



International Day for the Elimination of Violence against Women - 25 November 2022

Statement

International women's right experts call on States to bridge the gap of impunity for violence against women across the world

On the International Day for the Elimination of Violence Against Women, international and regional experts on violence against women and women's rights* recall with concern that prosecution and convictions for acts of violence against women, including their digital dimension, remain low while women and girls around the world still face difficulties in accessing criminal and administrative justice as well as support services.

International and regional women's rights standards have set a solid basis for effective access to justice for women who suffered gender-based violence. The Committee on the Elimination of Discrimination against Women (CEDAW), in its General Recommendation No.33, identifies key factors for women's access to justice: justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems. It requires states to create supportive environments for women to claim their rights, report crimes and participate in judicial processes, while preventing retaliation against them. The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) also contain strong obligations on women's equal access to justice, including legal aid and reparation.

International and regional women's rights standards were designed to allow women and girls to better navigate justice systems without being discredited, discriminated against or facing high administrative, socio-economic or other barriers – and to increase perpetrator accountability. They must fulfil this purpose.

Legal reforms have begun at national level in many regions of the world, and various mechanisms of the EDVAW Platform have noted the growing number of specialist police and prosecution services, protocols and guidelines aimed at ensuring swift and victim-centred investigations. However, deficiencies still exist, including negative stereotypes against women that undermine their credibility and continue to lead to victim-blaming from law enforcement and judicial actors, that contribute to poor case building and to low rates of prosecution, or the dropping out of cases from the criminal justice system (attrition). Timely protection and support during the investigation phase and during judicial proceedings for victims is not systematically provided and has a bearing on women's and girls' ability to pursue criminal justice. Co-ordination within and across the justice system is insufficient, resources for law enforcement agencies and judicial systems are often inadequate, and the scarcity of administrative and judicial data, including on femicides, does not allow for a comprehensive review of factors that contribute to high rates of attrition. The lack of sensitivity and confidentiality for women and girls when they interact with the justice system also contributes to low rates of reporting and high level of attrition.

Women and girls who face multiple and intersecting forms of discrimination, including migrant women, women from national and/or ethnic minorities, women with disabilities, LGBTI women, older women, and



women with addiction, are at a heightened risk of marginalisation within justice systems because of persistent prejudice and physical, communication or administrative barriers they have difficulty overcoming. In her last thematic report, the UN Special Rapporteur on violence against women and girls, its causes and consequences expressed concern that violence against indigenous women and girls is still drastically underreported and unpunished. This has been emphasized also by the CEDAW Committee in its latest General Recommendation No.39 on the Rights of Indigenous Women and Girls, stressing that gender-based violence against them is under-researched to a great extent and perpetrators regularly enjoy impunity due to the extremely limited access to justice for indigenous women and girls. Similarly, the UN Working Group on Discrimination against Women and Girls has warned that girls and young women activists face great obstacles to seeking protection and reparations in cases of violence, including online harassment, leading to pervasive impunity and some renouncing their activism. The Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention, in its recently launched General Recommendation on gender violence against girls and women with disabilities, has requested states to remove the multiple barriers and obstacles that these women and girls who are victims of gender-based violence face when accessing their rights through justice. In its third activity report, GREVIO highlighted the various ways in which the low consideration for incidents of violence against women in civil proceedings that determine divorce and child custody decisions affect women's prospect of building a life free from violence for themselves and their children after domestic violence. The Special Rapporteur on the Rights of Women in Africa, in her last activity report, also expressed concern over the rate of online violence and threats of physical violence against women participating in politics, aimed at pushing them to withdraw from public participation. The Special Rapporteur also initiated a resolution by the African Commission on Human and Peoples' Rights calling on greater co-operation between law enforcement and service providers to identify perpetrators and to ensure effective prosecution and justice response.

Mindful that in an inter-connected world, violence against women is perpetrated and exacerbated online and through ever-evolving technologies, the EDVAW Platform, in its first thematic paper adopted on 17 November 2022, stressed how international and regional women's rights bodies are central to monitoring national responses to the digital dimension of violence against women. Although some of its expressions, including image-based abuse, online stalking and (sexual) harassment, is progressively being criminalised, persisting legal gaps and patchy implementation, notably due to a lack of training of law enforcement and judicial professionals in investigating and prosecuting these cases, preclude women's access to justice.

In a context of multiple crises, including armed conflicts, climate change, forced migration and displacement, a lingering pandemic and economic downturn as well as the current backlash on women's rights, women's access to justice, reparation and empowerment is increasingly at risk of being further de-prioritised, and requires sustainable safeguards. The members of the EDVAW Platform urgently call on states to step up efforts to fulfil their commitments to exercise due diligence in investigating and prosecuting gender-based violence and to provide remedies to women and girls for such acts.

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