach. This is particularly relevant as we continue preparations for next year's meeting of the Commission on the Status of Women, which will focus on violence against women. I call on member States to continue collaborating with my mandate in our common goal of eliminating all forms of violence against women and girls, and ensuring the right to a life free of violence.

I thank you for your attention and look forward to a constructive dialogue.