



**The Advocates for Human Rights’ Submission
on
“Celebrating 25 Years of the Mandate of the Special Rapporteur on Violence against Women”**

Introduction

The Advocates for Human Rights is a non-governmental organization based in the United States with Special Consultative Status at the U.N. The Advocates works to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates has interacted with Special Rapporteurs on Violence against Women for the last 25 years. The Special Rapporteur’s reports provide important information for countries developing laws and policies to address violence against women. The Special Rapporteur has been responsive to specific situations and their interventions effective in addressing violations, and The Advocates is pleased to submit this response.

Main challenges to addressing violence against women:

A major challenge to addressing violence against women is the rise of organized movements to shift to conservative patriarchal values that diminish women’s rights and subordinate women, referred to as the “radical right.” The radical right’s threats to human rights and civil civic engagement affect many countries, particularly in countries across Europe and the Former Soviet Union. An anti-women’s rights movement has intensified its activities in CEE and FSU, among other regions. This “radical right” movement pushes legal reforms that harm women’s safety and equality, represses the civic engagement of women’s rights organizations, and distorts women’s rights messaging to the public. Currently, The Advocates for Human Rights is undertaking research to investigate the radical right further, and this submission provides a brief, initial overview.

Communication Strategies

One messaging tactic that threatens to undermine women’s rights is the use of a “gender neutral” framework. While gender neutral policies suggest formal equality on their face, in practice, they disregard the underlying discrimination against women and girls that perpetuates violations in the first place. Specifically, when governments institute gender neutral laws, policies, and services, they overlook gender inequality as a cause of violence against women and consequently, fail to address the gendered dimensions of domestic and sexual violence.¹ In other words, when gender neutral policies are neither victim-centered nor –informed, they disregard the context of discrimination that underpins violence

¹ Karen M. Vincent & Joan Eveline, *The Invisibility of Gendered Power Relations in Domestic Violence Policy*, 14 *Journal of Family Studies* 322, 331 (2008); *Womankind Worldwide, More than a Roof: Documenting the Work of Specialist Women’s Organizations Providing Holistic Shelter Services in Ethiopia and Zimbabwe* (2016), 38.

against women; resulting interventions are thus largely ineffective in addressing the underlying causes of inequality.²

Men and women are not equally impacted by gender neutral laws and policies. Former Special Rapporteur on Violence against Women Rashida Manjoo explains, “Attempts to combine or synthesize all forms of violence into a “gender neutral” framework tend to result in a depoliticized or diluted discourse, which abandons the transformative agenda.”³ In addition, gender neutral laws and policies can actually weaken protections for victims.⁴ For example, as calls for gender neutral policies gain traction, women’s shelters risk losing some of their already limited funding.⁵

Consequences

The consequences of the radical right manifest in many ways, including opposition to the Istanbul Convention, changes to domestic laws that backtrack on women’s rights, and attacks or oppression of human rights defenders and civil society.

Backlash against the Istanbul Convention is present in several countries—whether as court decisions, public officials’ statements, or public distrust. In Bulgaria, the Constitutional Court determined that ratification of the Istanbul Convention is unconstitutional, interpreting the treaty’s use of the term “gender” and “gender identity” as expanding its reach beyond protecting women against violence.⁶ This is further exacerbated by confusion in languages where there are no separate words for “sex” and “gender,” hence they are used interchangeably. In April 2018, 333 organizations from 9 member states of the Council of Europe signed a letter to the CoE Secretary General to demand revisions, replacing mentions of gender as a concept with equality between men and women.⁷ In some countries, public and institutional opposition to the Istanbul Convention is highly visible. In Croatia, the public and church demonstrated their opposition toward the Istanbul Convention through street protests in 2018.⁸ Political parties and religious leaders have also openly voiced their public dissent to the Istanbul Convention. In Latvia, only the Unity Party of all political parties openly supports ratification, as

² Francis Raday, *Gender and Democratic Citizenship: The Impact of CEDAW*, 101 CON 512, 515 (2012)

³ Statement by Rashida Manjoo, Former UN Special Rapporteur on Violence against Women, its Causes and Consequences, <http://www.svri.org/forums/forum2015/RashidaManjoo.pdf>.

⁴ Karen M. Vincent & Joan Eveline, *The Invisibility of Gendered Power Relations in Domestic Violence Policy*, 14 *Journal of Family Studies* 322, 331 (2008).

⁵ *Womankind Worldwide More than a Roof: Documenting the Work of Specialist Women’s Organizations Providing Holistic Shelter Services in Ethiopia and Zimbabwe* (2016), 7.

⁶ Ruzha Smilova, *Promoting ‘Gender Ideology’: Constitutional Court of Bulgaria Declares Istanbul Convention Unconstitutional*, Oxford Human Rights Hub, Aug. 22, 2018.

⁷ *333 NGOs from 9 Member States of the Council of Europe Ask about Amendments to the Istanbul Convention*, Religious Information Service of Ukraine, Mar. 20, 2018, <https://balkaninsight.com/2018/04/13/anti-istanbul-convention-protesters-turn-against-croatian-pm-04-13-2018/>, last visited Feb. 28, 2019.

⁸ Sven Milekic, *Croatian Conservatives Protest Against Anti-Violence Treaty*, *BalkanInsight*, Apr. 13, 2018.

Ukraine's four religious leaders oppose ratification.⁹ In Lithuania, the Social Security and Labour Minister has called for a delay of any ratification proposal.¹⁰

Another consequence of the radical right is the backpedaling on progress made with laws on women's human rights. In Russia, where an estimated 38 women die every day from domestic violence, the state has actually weakened legal protections for women. In 2017, Russia decriminalized domestic violence, and the battery of a close person that results in physical pain but "does not inflict harm or other consequences" is no longer a crime. In January 2019, Poland unsuccessfully sought to amend the definition of domestic violence so that the law would require more than one act of violence to qualify as domestic violence; if successful, Poland's laws would have effectively condoned single, "one-off," acts of domestic violence.¹¹

States also use oppressive laws, such as Russia's Foreign Agents Law, to oppress the activities of human rights defenders, including women's rights NGOs. Under the law, an NGO will be labeled a "foreign agent" if it: 1) is registered in Russia; 2) receives foreign funding from abroad; and 3) engages in "political activity." Such laws force NGOs to comply with onerous monitoring requirements, which can cost as much as 25 percent of an organization's annual budget. It also subjects NGOs to heavy fines if they fail to comply with labeling "foreign agent" on all of their materials, a designation that stigmatizes the NGO and literally translates to "spy." See Appendix A for a Universal Periodic Review submission on Russia's Foreign Agents Law. At times, these oppressive measures escalate to raids and attacks on human rights defenders. After demonstrations for reproductive rights, Polish authorities raided women's NGOs offices in October 2017.¹² In Azerbaijan, a January 2018 law permits only bar-approved lawyers to represent clients before the court. Independent lawyers, including those who defend activists, view the change as a move intended to oppress independent lawyers. Lawyers who desire to continue representing their clients, including victims of violence, in court, must apply for bar certification. Yet, media reports as well as personal communications detailed to The Advocates indicate that qualified, independent human rights lawyers are failing their oral exams for admission—thus unable to represent their clients in court.¹³

The rise of the radical right poses an enormous challenge for civil society already operating with limited resources. One of our local partners shared, "We are lacking time and resources to deal with the false messages, to reach out to the public explaining why access to safe and legal abortion is important, why we need to help victims of domestic violence. Because of the scale of the problems, we are simply

⁹ Michael Mustillo, *Latvia bristles against the Istanbul Convention combating violence against women*, The Baltic Times, Feb. 28, 2018, https://www.baltictimes.com/latvia_bristles_against_the_istanbul_convention_combating_violence_against_women/, last visited Feb. 28, 2019.

¹⁰ https://www.baltictimes.com/lithuanian_ministry_proposes_to_delay_ratification_of_istanbul_convention/

¹¹ James Rothwell, *Poland Drops Plan to Legalise 'One-off' Cases of Domestic Violence*, The Telegraph News, Jan. 2, 2019.

¹² <https://www.hrw.org/report/2019/02/06/breath-government-my-back/attacks-womens-rights-poland#>

¹³ Dan Peleschuk, *What Happened to Azerbaijan's Lawyers*, OZY, Aug. 13 2018,

<https://www.ozy.com/acumen/what-happened-to-azerbaijans-lawyers/88538>, last visited Feb. 28, 2019.

focused on the everyday work—i.e. providing services to victims, rather than on gathering data or planning strategies/communicating with the public. There is no time and money for that.”

Perceptions of the mandate

One of the most valuable aspects of the Special Rapporteur on VAW mandate is its accessibility. Unlike treatybody reviews or the Universal Periodic Review, civil society can send a communication without waiting for its country to come up under a session review, which could be years. In cases, such as when shelter funding in Croatia was threatened, the flexibility to approach the Special Rapporteur at any point in time is valuable. In addition, there is no need to exhaust all domestic remedies first, as required by other international and regional mechanisms. This flexibility makes the Special Rapporteur on VAW a rapid-response mechanism to respond to urgent situations.

What measures should be taken to support the initiative of the Special Rapporteur to encourage States to establish femicide watch and/or observatories?

The Special Rapporteur has described femicides as “the most violence manifestation of discrimination against women and their inequality.”¹⁴ The Special Rapporteur describes “femicide” as the gender-related killing of women and girls,¹⁵ but delineating a more specific definition would further support the initiative. In instituting a femicide watch project, a unified definition of femicide is critical to obtaining as much relevant information as possible. Currently, the term “femicide” is used in varying ways depending on context, as some governments and NGOs use femicide only to describe deaths resulting from domestic violence. Femicide, however, is not limited to deaths resulting from domestic violence and the holistic definition of femicide should include crimes such as dowry-related killings and so-called “honor” killings, as well as deaths resulting from domestic violence.¹⁶ Due to variable definitions of femicide and methods of collecting and reporting homicide rates, it is difficult to obtain global statistics that capture the full scope of femicide, which may hinder the effectiveness of the proposed femicide watch. In order to obtain more accurate statistics concerning femicide, femicide watches should utilize a unified definition of femicide.

What specific measures should be taken to further strengthen the role of the mandate of the Special Rapporteur?

The UN Special Rapporteur could be strengthened by ensuring she receives adequate funding and support in carrying out her mission.

The UN Special Rapporteur could be strengthened by creating a follow-on mechanism to ensure that work undertaken by previous rapporteur continues. While each rapporteur undertakes her own areas of

¹⁴ Dubravka Šimonović (Special Rapporteur on Violence Against Women, Its Causes and Consequences), *Femicide*, (Sept. 23, 2016), U.N. Doc. A/71/398, ¶ 25.

¹⁵ Dubravka Šimonović (Special Rapporteur on Violence Against Women, Its Causes and Consequences), *Femicide*, (Sept. 23, 2016), U.N. Doc. A/71/395, ¶ 1.

¹⁶ Dubravka Šimonović (Special Rapporteur on Violence Against Women, Its Causes and Consequences), *Femicide*, (Sept. 23, 2016), U.N. Doc. A/71/398, ¶ 27.

focus, there are no mechanisms to ensure follow-up to the body of research and recommendations once her term has ended. In some cases, civil society has continued the research and advocacy around former rapporteur's work, but more structured engagement with a UN focal point would help ensure follow-through and implementation of recommendations.