



# General Assembly

Distr.: General  
20 June 2019

Original: English

---

## Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 3

**Promotion and protection of human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Violence against women, its causes and consequences**

#### **Report of the Special Rapporteur on violence against women, its causes and consequences\***

##### *Summary*

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on violence against women, its causes and consequences, prepared pursuant to Council resolution 32/19.

---

\* The present report was submitted late to reflect the most recent information received in response to a call for submission issued by the mandate holder.



---

## Contents

	<i>Page</i>
I. Introduction .....	3
II. Activities undertaken by the Special Rapporteur .....	3
III. Twenty-five years of the mandate of the Special Rapporteur on violence against women, its causes and consequences: an analysis of its evolution, current challenges and the way forward – contribution to the 25-year review of the Beijing Declaration and Platform for Action.....	5
A. Reflection on the new and persisting challenges the global women’s rights movement faces and its impact on the work of the Special Rapporteur .....	5
B. International framework on women’s human rights and violence against women and the expanding role of the mandate .....	6
C. Evolution of the mandate: from standard-setting to consolidation and implementation strategies .....	12
D. Response by the mandate holder to the need to develop strategies for implementation .....	14
E. Ending violence against women: a call for a system-wide approach.....	16
IV. Conclusion and recommendations.....	18

## I. Introduction

1. The present report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Simonovic, is submitted to the Human Rights Council pursuant to its resolution 32/19. In the report, the Special Rapporteur takes stock of the current challenges facing the mandate as it celebrates 25 years since its creation and provides recommendations for the establishment of a system-wide approach to addressing violence against women and on how the role of the mandate can be strengthened to accelerate the prevention and elimination of violence against women in the future.
2. The present report complements the reports of the previous mandate holders (A/HRC/11/6/Add.5 and A/HRC/26/38), which provided a critical analysis of the substantive work of the mandate holder, 15 and 20 years respectively after the mandate was established.
3. The Special Rapporteur issued a call for submissions in January 2019 in preparation for the present report, and is sincerely grateful to all those who submitted a response.<sup>1</sup> The Special Rapporteur is also very grateful to the London School of Economics for hosting an expert group meeting in January 2019, the discussions from which form the basis of the present report.

## II. Activities undertaken by the Special Rapporteur

4. In addition to performing her regular mandated activities, the Special Rapporteur continues to lead an initiative to institutionalize cooperation between independent international and regional mechanisms on women's rights. In that regard, on 2 October 2018, the President of the Inter-American Commission on Human Rights and its Rapporteur on the Rights of Women hosted a regional meeting of the Platform of independent international and regional mechanisms on violence against women and women's rights. The meeting was held at the University of Colorado in Boulder, United States of America, in the margins of the session of the Inter-American Commission on Human Rights.<sup>2</sup>
5. On 5 October 2018, the Special Rapporteur presented to the General Assembly her thematic report on violence against women in politics (A/73/301). In the margins of the seventy-third session of the Assembly, and as a means of presenting her report to relevant stakeholders, the Special Rapporteur also convened a side event on ending violence against women in politics.<sup>3</sup>
6. On 16 and 17 October 2018, the Special Rapporteur held meetings with representatives from various information and technology companies based in Silicon Valley, United States, and organized side events with academics from the University of California, Berkeley, and Stanford University to discuss the issue of online violence against women and girls, on which she focused her 2018 report to the Human Rights Council (A/HRC/38/47).
7. On 5 November 2018, the Special Rapporteur briefed the Committee on the Elimination of Discrimination against Women at its seventy-first session, held in Geneva. During the meeting, a framework for cooperation on combating violence against women was agreed between the mandate of the Special Rapporteur and the Committee.<sup>4</sup>

<sup>1</sup> For the full list of submissions received, see [www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Celebrating25yearsMandate.aspx](http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Celebrating25yearsMandate.aspx).

<sup>2</sup> The report of the Platform at that session is available at [www.ohchr.org/Documents/Issues/Women/SR/ReportColorado2Oct2018.pdf](http://www.ohchr.org/Documents/Issues/Women/SR/ReportColorado2Oct2018.pdf).

<sup>3</sup> A video of the event is available at <http://webtv.un.org/meetings-events/watch/ending-violence-against-women-in-politics/5846158901001/?term>.

<sup>4</sup> See [www.ohchr.org/Documents/Issues/Women/SR/SRVAV\\_CEDAW\\_FrameworkCooperation.pdf](http://www.ohchr.org/Documents/Issues/Women/SR/SRVAV_CEDAW_FrameworkCooperation.pdf).

8. From 6 to 9 November 2018, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) regional office for Europe, the Special Rapporteur organized a visit to Brussels, during which she launched her report on online violence against women and girls and her report on violence against women in politics. She also attended bilateral meetings with various high-level representatives of the European Union, including the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission and the European Commissioner for International Cooperation and Development. She discussed the need for additional support for the mandate, as well as opportunities for collaboration between the mandate and the joint European Union-United Nations Spotlight Initiative to eliminate violence against women and girls.<sup>5</sup> In addition, she co-organized a side event at the European Parliament on online violence against women in politics and held meetings with various civil society organizations.

9. On 14 December 2018, the Special Rapporteur participated in a high-level consultation meeting with States members of the African Union on the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), and a panel meeting on celebrating the fifteenth anniversary of the Maputo Protocol, at the African Union Commission headquarters in Addis Ababa.

10. On 16 and 17 January 2019, the Special Rapporteur attended a consultation meeting on femicide, held in Vilnius by the European Institute for Gender Equality and the European Observatory on Femicide. The purpose of the meeting was to develop modalities for the collection of comparable data on femicide.

11. On 26 and 27 January 2019, the Special Rapporteur participated in a global convention on trafficking in women and girls in the context of global migration, held in Bangkok by the International Women Rights Action Watch Asia Pacific. She also provided a written submission<sup>6</sup> to the Committee for its general discussion on the new general recommendation on trafficking in women and girls in the context of global migration.

12. From 11 to 22 March 2019, the Special Rapporteur participated in the sixty-third session of the Commission on the Status of Women, at which she delivered an oral report.<sup>7</sup> She also organized two side events, entitled "Twenty-five years of the mandate and the femicide watch initiative" and "The mandate of the Special Rapporteur on violence against women and general recommendation No. 35". Moreover, in conjunction with Facebook, she organized an event on the issue of online violence against women and girls and non-consensual distribution of intimate images. In the margins of the session, the Special Rapporteur convened an informal meeting of members of the Platform of independent international and regional mechanisms on violence against women and women's rights.<sup>8</sup>

13. On 24 November 2018, to mark International Day on the Elimination of Violence against women, the Special Rapporteur and members of the Platform issued a joint statement in which they welcomed data from a number of States and stakeholders on femicide and reiterated their call for the global adoption of a femicide prevention watch or observatory on gender-related killing.<sup>9</sup>

14. The Special Rapporteur conducted a country visit to Nepal from 19 to 29 November 2018 (A/HRC/41/42/Add.1).

15. Since June 2018, the Special Rapporteur, including jointly with other mandate holders, has addressed more than 50 communications and issued several press releases and statements jointly with other human rights mechanisms.

<sup>5</sup> See [www.un.org/en/spotlight-initiative/](http://www.un.org/en/spotlight-initiative/).

<sup>6</sup> See [www.ohchr.org/EN/HRBodies/CEDAW/Pages/GRTrafficking.aspx](http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/GRTrafficking.aspx).

<sup>7</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24339&LangID=E>.

<sup>8</sup> Available from [www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CooperationGlobalRegionalMechanisms.aspx](http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CooperationGlobalRegionalMechanisms.aspx).

<sup>9</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23924&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23924&LangID=E).

### **III. Twenty-five years of the mandate of the Special Rapporteur on violence against women, its causes and consequences: an analysis of its evolution, the current challenges and the way forward – contribution to the 25-year review of the Beijing Declaration and Platform for Action**

#### **A. Reflection on the new and persisting challenges the global women's rights movement faces and its impact on the work of the Special Rapporteur**

16. The mandate of the Special Rapporteur on violence against women, its causes and consequences was established on 4 March 1994 by the Commission on Human Rights in its resolution 1994/45. The establishment of the mandate as the first independent human rights mechanism on the elimination of violence against women represented an important benchmark within the global women's rights movement, as not only did it recognize violence against women as a human rights violation, but it also tasked the Special Rapporteur with ensuring that violence against women was integrated into the United Nations human rights framework and its mechanisms.

17. While the present report will reflect principally on the first 25 years of the mandate, it will also contribute to the 25-year review in 2020 of the Beijing Declaration and Platform for Action and will consider the forthcoming 20-year review of Security Council resolution 1325 (2000) on women, peace and security, as well as the 5-year review process of the Sustainable Development Goals, of which Goal 5, and in particular its target 5.2, focus on the elimination of all forms of violence against women and girls in the public and private spheres.

18. The analysis of the evolution of the mandate is undertaken within the context of the international women's human rights framework, with a view to providing recommendations on how the mandate, along with other relevant independent global and regional independent monitoring mechanisms on women's rights, can be strengthened. It also outlines the shortcomings of the current system and considers the development of a system-wide approach to eliminating violence against women, including through the establishment of an institutional platform for cooperation between independent monitoring mechanisms aimed at accelerating implementation of the international and regional standards for the elimination of violence against women and girls. In that regard, the report addresses the current disconnect between on the one hand the various United Nations entities and the mandate, including the United Nations trust fund in support of actions to eliminate violence against women, and on the other hand the work of relevant United Nations and regional mechanisms on violence against women, as well as the fragmented implementation of United Nations and regional agendas and instruments on women's rights and violence against women, which poses a significant challenge to the establishment of a system-wide approach to address violence against women.

19. The analysis also considers the changes in the global context of women's rights over the past 25 years, a shift that has brought with it many positive changes, but which has also revealed the persistent and systematic discrimination and violence against women that is deeply rooted in the fabric of our society and that has become normalized. It is within that context that the rise of popular movements, such as #MeToo and #NiUnaMenos, and their various manifestations across the world, have broken the silence on sexual harassment and other forms of gender-based violence, while calling for change.

20. At the same time, there is a mounting opposition to and backsliding of women's rights everywhere, including an upsurge in retrogressive movements and a backlash against feminism, gender equality and women's empowerment. Within that context, the term "gender" is also being misinterpreted as "gender ideology" and has led to an increase in gender-based violence against women.

21. The rise in authoritarianism, populism and fundamentalism have all had a negative impact on efforts to eliminate violence against women and have been bolstered by an increasing trend of denying and challenging international standards concerning women's human rights and gender-based violence. A growing wave of conservatism is also threatening to renounce established women's human rights norms and standards. At the national level, some States are passing laws and by-laws restricting women's rights, agency and mobility, including State authorities permitting so called "morality police" to use violence against women.

22. Increased stigmatization and undue restrictions in relation to gaining access to funding and resources for women's non-governmental organizations (NGOs), combined with increasing violations and reprisals perpetrated against women's human rights defenders, are shrinking civil society space and are set to threaten the considerable gains achieved by those NGOs on the rights of victims of gender-based violence.

23. In addition, digitalization and the use of new information and communications technology has generated new forms of online violence against women. In her 2018 thematic report on online violence against women (A/HRC/38/47), the Special Rapporteur warned that the use of information and communications technology without adopting proper human rights-based approach could contribute to an increase in gender-based discrimination and violence against women and girls. She recommended that States, in accordance with the principle of due diligence, address new forms of online violence against women and girls as human rights violations that are interrelated with the broader framework of discrimination against women and girls, and that Internet intermediaries uphold women's human rights standards.

24. At the sixty-third session of the Commission on the Status of Women, the Secretary-General reflected on the aforementioned "pushback" movements against women's rights and called upon all States to "push back against the pushbacks and to continue pushing back". In response to that call, the Special Rapporteur initiated a joint statement with members of the Platform of independent mechanisms on violence against women and women's rights.<sup>10</sup>

25. Within that context, and as the mandate celebrates its twenty-fifth anniversary, the Special Rapporteur considers that it is a key moment to reflect on the role of the mandate with a view to ascertaining how it can address those challenges and assist States and other stakeholders in addressing them.

## **B. International legal framework on women's human rights and violence against women and the expanding role of the mandate**

26. Over the past 25 years, violence against women has come to be recognized as a violation of women's human rights and a form of gender-based discrimination. The struggle by the women's rights movement to persuade the international community to view discrimination against women and gender-based violence against women as human rights violations came about gradually and was reinforced by the evolution of the international legal framework on women's human rights and violence against women, including with regard to domestic violence, along with the growing role of independent expert mechanisms established to monitor its implementation, including the mandate of the Special Rapporteur, as well as other relevant United Nations and regional mechanisms that contributed to such developments.

27. At the time of the Fourth World Conference on Women, held in Beijing in 1995, many women's human rights monitoring mechanisms had only recently been established, including the mandate of the Special Rapporteur, and at that time some were only taking their first steps. For example, the Committee on the Elimination of Discrimination against Women had been in place for 13 years, while the mandate of the Special Rapporteur had

---

<sup>10</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24380&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24380&LangID=E).

only been established the year before. However, since that Conference, they have developed expertise and adopted effective working methods to examine implementation gaps and recommend measures for the elimination of violence against women. Today, the role of the mandate of the Special Rapporteur and other independent monitoring mechanisms should not be underestimated, as they play a vital monitoring role and are an integral part of the whole international framework on women's human rights and violence against women. They have all been entrusted with addressing the human rights obligations of States parties, including the due diligence obligation to prevent and combat violence against women and girls.

28. For that reason, the 25-year review of the Beijing Declaration and Platform for Action, and other relevant reviews, should also include an assessment of the indispensable role that the Special Rapporteur and other independent monitoring mechanisms have in implementing the Beijing Declaration and Platform for Action and other relevant agendas.

29. The current international legal framework on women's human rights and violence against women, under which the mandate operates, is composed of several international instruments.

30. Although not legally binding, the Declaration on the Elimination of Violence against Women, adopted by the General Assembly in 1993 in its resolution 48/104, provided the first global framework for analysis, as well as practical steps for action on violence against women at the national and international levels. In the Declaration, the Assembly recognized that violence against women is "a manifestation of historically unequal power relations between men and women" and provided a definition of violence against women. It also called upon States to include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the Declaration.

31. The Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, reaffirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights, and called for the creation of a special rapporteur on violence against women. A year later, in 1994, the mandate of the Special Rapporteur was established.

32. In 1995, the Fourth World Conference on Women reaffirmed the conclusions of the World Conference on Human Rights, and identified violence against women as one of the 12 areas for priority action. In paragraphs 124 (r) and (s) of the Declaration, States were urged to "cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women in the performance of her mandate and furnish all information requested" and to "renew the mandate of the Special Rapporteur on violence against women when her term ends in 1997 and, if warranted, to update and strengthen it."

33. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979 in its resolution 34/180. It was the first United Nations instrument on the human rights of women and as such was the first one to recognize "women's rights as human rights". The Fourth World Conference on Women also reaffirmed the Convention and called for the elaboration of an optional protocol thereto. It also strengthened the role of the Committee by requesting it to evaluate progress in the implementation of the Platform for Action through the State party reporting process. At the time of the Conference, the Committee had already adopted its general recommendations No. 12 (1989) and No. 19 (1992) on violence against women, in which the Committee recognizes violence against women as a form of discrimination in accordance with article 1 of the Convention. At that time, the work of the Committee was not as visible as it is today. When it began its work in 1982 in Vienna, the Committee held only one session per year. As more States became parties to the Convention,<sup>11</sup> the Committee expanded that number to two sessions per year and, in 2007, pursuant to Assembly resolution 62/218, three sessions per year, with a one-week pre-session working group for each session, and three annual sessions of the Working Group on Communications, under the Optional Protocol to

<sup>11</sup> The Convention currently has 189 States parties.

the Convention on the Elimination of All Forms of Discrimination against Women. Consequently, since that time, the Committee has evolved into an increasingly efficient and influential monitoring mechanism providing important and far-reaching jurisprudence and general recommendations on violence against women.

34. The responsibility for servicing the Committee was transferred in 2008 from the United Nations Division for the Advancement of Women – now part of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) – in New York to OHCHR in Geneva. The decision was perceived as timely as the Committee had just commenced its work under the framework of the Optional Protocol<sup>12</sup> to the Convention, and the legal expertise provided by the OHCHR Petitions Unit in Geneva was considered paramount to its successful implementation.<sup>13</sup> The transfer was agreed through resolution 62/218 and allowed the Committee to hold two sessions per year in Geneva and one in New York.<sup>14</sup> The arrangement was followed for a few years, and a subsequent decision was taken by the United Nations High Commissioner for Human Rights to move all sessions to Geneva. In response to that decision, the Committee adopted a decision that one session per year should be held in New York, in line with article 20.2 of the Convention.<sup>15</sup> However, that did not materialize.

35. The Committee has developed significant jurisprudence under the individual complaints procedure on violence against women, including two cases relating to femicide<sup>16</sup> and one case that highlights the stereotypes that continue to exist within the investigation and prosecution of rape cases.<sup>17</sup> Another important decision adopted by the Committee related to the killing of a child by her father during an unsupervised contact visit.<sup>18</sup> A number of the inquiries conducted by the Committee to date<sup>19</sup> have also addressed violence against women and have provided important recommendations that are applicable not only to the States parties concerned, but may also be applied in all cases of a similar nature and scope.

36. The mandate of the Special Rapporteur has made significant progress in terms of standard-setting work on violence against women, including through thematic and country visit reports and the interpretation of States obligations “within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women”<sup>20</sup> within which the mandate operates. Owing to the progressive interpretation of the Convention in recent years, the mandate has expanded its recommendations based on the Committee’s jurisprudence and general recommendations, as well as regional treaties, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará); the Maputo Protocol; the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention); as well as the work of their respective monitoring mechanisms.

<sup>12</sup> Ratified or acceded to by 112 States.

<sup>13</sup> See [www.ohchr.org/EN/NEWSEVENTS/Pages/Cedaw.aspx](http://www.ohchr.org/EN/NEWSEVENTS/Pages/Cedaw.aspx).

<sup>14</sup> See [www.ohchr.org/Documents/HRBodies/TB/HRTD/LeafletTBS\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/TB/HRTD/LeafletTBS_en.pdf).

<sup>15</sup> Article 20.2. notes that the meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

<sup>16</sup> See communications No. 6/2005, *Fatma Yildirim (deceased) v. Austria* (CEDAW/C/39/D/6/2005) and No. 5/2005, *Şahide Goekce (deceased) v. Austria* (CEDAW/C/39/D/5/2005).

<sup>17</sup> See communication No. 18/2008, *Karen Tayag Vertido v. the Philippines* (CEDAW/C/46/D/18/2008).

<sup>18</sup> See communication No. 47/2012, *Angela González Carreño v. Spain* (CEDAW/C/58/D/47/2012). The Supreme Court rendered the Committee’s decision as legally binding.

<sup>19</sup> A database of the inquiries is available at [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeCategoryID=7](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeCategoryID=7).

<sup>20</sup> See Commission on Human Rights resolution 1994/45, para. 7.



37. In its resolution that established the mandate, the Commission on Human Rights instructed the Special Rapporteur to cooperate closely with the Committee. Over the years, that cooperation has been somewhat challenging, primarily owing to the differing scope of both mandates, as well as the lack of institutional and substantive cooperation between them. Financial constraints have also had a limiting effect on developing such cooperation. The relationship was further challenged through repeated calls for a separate convention on violence against women and the evaluation of its feasibility over the past 20 years, including through the findings of the former mandate holder, Rashida Manjoo, in her report to the Human Rights Council in 2015 (A/HRC/29/27), in which she called for a new international instrument to address the issue. The current mandate holder continued the assessment of her predecessor and submitted to the General Assembly a report on the adequacy of the international framework on violence against women (A/72/134). That report was based on answers received from 300 stakeholders, including regional mechanisms on women's rights and violence against women, and concluded that, within the current context, the focus should be on the implementation of existing instruments, while a long-term solution could be explored through the adoption of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that could provide further legally binding provisions on the right of women and girls to live a life free from violence.

38. The process of evaluating the international framework on violence against women prompted the Committee to update its landmark general recommendation No. 19. In that regard, the Special Rapporteur was invited by the Committee to collaborate in the development of a new general recommendation and, as such, she participated in the elaboration and adoption of general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19. That was the first example of such formal collaboration between a treaty body and a special procedure mandate holder.

39. In its general recommendation No. 35, the Committee acknowledged the Special Rapporteur's contribution to the document's creation, as well as her work in the implementation of her mandate and the Convention. It also recognized that the prohibition of gender-based violence against women had evolved into a principle of customary international law and, as such, was binding on all States. It also provided an updated road map for preventing and combating violence against women.

40. Unfortunately, general recommendation No. 35, which provides the most advanced standards on violence against women and provides an updated road map for preventing and combating violence against women, has had limited dissemination within the United Nations system and beyond.

41. Although the Committee has increased references to violence against women in its work, its reporting guidelines do not cover it sufficiently, while the time allocated to the issue during country review sessions is inadequate. In that regard, and in line with the framework of cooperation developed between the Special Rapporteur and the Committee, the establishment of a standing working group on violence against women within the Committee would be an important step to contributing to its elimination.

42. In addition to the mandate of the Special Rapporteur, a number of other special procedure mandate holders have incorporated a gender perspective into their work over the years, with some having focused specifically on the issue of violence against women. The Working Group on the issue of discrimination against women in law and in practice was established in 2010 and, in addition to addressing discrimination against women, it also considers violence against women in a variety of settings and contexts.

43. In 2016, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment assessed the applicability of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in international law to the unique experiences of women, girls and other groups (A/HRC/31/57). The Special Rapporteur on violence against women, its causes and consequences was invited to contribute to that report and to participate in its launch presentation.

44. Furthermore, the Special Rapporteur in the field of cultural rights considered the impact of fundamentalism and extremism on the cultural rights of women (A/72/155), and, in 2017, the Special Rapporteur on the rights of persons with disabilities examined the challenges experienced by girls and young women with disabilities in relation to their sexual and reproductive health and rights (A/72/133). The Special Rapporteur on extrajudicial, summary or arbitrary executions considered key elements of a gender-sensitive perspective to the mandate (A/HRC/35/23), while the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health included a section on women, the right to health and confinement in his report (A/HRC/38/36).

#### 1. Women, peace and the security agenda and Security Council resolution 1325 (2000)

45. The mandate of the Special Rapporteur is a holistic one that covers violence against women both during times of peace and during conflict and in post-conflict situations. The 1998 thematic report of the then-mandate holder, Radhika Coomaraswamy, focused on violence perpetrated and/or condoned by the State, including violence in times of armed conflict (E/CN.4/1998/54).

46. On 31 October 2000, Security Council resolution 1325 (2000) was adopted unanimously by the Council and established a much-needed international framework on women, peace and security. Since 2000, eight additional resolutions have been adopted, each of which have provide supplementary measures and tools on sexual violence during times of violent conflict. In its resolution 1888 (2009), the Council established the Office of the Special Representative of the Secretary-General on sexual violence in armed conflict, supported by the Team of Experts on the Rule of Law and Sexual Violence in Conflict.

47. Following the adoption of resolution 1325 (2000), the then-mandate holder produced a follow-up report in 2001 in which she highlighted violence against women perpetrated and/or condoned by the State during times of armed conflict (E/CN.4/2001/73). The Special Rapporteur also continued her work in that regard through country visits and, in her report on a visit to the Democratic Republic of the Congo, the then-mandate holder, Yakin Ertürk, cautioned against addressing sexual violence associated with war in isolation from gender-based discrimination that women experience in times of “peace” (A/HRC/7/6/Add.4).

48. In 2013, the Committee adopted its general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations to ensure that the Convention on the Elimination of All Forms of Discrimination against Women is applied in situations of armed conflict. The current Special Representative of the Secretary-General on sexual violence in armed conflict signed a framework of cooperation with the Committee<sup>21</sup> that represents a positive step in establishing much-needed cooperation on the issue.

49. In paragraph 24 of its resolution 1888 (2009), the Security Council encouraged the Special Rapporteur, in coordination with the Special Representative of the Secretary-General on sexual violence against women in armed conflict, to provide additional briefings and documentation to the Council on sexual violence in armed conflict, while the Human Rights Council, in its resolution 23/25, also drew attention to the issue of sexual violence in conflict situations. The Special Rapporteur believes that efforts should be made to engage the mandate on this issue.

50. Considerable focus and resources have been placed on the development of the women, peace and security agenda. However, the results have been mixed, and the shortcomings will be addressed next year during the 20-year review of resolution 1325 (2000), including the fragmented nature of its implementation and its isolation from the broader international women’s human rights framework and its mechanisms.

51. In 2017, the Secretary-General appointed the first Victims’ Rights Advocate. While initial steps have been taken to establish cooperation with that mandate, the Special

<sup>21</sup> Available from [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_BRD\\_8710\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_BRD_8710_E.pdf).

Rapporteur hopes that, going forward, more can be done to foster further collaboration between the two mandates.

## 2. Sustainable Development Goals and violence against women

52. The 2030 Agenda for Sustainable Development comprises 17 transformative Sustainable Development Goals, including the achievement of gender equality and the empowerment of all women and girls and, for the first time, in its targets 5.1 and 5.2, focus is placed on the elimination of all forms of discrimination and violence against women and girls in the public and private spheres. These are key human rights standards prescribed by the Convention, the Declaration on the Elimination of Violence against Women and the Beijing Declaration and Platform for Action. The mandate of the Special Rapporteur, and other independent monitoring mechanisms, should be invited to contribute more directly to the implementation of the 2030 Agenda, through active participation in the High-level Political Forum on Sustainable Development.

## 3. Regional treaties and their monitoring mechanisms

53. In 1994, the Organization of American States (OAS) adopted the Convention of Belém do Pará. This was the first international instrument on violence against women and, as it celebrates its twenty-fifth anniversary in 2019, the Convention has been ratified by 32 States. The Follow-up Mechanism to the Belém do Pará Convention was established 10 years later and operates through multilateral evaluation rounds that include an evaluation and a follow-up phase. It meets twice a year for a period of two days, which could be increased to allow sufficient time to fulfil its mandated work. To date, the system has published three hemispheric reports, as well as follow-up reports in 2010 and 2014.<sup>22</sup>

54. In 1994, the Inter-American Commission on Human Rights created the Rapporteurship on the Rights of Women,<sup>23</sup> with the initial task of analysing the extent to which laws and practices involving women's rights in the OAS member States comply with the general obligations set forth in regional human rights instruments and the Beijing Declaration and Platform for Action.

55. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) was adopted in 2003, came into force in 2005 and commemorated its fifteenth anniversary in 2018. To date, 49 States have signed the Protocol and 37 States have ratified it. Its implementation by States is assessed by the African Commission on Human and Peoples' Rights, which also monitors the implementation of numerous other regional instruments. The Special Rapporteur on the Rights of Women in Africa, the mandate of which was established in 1998, also plays a key role in its implementation, including by preparing reports on the situation of women's rights in Africa.<sup>24</sup> There is also an African Union initiative to encourage ratification of the Maputo Protocol by 2020 by all African States, which would require strengthening the monitoring mechanisms of the Maputo Protocol, either within the African Commission or by establishing a separate monitoring body.

56. In 2011, the Council of Europe adopted the Istanbul Convention, which entered into force in 2014 and has been ratified by 34 member States of the Council of Europe. The Convention is the most comprehensive international treaty on violence against women and domestic violence and provides a legally binding definition of violence against women, which it confirms as "a human rights violation and form of discrimination against women". It also provides detailed provisions on coordinated prevention, protection, prosecution and services needed. The monitoring mechanism in charge of the implementation of the Convention consists of two bodies: the Group of Experts on Action against Violence against Women and Domestic Violence and its Committee of the Parties. The Group held its first meeting in 2015.

<sup>22</sup> See <http://belemdopara.org/en/datos-yo-cifras/>.

<sup>23</sup> See [www.oas.org/en/iachr/women/mandate/mandate.asp](http://www.oas.org/en/iachr/women/mandate/mandate.asp).

<sup>24</sup> See [www.achpr.org/mechanisms/rights-of-women/about/](http://www.achpr.org/mechanisms/rights-of-women/about/).

57. There is no legally binding convention on women's rights and violence against women in Asia. In 2010, the Association of South-East Asian Nations (ASEAN) established the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. The two most important ASEAN documents on violence against women are the ASEAN Declaration on the Elimination of Violence against Women (2004) and the Declaration on the Elimination of Violence against Women and the Elimination of Violence Against Children in ASEAN (2013). In 2016, ASEAN adopted a regional plan of action on the elimination of violence against women that outlines ASEAN member States' obligations in realizing their goal of eliminating violence against women in the region and provides practical guidance on implementing the aforementioned Declaration.

### **C. Evolution of the mandate: from standard-setting to consolidation and implementation strategies**

58. The Special Rapporteur is mandated to seek and receive information on violence against women, its causes and consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information and 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.

59. In that context, the Special Rapporteur also transmits urgent appeals and communications to States regarding alleged cases of violence against women. Most of the communications issued by the mandate holder have been prepared jointly with one or more special mechanisms. At present, there is limited possibility to follow up and monitor developments in individual cases.

60. The Human Rights Commission regularly extended the mandate until 2008, when the mandate was subsequently renewed by the Human Rights Council in its resolution 7/24. In that resolution, the Beijing Declaration and Platform for Action was included in the legal framework under which the mandate operates. The Council renewed the mandate in 2011 in its resolution 16/7 and invited relevant civil society actors to give consideration to the prevention and elimination of all forms of violence against women and girls in their respective work and to cooperate with and assist the Special Rapporteur in the fulfilment of the mandate. The mandate was renewed in 2013 in Council resolution 23/25, in which the Council paid particular attention to the issue of sexual violence in conflict situations.

61. The mandate was most recently renewed by the Council in 2016 in its resolution 32/19, in which the Council encouraged regular consultations by the Special Rapporteur with, inter alia, the Commission on the Status of Women, the World Health Organization, UN-Women, the United Nations Population Fund and the Statistics Division of the United Nations on the issue of disaggregated data on violence against women and effective ways of advancing the elimination of violence against women. To date, there has been limited interaction between the mandate and those entities, and the suggested consultations have yet to take place.

62. The aforementioned resolutions established the holistic and inclusive scope of the mandate and, to date, four mandate holders have been appointed and have contributed to its evolution over the past 25 years. During that time, the mandate has become a visible, respected and credible women's human rights mechanism to guide States, civil society actors, the international community and other relevant stakeholders on the elimination of violence against women, its causes and consequences. However the Special Rapporteur believes that the full potential of the mandate has not been fully realized, owing to the lack of a United Nations system-wide response to violence against women, and because of the limited follow-up mechanisms available for implementation of mandated thematic and country specific recommendations and communications, as well as limited budgetary and financial resources to support the mandate and its initiatives.

63. The mandate has continuously evolved over the years through the above-mentioned resolutions and the work of the respective mandate holders. The first Special Rapporteur,

Ms. Coomaraswamy, served on the mandate from 1994 to 2003. During that time, she presented 15 country visit reports, including a joint visit report to three State parties (E/CN.4/2001/73/Add.2), and 11 thematic reports to the Commission on Human Rights. Ms. Coomaraswamy was involved in pioneering work in relation to standard-setting on all forms of violence against women, including the development of a framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2). During her tenure, the issue of violence against women was new on the human rights agenda, and the focus was primarily on encouraging States to accept international standards, to pass appropriate legislation and to establish mechanisms to combat violence against women. In her final report of 2003, Ms. Coomaraswamy indicated that the first decade of the mandate had emphasized standard-setting and awareness, while the next decade should focus on strategies for a more effective implementation.

64. The second Special Rapporteur, Ms. Ertürk, served as the mandate holder from 2003 to 2009. During her tenure, she produced 17 country reports and 7 thematic reports, of which 4 were presented to the Commission on Human Rights, while the remainder were submitted to the Human Rights Council. During that period, the scope of the mandate was expanded, with the Council requesting in its resolution 7/24 that the mandate holder present reports to the General Assembly and oral reports to the Commission on the Status of Women.<sup>25</sup> By presenting to both the Assembly and Commission on the Status of Women, the visibility of the mandate was increased. However, the additional reporting was not supported by adequate resources. Ms. Ertürk also produced a report on 15 years of the mandate.<sup>26</sup> In her first report, on developing effective implementation of international norms to end violence against women (E/CN.4/2004/66), she emphasized implementation and accountability as priority areas of the mandate and noted that “prevention” should be part of due diligence obligation of States. Ms. Ertürk also noted that, in order to ensure follow-up, international agencies, including the United Nations, should ensure adequate planning, budgeting and resource allocation in the future as part of facilitating compliance and accountability. In that regard, Ms. Ertürk emphasized the need to complement the mandate with a sustainable funding source from which funds could be channelled to the implementation of recommendations made following official country visits.

65. The third mandate holder, Ms. Manjoo served from 2009 to 2015, during which time she produced 19 country visit reports and 11 thematic reports, 6 of which were presented to the Human Rights Council and 5 were submitted to the General Assembly. Oral reports were also made to the Commission on the Status of Women. She also elaborated a report on 20 years of the mandate (A/HRC/26/38). During her tenure, she held a number of regional consultations with civil society organizations, which was good practice.<sup>27</sup> She continued to focus on the due diligence obligation of State parties, particularly in relation to providing reparations to victims of violence. She also indicated that, while the mandate had given some attention to autonomous bodies on violence against women through country visit reports, consolidated standard-setting in relation to such mechanisms at the domestic level had yet to be implemented, particularly in relation to encouraging inclusion of gender-based concerns, or to strengthen the autonomy and role of those institutions/mechanism.

66. The current Special Rapporteur, Ms. Simonovic, commenced her tenure in July 2015. She has been entrusted with producing two thematic reports per year, one of which is presented to the Human Rights Council and the other to the General Assembly. The number of country visits that can be conducted by the mandate holder has been reduced to two per year, owing to financial constraints. To date, she has produced nine country visit reports and six thematic reports<sup>28</sup> on the following issues: violence against women in politics (A/73/301), an issue that was previously overlooked; online violence against women and girls (A/HRC/38/47), which is an emerging issue that poses significant challenges; the adequacy of the international legal framework on violence against women (A/72/134); the

<sup>25</sup> See Human Rights Council resolution 7/24, para. 12.

<sup>26</sup> See [www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf](http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf).

<sup>27</sup> Unfortunately, the mandate holder has been unable to continue that practice owing to financial constraints.

<sup>28</sup> Including three to the Human Rights Council and three to the General Assembly.

modalities for the establishment of femicide/gender-related killings watch (A/71/398); and a human rights-based approach to integrated services and protection measures on violence against women, with a focus on shelters and protection orders (A/HRC/35/30). In that report, the Special Rapporteur reviewed the human rights obligation of States to provide integrated services and protection measures on violence against women, including through the provision of shelters and protection orders. At present, within the United Nations system, there is no global database on the number and types of shelters in States, which represents a general lack of understanding of States' human rights obligations, including the obligation to combat and prevent gender-based violence and to provide protection services, such as shelters and protection measures.

67. In order to enable sustainable follow-up activities and implement the recommendations outlined in the aforementioned reports, the Special Rapporteur has aimed to produce the reports in cooperation with relevant United Nations agencies. For example, the report on the issue of violence against women in politics (A/73/301) was developed in cooperation with UN-Women and OHCHR. The forthcoming report of the Special Rapporteur to the General Assembly will focus on mistreatment during childbirth and will be developed with the support of the World Health Organization.

68. Pursuant to Council resolution 32/19, the mandate now has the possibility to hold consultations or participate in the work of the Commission on Crime Prevention and Criminal Justice of the United Nations Office on Drugs and Crime. As such, since 2017, the Special Rapporteur has participated in the deliberations of the Commission, during which she has focused on the prevention of femicide as a tool for implementing General Assembly resolution 70/176 on gender-related killings of women and girls, and on violence against women and the criminal justice system.

69. In October 2015, when she addressed the General Assembly for the first time in her capacity as mandate holder, the Special Rapporteur pointed out that the landscape surrounding the mandate since its foundation had changed and that the mandate should reshape its role to focus on prevention, implementation challenges and stronger collaboration with all other relevant global and regional mechanisms. She also highlighted the significant implementation gap and indicated that, going forward, the main task was to close that gap and to accelerate the full incorporation and implementation of international, regional and national instruments.

70. The Special Rapporteur also called for improved synergies in the implementation of the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Discrimination against Women and Security Council resolution 1325 (2000), and to follow up on resolutions and/or regional instruments on violence against women, to achieve their full implementation and to accelerate the elimination of violence against women (A/HRC/32/42 and Corr.1).

## **D. Response by the mandate holder to the need to develop strategies for implementation**

### **1. Establishment of a femicide prevention watch and observatories**

71. In response to the global phenomenon of femicide, the Special Rapporteur initiated a call for the establishment at the global, national and regional levels of a femicide prevention watch and observatories on gender-related killings and violence against women. In her annual report to the General Assembly in 2016 (A/71/398), the Special Rapporteur addressed the topic of femicide and outlined the modalities required for the establishment of such a preventative mechanism.

72. In calling upon all States to establish a femicide watch – or a “gender-related killing of women watch” – the Special Rapporteur proposed that data on the number of femicides be published annually, on 25 November, along with information concerning the prosecution and punishment of perpetrators. In the above-mentioned report, she proposed the collection of comparable data on: (a) intimate partner femicide; (b) family-related femicide based on

the relationship between the perpetrator and the victim or victims; and (c) all other femicides based on the country context. She also called for a flexible model for the establishment of a national femicide watch or observatory on violence against women that should analyse cases in order to determine national shortcomings and focus on the prevention of such cases.

73. In addition to General Assembly resolutions 68/191 and 70/176 on taking action against gender-related killing of women and girls, the Committee on the Elimination of Discrimination against Women, in paragraph 34 (b) of its general recommendation 35, also called upon States to collect data on violence against women. It called for the establishment or designation of gender-based killing of women observatories to collect administrative data on gender-related killings and attempted killings of women, also referred to as “femicide” or “feminicide”.

74. In a 2018 study, the United Nations Office on Drugs and Crime (UNODC) highlighted the need for effective crime prevention and criminal justice responses to violence against women.<sup>29</sup>

75. In her annual statement to celebrate the International Day for the Elimination of Violence against Women, on 25 November 2018, the Special Rapporteur, along with relevant United Nations and regional mechanisms, reiterated the call to all States to establish a femicide watch or a “gender-related killing of women watch” and called for States to produce data on femicide. The Special Rapporteur received submissions from a number of countries, including Argentina, Australia, Austria, Azerbaijan, Canada, Colombia, Costa Rica, Croatia, Ecuador, El Salvador, France, Georgia, Guatemala, Italy, Mexico, Nicaragua, Norway, Portugal, Qatar, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland.<sup>30</sup>

76. Since the 2016 report, some progress has been made in developing national observatories and the collection of data on gender-related killings, however much remains to be done.

## **2. Framework of cooperation between the Special Rapporteur and the Committee**

77. On 8 November 2018, the Special Rapporteur and the Committee adopted a framework of cooperation<sup>31</sup> in which they recognized the common objectives and mutually reinforcing nature of both independent mandates to protect and promote the rights of women and girls from gender-based violence. They envisaged the development of a joint programme of work to promote and support the implementation of general recommendation No. 35 on gender-based violence against women, through the development of guidelines, tools and/or indicators, as well as strategies to update national action plans on violence against women.

78. They also envisaged the establishment within the Committee of a working group on violence against women in order to facilitate coordination between the Committee and the Special Rapporteur in respect of any matters related to the implementation of the agreed activities. Such a working group would enable more substantive collaboration between the mandates.

## **3. Improving cooperation between independent United Nations and regional mechanisms on violence against women**

79. In her 2016 report (A/HRC/32/42 and Corr.1), the Special Rapporteur highlighted the need for stronger cooperation between independent global and regional mechanisms dealing with women’s rights and violence against women. In that context, the Special

<sup>29</sup> United Nations Office on Drugs and Crime, *Global Study on Homicide: Gender-related killing of women and girls* (Vienna, 2018). Available from [www.unodc.org/documents/data-and-analysis/GSH2018/GSH18\\_Gender\\_related\\_killing\\_of\\_women\\_and\\_girls.pdf](http://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender_related_killing_of_women_and_girls.pdf).

<sup>30</sup> See [www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CallForFemicide.aspx](http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CallForFemicide.aspx).

<sup>31</sup> See [www.ohchr.org/Documents/Issues/Women/SR/SRVAVW\\_CEDAW\\_Framework\\_Cooperation.pdf](http://www.ohchr.org/Documents/Issues/Women/SR/SRVAVW_CEDAW_Framework_Cooperation.pdf).

Rapporteur is currently leading an initiative aimed at developing institutional links and thematic cooperation between the global and regional independent monitoring mechanisms dealing with violence against women in order to create institutional opportunities and sites of dialogue in an effort to accelerate implementation of the existing international and regional norms and standards at the global, regional and national levels.

80. The independent mechanisms involved in the initiative with the Special Rapporteur include: the Committee on the Elimination of Discrimination against Women; the Inter-American Commission on Human Rights Special Rapporteur on the Rights of Women; the Working Group on the issue of discrimination against women in law and in practice; the African Commission on Human and Peoples' Rights Special Rapporteur on the Rights of Women in Africa; the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention; and the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence. The initiative has been supported by the Governments of the Republic of Korea, Spain and Switzerland.

81. The initiative was presented to the Secretary-General in October 2017 and formally launched in 2018 with a consultation among seven international and regional mechanisms within the auspices of the sixty-second session of the Commission on the Status of Women, on 12 March 2018. The launch was followed on 13 March 2018 by a high-level panel meeting, including the Deputy Secretary-General, Amina Mohammed, and UN-Women Executive Director, Phumzile Mlambo-Ngcuka.

82. The Platform of independent international and regional mechanisms on violence against women and women's rights has been making efforts to bring the mechanisms close to the regions. The first meeting of the Platform took place during the 169th session of the Inter-American Commission on Human Rights, held in Boulder on 2 October 2018. The most recent meeting was held during the sixty-fourth session of the Commission on the Status of Women, held in New York in March 2019, and the next meeting will be hosted by the Council of Europe in Strasbourg, France, in May 2019.<sup>32</sup> Future meetings are planned in late 2019 in the Africa region and during the 2020 session of the Commission on the Status of Women.

## **E. Ending violence against women: a call for a system-wide approach**

83. According to article 5 of the Declaration on the Elimination of Violence against Women, United Nations entities should contribute to the recognition and realization of the rights and the principles set forth therein, including through fostering the coordination of international efforts and the provision of technical support.

84. The current approach to addressing violence against women within the United Nations system is fragmented, with the different agencies often working in silos and with limited collaboration with the Special Rapporteur. There are also gaps and duplication among the policies and programmes of many agencies. At present, there is no system-wide approach to maximizing efficient and effective use of existing structures and resources and to ensuring coherence and coordination.

85. Furthermore, the focus of different agencies on similar thematic issues with respect to violence against women suggests that there is scope for further coordination and collaboration among the various United Nations agencies, as well as with United Nations and regional independent monitoring mechanisms on women's human rights and violence against women. Such collaboration would lead to the establishment of a more comprehensive system-wide response to address violence against women that would ultimately result in a more effective, credible and coordinated effort to eliminate it. It would also free up resources for more effective interventions.

<sup>32</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24380&LangID=](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24380&LangID=).



## 1. United Nations trust fund in support of actions to eliminate violence against women

86. The United Nations trust fund in support of actions to eliminate violence against women was established pursuant to General Assembly resolution 50/166, in which the Assembly requested the United Nations Development Fund for Women, in undertaking any relevant activities, to cooperate closely with the Special Rapporteur of the Commission on Human Rights on violence against women.

87. The resolution provides a clear link between the trust fund and the mandate of the Special Rapporteur on violence against women, and in that context in April 2017, the Special Rapporteur initiated contact with UN-Women, in its capacity as administrator of the trust fund, to explore ways and means of cooperation between both entities. Given the scope of the mandate, including its task to seek and receive information on violence against women from other specialized agencies, and to respond effectively to such information and to recommend measures,<sup>33</sup> the Special Rapporteur sought collaboration as envisaged in the founding resolution of the trust fund. The Special Rapporteur regrets that, to date, no effort has been made on behalf of the trust fund to engage with her mandate, despite the specific request by the General Assembly in its resolution 50/166 that it do so. In 2017, the Special Rapporteur sent a follow-up letter reiterating her interest in collaboration and also requested full information about the working methods of the trust fund and its oversight board, composed of United Nations agencies and two NGOs. A response has not been received to that letter. At present, the trust fund takes its decisions on annual working priorities, including calls for applications from NGOs, without any form of consultation or cooperation with the mandate of the Special Rapporteur. According to the trust fund website, 31 NGOs in 25 countries and territories were awarded a total amount of \$11 million in 2017.

## 2. Mandate collaboration with the Commission on the Status of Women, UN-Women and OHCHR

88. In its resolution 1994/45, along with all those that followed relating to the mandate, the Commission on Human Rights highlighted cooperation with the Commission on the Status of Women as a key component of its work. Since 2008, the mandate holder has presented an oral report to the Commission on the Status of Women, but has had no opportunity for an interactive dialogue with States parties. Moreover, in its resolution 7/24, the Human Rights Council called upon the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of Commission to assist in its work on violence against women. While the thematic reports of the Special Rapporteur are shared with UN-Women, they are only available temporarily on the session webpage of the Commission and are neither referred to in the Commission session report nor mentioned during its deliberations.

89. Previously, the President of the Commission on Human Rights would address the Commission on an annual basis, and vice versa. However, after the creation of the Human Rights Council in 2006, much of that cooperation between the two entities was lost. While the establishment of UN-Women has brought many positive changes, it has not contributed to a strengthening of links with the mandate of the Special Rapporteur, and reports and recommendations of the mandate are not visible on the UN-Women website.

90. In her oral statements to the Commission in 2017<sup>34</sup> and 2018,<sup>35</sup> the Special Rapporteur called for a stronger focus on violence against women, including through: (a) the initiation of a fifth United Nations World Conference on Women; (b) the elaboration of a global implementation plan on violence against women; and (c) the inclusion of violence against women as a standing agenda item of the Commission as a means of establishing a

<sup>33</sup> See Human Rights Council resolution 16/7, para. 3 (c).

<sup>34</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21382&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21382&LangID=E).

<sup>35</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23041&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23041&LangID=E).

regular platform for the examination every year of the progress achieved in the elimination of violence against women.<sup>36</sup>

#### *Human Rights Council*

91. The Human Rights Council has instituted a day of general discussion on women's human rights and violence against women. However, the Special Rapporteur believes that one day per year is not sufficient. In the past, the Chairs of the human rights treaty bodies presented reports to the Commission on Human Rights, but that practice ended with the establishment of the Council. Therefore the Chair of the Committee on the Elimination of Discrimination against Women does not report to the Council and, while the Special Rapporteur is mandated to do so, the information she provides would be significantly enhanced should the Committee be invited to present its reports on eliminating discrimination and violence against women.

#### *General Assembly*

92. In accordance with Human Rights Council resolution 7/24, the Special Rapporteur submits reports to the General Assembly on the basis of the General Assembly resolution on violence against women, which is adopted on a biannual basis. The Special Rapporteur considers that to be an excellent opportunity for the mandate holder to engage with the Social, Humanitarian and Cultural Committee (the Third Committee). However, she notes that, while the aforementioned resolution calls on the mandate holder to report to the Assembly, no provisions are made for additional financial or human resources to support the preparation of such reports, while the funding for preparatory expert group meetings is often managed through external partners and with the assistance of civil society.

#### *Commission on Crime Prevention and Criminal Justice*

93. While welcoming the opportunity for the mandate holder to engage with the Commission on Crime Prevention and Criminal Justice, the Special Rapporteur considers that more focus should be placed within the Commission's work on addressing gender-based violence against women and the criminal justice system. She also believes that the Commission has a significant role to play in combating violence against women worldwide and, as such, should be included as one of the key mechanisms within the United Nations system to combat gender-based violence against women.

#### *United Nations Office on Drugs and Crime*

94. UNODC plays an important role in the collection of data on homicide and, in 2018, it published its first global study the gender-related killing of women and girls (see para. 74). The report clearly reveals that women make up the vast majority of victims killed by an intimate partner, at 82 per cent in 2017. It also demonstrates that targeted criminal justice responses are needed to prevent and end gender-related killings.

## **IV. Conclusion and recommendations**

95. **At present, at the international normative level, the right of women to be free from violence is recognized as an international human rights standard but, in practice, gender-based violence against women and girls continues to be tolerated and has become normalized in many societies. There is also a general lack of understanding of the relevant provisions of international women's human rights instruments, including the interrelationship between discrimination and violence against women. Within that context, Special Rapporteur makes the recommendations below.**

96. **With respect to the Beijing Declaration and Platform for Action and other reviews, States, United Nations entities and other relevant stakeholders should consider the following:**

<sup>36</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24339&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24339&LangID=E).

(a) The 15-year review process of the implementation of the Beijing Declaration and Platform for Action, and other relevant reviews, should include an assessment of the essential role that the Special Rapporteur and other independent monitoring mechanisms play in implementing the Beijing Declaration and Platform for Action, and other agendas, with a view to strengthening their mandates, including through the allocation of sufficient time, as well as adequate financial and human resources;

(b) States should connect the implementation of the Beijing Platform for Action and Sustainable Development Goal No. 5 with the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of violence against women and other regional instruments, including by developing indicators on target 5.2 of the Goals, on femicide rates, and on the number of shelters and protection orders;

(c) The mandate of the Special Rapporteur and other relevant mechanisms should be integrated into the processes of the High-level Political Forum on Sustainable Development and the universal periodic review.

97. With respect to the mandate of the Special Rapporteur, States, United Nations entities and other relevant stakeholders should:

(a) Based on the analysis provided in the present report, allocate adequate human and financial resources to support the mandate of the Special Rapporteur in fully developing its potential, including through the implementation of the recommendations contained in the present report, and in order to allow the mandate holder to consult regularly with civil society organizations, national human rights institutions, equality bodies and other relevant stakeholders;

(b) Establish cooperation between the United Nations trust fund in support of actions to eliminate violence against women and the mandate of the Special Rapporteur on violence against women, in line with General Assembly resolution 50/166;

(c) Facilitate collaboration between the Special Rapporteur and the mandate of the Special Representative of the Secretary-General on sexual violence in armed conflict, as well as the Victims' Rights Advocate;

(d) Support thematic cooperation between the mandate of the Special Rapporteur and other relevant treaty bodies and special procedures;

(e) Support cooperation between the Special Rapporteur and the Committee, in line with the framework of cooperation (see para. 77), on developing guidelines on the implementation of general recommendation No. 35.

98. The Committee on the Elimination of Discrimination against Women should:

(a) Establish a working group on violence against women in line with the framework of cooperation (ibid.) and increase the time allocated during Committee sessions to the issue of violence against women;

(b) Adopt an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women based on general recommendation No. 35;

(c) Relocate one of its sessions to New York, in response to its 2000 decision on that issue, and provide for the reporting on that session to the Human Rights Council.

99. With respect to the Commission on the Status of Women, States, United Nations entities and other relevant stakeholders should:

(a) Include violence against women as a standing item on the agenda and elaborate a global implementation plan to eliminate violence against women;

(b) Introduce a constructive dialogue between the Special Rapporteur and the Commission during the oral presentation of the mandate holder.

100. With respect to the Commission on Crime Prevention and Criminal Justice, States, United Nations entities and other relevant stakeholders should include violence against women and the criminal justice system as a standard agenda item during sessions of the Commission and incorporate gender mainstreaming into all its work.

101. With respect to the system-wide approach to eradicate violence against women and girls, States, United Nations entities and other relevant stakeholders should:

(a) Adopt a General Assembly resolution, or other appropriate measures, to institutionalize the Platform of independent international and regional mechanisms on women's rights and violence against women;

(b) Support UN-Women, in collaboration with OHCHR and UNODC, in taking a leading role in establishing a more connected, system-wide approach to prevent and combat violence against women, with the full inclusion of the Special Rapporteur and other relevant independent monitoring mechanisms;

(c) Include the Special Rapporteur and other relevant independent mechanisms in the development of initiatives to eliminate violence against women, such as the Spotlight Initiative, as a means of ensuring the sustainability of their results.

102. With respect to the women, peace and security agenda and Security Council resolution 1325 (2000), States, United Nations entities and other relevant stakeholders should support the involvement of the Special Rapporteur in the agenda, including through the provision to the Council of additional briefings and documentation on sexual violence in armed conflict, in line with Security Council resolution 1888 (2009).

103. With respect to national action plans on violence against women, States, United Nations entities and other relevant stakeholders should:

(a) Update and implement national action plans on violence against women in line with general recommendation No. 35;

(b) Establish a femicide watch or observatories on violence against women and femicide, in line with the report of the Special Rapporteur (A/71/398) and general recommendation No. 35.

---