

New Zealand Government feedback on the mandate of the Special Rapporteur on Violence against Women, its causes and consequences

New Zealand considers there are five broad “baskets” of main challenges to addressing violence against women in its various forms. These are:

1. Persistent cultural, religious and social norms and gendered stereotypes that subordinate and subjugate women. These norms and stereotypes often are deeply-rooted in the myths and identities of communities and cultures, and are fused into patriarchal structures and institutions, which means they take time to change. With the advent of the online sphere, these norms and stereotypes have been exponentially amplified and spread, meaning they are even more difficult to combat. These norms and stereotypes must be challenged and global social movements, including online movements, have played a leading role in this regard.
2. A lack of robust national legal frameworks. Many Member States lack the legal and regulatory frameworks necessary to address and eliminate violence against women and girls in all their diversity. In many Member States legislation is not comprehensive or is permissive of violence against women in certain defined circumstances, which is inconsistent with their international human rights obligations.
3. A lack of enforcement or limited ability to enforce rights under national legal and regulatory frameworks. This affects both developing and developed member states. Member states can have robust legislation and regulation criminalising violence against women with the intention of eliminating it, and yet have an environment where the police, prosecutors and judicial systems are not enforcing that legislation or regulation. Furthermore, access to justice remains a significant challenge for many women and girls, who often face not just financial obstacles but societal stigma, harassment and threats of further violence. This contributes to a lack of trust in the judicial system and creates a climate of fear where women are too afraid to speak out.
4. A lack of financial independence/economic empowerment of women, which plays importantly both into the wider status of women in society - and the agency of women around gender-based violence - and the power dynamics that underlie violence. This is something that some member states have been very focused on addressing. Increasing women’s financial independence disrupts those harmful power dynamics and enables women to free themselves from violent situations.
5. Most importantly, a lack of high level political will to change any of the other four challenges. Whether it is a failure to accept violence against women and girls is widespread, or a failure to prioritise and invest in addressing violence against women, or political apathy, or a general acceptance that violence against women and girls is to be tolerated or even lauded, or some other reason, political leaders are not taking the necessary steps towards addressing violence against women and girls.

Regarding what specific measures should be taken to further strengthen the role of the mandate of the Special Rapporteur to accelerate prevention and elimination of violence against women, we suggest it would be beneficial to make it clear that the mandate of the Special Rapporteur includes violence against women and girls in all their diversity. This includes transwomen and people who identify as women, who are being killed and subjected to violence, and threats of violence, simply for being transwomen.

A significant challenge for strengthening and using the mandate of the Special Rapporteur under the international and regional frameworks to eradicate violence against women and girls is the backlash against feminism, gender equality and women's empowerment, and movements such as #MeToo. In both developed and developing member states there are small, but vocal and growing, groups of people – mostly men but some women also – who:

- Challenge the evidential basis for proven gender pay gaps;
- Seek to unpick the progress made in disestablishing patriarchal structures and institutions that have enabled violence against women;
- Encourage the doubting of claims and testimony by victims of sexual and gender-based violence; and
- Perpetuate and promote harmful gender norms and stereotypes that contribute to a climate of violence against women.

There has also been a corresponding rise in "Men's Rights Groups", which are often used as vehicles to carry out the actions listed above, retain the discriminatory measures that privilege male power and control, and perpetuate both interpersonal and structural violence against women and girls in all their diversity. Individuals who challenge these groups are often subjected to intimidation, harassment and threats of violence. We must collectively find ways to diffuse these harmful narratives and address the underlying cause of the malcontent of these groups.

An opportunity that arises from this challenge is for women's rights group to partner with men as allies and champions for change to eliminate violence against women.

Another significant challenge for strengthening and using the mandate is ensuring it covers the full range of intersectional challenges that face women and girls in all their diversity. For example, in some Member States women of colour, transwomen, indigenous women, lesbian and bisexual women, and women with disabilities are at higher risk of murder and violence than other women. The Special Rapporteur's report (A/HRC/17/26) in 2011 highlighted the multiple and intersecting forms of discrimination in the context of violence against women, but did not explicitly reference violence against transwomen. We consider there is an opportunity to strengthen the mandate through ensuring that all intersecting forms of discrimination in the context of violence against women and girls in all their diversity are covered by the mandate to truly ensure it takes a truly holistic approach.

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