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AND THE GENDER PERSPECTIVE
VIOLENCE AGAINST WOMEN
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ITS CAUSES AND CONSEQUENCES

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It is with great pride and a sense of humility that I present my final report as UN Special Rapporteur on Violence Against Women, including its causes and consequences, after nine years in the position.

Mme Chairperson, it is a decade since this Commission began examining and analyzing violence against women as a human rights violation and ten years since the Declaration on the Elimination of Violence Against Women was adopted by consensus by The United Nations General Assembly. It is therefore an appropriate time for reflection, to acknowledge our achievements and to identify the challenges that remain.

My main report this year attempts to analyze the decade identifying patterns of development that may be useful for everyone interested in these issues. Addendum 1 to the report is an analysis of developments in the area of violence against women at the international, regional and national level. The analysis is based on information submitted by governments pursuant to my request and research co-ordinated and undertaken by the Office of the High Commissioner for Human Rights. The addendum is not fully comprehensive but an attempt to give my successor an idea of what may be called the state of the world in regard to the campaign to eliminate violence against women in all its forms. Additional information may be added and it is our hope to edit the volume and bring it out as a publication so that it may be used as a benchmark by all those interested in issues relating to violence against women.

I would like to highlight the successes of the decade while pointing to the challenges that still lie ahead. In reviewing the material in my report, it will be apparent that the greatest successes of the decade have been in the area of awareness raising and standard setting. There is now recognition by governments that eradicating violence against women is a pre-requisite for social development.

With regard to awareness raising, you will note that practically every country in the world has taken some action in this field over the last decade. Countries have developed national plans of action, undertaken law reform, passed legislation, sensitized their

criminal justice system, provided support services for victims and collected data on what was once an invisible crime. The country by country analysis clearly shows that international concern with regard to this issue has acted as a catalyst and has persuaded many countries to take some action to deal with domestic violence, rape, trafficking and sexual harassment and many other forms of violence against women in the family, in the community and perpetrated or condoned by the state.

There have been major developments over the last decade in the area of violence against women during times of armed conflict. When I took office in 1995, many argued that the prohibition of violence against women during wartime was not a matter of customary international law that the grave breaches of the Geneva Convention do not explicitly mention sexual violence, and that violence against women during war time is only a matter of collateral damage, the inevitable consequence of violent conflict. Today, due to international legal standards contained in the provisions of the International Criminal Court Statute with respect to gender and sexual violence, all those arguments may now be set to rest. Violence against women during wartime is now explicitly and comprehensively asserted as a war crime and a crime against humanity and is prohibited during external wars as well as internal wars. This is perhaps the greatest development of the decade in terms of legal development and standard setting.

Another great development during the decade has been in the field of trafficking. Despite the differences of opinion and antagonistic viewpoints, there is now a protocol on trafficking to the International Convention on Transnational Crime which contains a definition of trafficking that attempts to meet modern manifestations of the problem, with its strong link to female migration and female poverty.

Given these developments in awareness raising and standard setting, what are the challenges for the future?

Firstly, despite all these changes in laws, policies and programmes, recent studies including the World Health Organisation study on violence show that violence against women continues without abatement. The statistics remain high and very little inroad has been made to combat violence against women on the ground. Very little has changed in the actual lives of women.

Given this reality, one of the important challenges of the next decade is to ensure compliance with international standards and the effective implementation of international norms at the national and local levels. This requires national and international mechanisms for monitoring their implementation through the use of appropriate indicators. It also requires intensive work with criminal justice authorities and a strong commitment to support services to help victims of violence. Furthermore, adequate resources for government programmes related to the elimination of violence against women must be allocated in the budget and priority attention should be given to programmes targeting the local level, in the towns and villages where most women live. Governments and NGOs must make the commitment to go village by village, house by

house to carry the campaign to eliminate violence against women. Unless this is done, the standards will only remain insignificant pieces of paper.

Another important challenge is for the world to remain united in its efforts to eradicate violence against women. There is a need for states to reaffirm their political will and commitment in respect of their obligations contained in the Declaration on the elimination of violence against women and General Recommendation 19 of CEDAW. Both these documents state that acts of violence against women in the home, the community and perpetrated or condoned by the state are human rights violations. They repudiate the idea that states are not accountable for violence perpetrated by private actors. States agreed to exercise due diligence to prevent, investigate, and punish those who are responsible for acts of violence against women, whether those acts are perpetrated by the State or by private persons. This due diligence standard was an important victory in the field of women's rights given the impunity that often characterizes crimes against women. It is imperative that we unite behind that agreed language if we are to hold states accountable for eliminating violence against women.

Mme. Chairperson, in my work as Special Rapporteur I have come to realize that one of the greatest causes of violence against women is linked to the regulation of their sexuality. This is a sensitive issue, but a very important one. Recognizing women's right to sexual autonomy, and sexual health will be a major step forward in eradicating violence against women.

Perhaps the greatest challenge for the future comes from the problem of cultural relativism. The Declaration on the Elimination of Violence Against Women is very clear. States should not use custom, tradition or religious consideration to justify violence against women. It is imperative that we also unite behind this agreed language, which is also present in many other international instruments, with regard to the protection of the human rights of women. At the same time there is concern that in fighting cultural practices that are violent against women, many governments and groups cast an "arrogant gaze" at cultural practices that they do not comprehend and at societies that they do not bother to understand. Women from these cultures also feel torn between fighting for women's rights and rejecting the sense of belonging that all cultures give to their people. Strategies must therefore be sensitive to cultural realities and, most importantly we must listen to the voices of the women from those cultures. When we fight for human rights of women, we must always do so by respecting the dignity of the very women whose rights we are defending.

Mme Chairperson, it has been an extraordinary nine years as Special Rapporteur on Violence Against Women and I want to thank the Commission for reposing faith and trust in my work. I hope I have in some way lived up to your expectations. There are many people to thank who have made this work possible both within the UN system and outside but it is impossible to list them all here. They know who they are and I thank them for their support, for their research and for their solidarity. Many people wonder whether being a Special Rapporteur is a depressing exercise, having constantly to listen to tales of violence and human rights violations. However, Mme Chairperson, these nine

years actually have been very inspiring. The tales of horror have been counteracted by awe inspiring stories of women and men who in the worst of circumstances, treasure their humanity and continue to struggle for freedom and justice in the world. In these troubled times, I wish The Commission every success and hope that as a human rights community we will be able to rise to the challenges that lie before us. The concept and practices of human rights are some of the greatest achievements of world civilization, where the word human replaces all other affiliations. In a globalised world, confronted with terror and war, we must protect human rights firmly and tenaciously

Mme Chairperson you can always count on my support.

Thank You