

Submission to the Special Rapporteur on Violence Against Women, its Causes and Consequences
Sexual Rights Initiative
March 2019

1. This submission is made by the Sexual Rights Initiative (SRI).¹ SRI is a coalition of national and regional organizations based in Canada, Poland, India, Egypt, Argentina and South Africa, that work together to advance human rights related to sexuality, gender and bodily autonomy at the United Nations.
2. In 2011, the Special Rapporteur on Violence against Women, its Causes and Consequences (hereafter the Special Rapporteur) identified three main principles that have informed the discourse on violence against women within the United Nations; “first, violence against women and girls is addressed as a matter of equality and non-discrimination between women and men; second, multiple and intersecting forms of discrimination are recognized as increasing the risk that some women will experience targeted, compounded or structural discrimination; and third, the interdependence of human rights is reflected in efforts such as those that seek to address the causes of violence against women related to the civil, cultural, economic, political and social spheres.”²
3. In the same report, the Special Rapporteur noted that global discourse on violence against women has largely been restricted to the first principle of equality and non-discrimination and insufficient attention has been paid to the other two principles related to the interdependence of rights and intersectional forms discrimination. This analysis has been reaffirmed by the Working Group on the issue of discrimination against women in law and practice who note that “...the women’s human rights agenda is significantly fragmented. The selective prioritization of the less controversial issues means that gender equality is not addressed in a comprehensive manner, neglecting the interdependence and indivisibility of women’s human rights. The Working Group recognizes the considerable progress made in terms of mainstreaming gender within the United Nations system. However, the impact of such efforts will remain insufficient as long as the United Nations system shies away from addressing the nuclei of resistance that are negatively affecting women’s rights.”³
4. This submission will use the principles identified by the Special Rapporteur to discuss the following challenges to ending violence against women and girls: the increasing attention and resources directed towards engaging men and boys and the consequent impact on feminist organising; racist, misogynist and xenophobic discourse that seeks to undermine human rights norms and standards on gender based violence and women’s and girls’ rights more broadly; and finally the urgent need to move beyond individualizing experiences of gender based violence towards a focus on structural violence condoned or perpetrated by states. These challenges

¹ <http://www.sexualrightsinitiative.com/>

² Report of the Special Rapporteur on Violence against women, its causes and consequences on multiple and intersecting forms discrimination and violence http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/17/26

³ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/38/46

all share common roots in patriarchal systems of family, community, culture, religion, education, economics, politics and law that are designed to resist women's and girls' assertions of their human rights to be free from violence. Elements of these topics have been considered within previous reports of the mandate, however, none have been explored in depth by the mandate or analysed to surface their commonalities which could inform a more holistic approach to ending violence against women and girls.

Men and boys

5. The demand to engage men and boys in gender based violence and gender equality work originated within the feminist movement. The main idea was and continues to be to transform gender norms and to increase men and boys accountability for their actions and non-actions, to women and girls and to feminist principles. However, this original idea of transformation and accountability has increasingly morphed into paternalistic, protectionist approaches that do not prioritize women's and girls' rights, autonomy, privacy or safety, nor do they challenge harmful gender, class and race norms that perpetuate violence against women. As a result, many so called constructive male engagement programs promoted by state and non-state actors lead to the replication of harmful patriarchal systems, further entrenchment of classist and racist stereotypes and a total absence of accountability to women and girls most affected.
6. In her 2014 report, the Special Rapporteur expressed concern about the trend of setting up specialized men's organizations to engage men and boys in gender equality issues, observing that many ideologies about the role of men and boys do not focus on women as autonomous beings, disproportionately affected by inequality, discrimination and violence.⁴ Most often 'engaging men and boys' or engaging 'religious leaders' presumes and spreads the rhetoric that there is a benign superior who will protect the women and girls from violence. In this view, donor attention to men's organizations seems to signify a shift of support away from women's empowerment and women's leadership, and a handing over of the reins in the struggle for gender equality to men. Men are once more in charge – only this time, they are in charge of women's liberation struggles.”
7. In recent years, there has been a proliferation of high profile campaigns promoting male champions for ending violence against women and girls, including within the UN. In addition, many elected officials in all regions have come to see the political capital in identifying as gender equality champions. However, these campaigns and political positionings are launched alongside the enactment of laws and policies that disproportionately negatively impact women and girls, inadequate resourcing of women's rights organizations, persecution of women human rights defenders, acceptance of racist immigration systems, investment in financial systems that keep women and girls in poverty and direct or indirect support for imperial wars. And yet, these male champions are praised as “agents of change” for gender equality.

⁴ A/HRC/26/38, Report of the Special Rapporteur on violence against women, its causes and consequences on developments in the United Nations regarding violence against women, its causes and consequences, over approximately 20 years

8. As the Special Rapporteur noted in 2014, “gender, stripped of ideas of male privilege and female subordination, came to mean that women and men suffered equally the costs of the existing gender order.”⁵ This is evident in UN resolutions which use language to the effect of “fully recognizing that everyone, including men and boys, benefits from the achievement of gender equality and that the negative impacts of gender inequality, discrimination and violence against women and girls are borne by society as a whole...”⁶ Feminist activism in all parts of the world has continuously and repeatedly asserted this need for dismantling the power structures which privileges one group of people over another. It is necessary that gender-based violence work must be rooted in a framework that acknowledges power structures/imbances/asymmetries.

Conservative, anti-human rights influence on gender-based violence human rights standards

9. Conservative, anti-human rights groups and governments are using misogynist propaganda to roll back regional and international standards on gender-based violence, including the Istanbul Convention. This is a particular focus of the so-called gender ideology movement that is active in Latin America and Europe. According to the Observatory of Universal Rights (OURs), these forces use two strategies, “(i) the co-optation and subverting of existing human rights standards and (ii) campaigns to develop and obtain consensus on agreed language that is in content deeply anti-rights.”⁷
10. Their strategies not only violate existing normative frameworks, but also establish a double standard of rights, for instance an insistence on using “complementarity”, instead of equality. This displacement in language, on the one hand, ignores the demands of gender equality, and on the other reinforces the patriarchal status quo that assigns roles and expectations for each person based on a sexist and misogynistic paradigm that perpetuates inequality and violence. It attacks the human rights platform and promotes confused rhetoric about human rights.
11. The so-called gender ideology proponents use any means possible to counter measures to prevent and eliminate gender-based violence, especially those that seek to expose and disrupt the root causes of gender based inequality and violence. One of the ways they address this, is through false propaganda, using hyperbole, creating fear and paranoia often this takes the form of racist, sexist, misogynist speeches and addresses.
12. Of particular concern is the use of speech which calls into question violence against women (i.e. it is an invention), and its use for oversimplification, reductive and literal narratives around gender-based violence. For instance, de-linking historical discrimination, imbalance of power, patriarchal gender stereotypes in the context of

⁵ A/HRC/26/38, Report of the Special Rapporteur on violence against women, its causes and consequences on developments in the United Nations regarding violence against women, its causes and consequences, over approximately 20 years

⁶ See for example A/HRC/RES/35/10

⁷ <https://oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>

violence. This is also very closely linked to false claims around women's roles within families and reinforcing stereotypes which feminist movements have worked decades to dispel. It is essential to unpack how these stereotypes cause further discrimination against women and girls and their harm to the prevention and elimination of violence against women.

13. One of the objectives of these conservative movements is also an erosion of existing human rights standards. Some European countries are opposed to the Istanbul Convention and are actively working to undermine this. For instance despite ratification by Poland, the Polish President has publicly stated that they will not implement the Convention.⁸ It will be a great resource to movements and organisations if the Special Rapporteur would address these dubious claims by conservative and populist governments and political parties and give a comprehensive overview of feminist underpinnings of the decades of activism on gender-based violence.

The missing link to structural violence

14. Gender-based violence is most often considered from an individualistic perspective of the person who has been subjected to violence or the perpetrator. The response from criminal law has its roots in this paradigm. While the need for this response has not in any way diminished, and criminal justice system responses to gender-based violence are lacking everywhere, the missing link is the ways in which systems and structures perpetuate, contribute to and are complicit in gender-based violence and the lack of adequate responses therein.
15. As the Special Rapporteur has highlighted, "institutional and structural forms of violence include laws and policies that maintain one group's advantage over another in places of employment, and in terms of educational opportunities, access to resources, forms and places of worship, protection by the police and other State forces, and Government services and benefits. Additionally, an absence of laws that criminalize all forms of violence against women also serves as a form of structural violence."
16. This approach to violence helps address the issue holistically and taking into account multiple and intersecting forms of discrimination, which is essential to eliminate and prevent gender based violence. It further helps in finding the lacunae, gaps in institutions that need to be addressed for women and girls to have a semblance of justice. This focus further helps in understanding that addressing violence against women and girls needs to move beyond criminal justice mechanisms. They are one part of a larger system of state and structural response including economic and social factors that can contribute to providing some redress. However, when not in place they can further the cycle of violence that women and girls face.

⁸ For more details, please refer to <https://www.hrw.org/report/2019/02/06/breath-government-my-back/attacks-womens-rights-poland#>