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**Statement by REEM ALSALEM**

**SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES**

**50th session of the Human Rights Council**

**20 June 2022**

**Geneva**

*Mr. President,*

*Distinguished members of the Human Rights Council,*

*Excellencies, Ladies and Gentlemen*

It is both an honor and a pleasure for me to address the Human Rights Council for the first time in my capacity as Special Rapporteur on Violence Against Women.

I am very aware that I have assumed my functions during two opposing trends: On the one hand, violence against women and girls- the most severe form of gender-based discrimination- continues to be experienced worldwide. As a result of improved data, we are learning that gender-based violence against women and girls continues to exist at epidemic levels, and it would not be an understatement to say that we have only uncovered the tip of the iceberg.

As reported by my predecessor, the COVID-19 pandemic, and the gender-blind restrictive measures imposed by many States to contain it, has exposed pre-existing gaps and shortcomings in the prevention of violence against women, and exacerbated the risk of violence experienced by women and girls across the globe. It is my sincere hope that the lessons we have harnessed from our collective shortcomings towards victims of violence during COVID-19 will compel us to do better when we face any other crisis of such magnitude.

Indeed, the world is already facing another crisis, such as the existential climate crisis. Whilst there are increasing efforts to explore the nexus between gender justice and the climate crisis, much remains to be understood. My first report to the General Assembly in October this year, is an attempt to further our collective understanding of this relationship.

On the other hand, significant advances have been made in different countries when it comes to strengthening legislation to improve the prevention and response to violence against women- though these have not always been in line with international human rights standards. For example, so far, 158 countries have passed some form of legislation on domestic violence. In 2021 we continued to see the trend we have seen in recent years of an increase in observatories that have been set up to monitor femicide or gender-related killings, though the progress has been more modest than what one would have hoped.

Progress and setbacks have been uneven and have required tailored approaches. Considering this reality, I have spent a considerable part of the 10 months I spent as mandate holder in engaging different key stakeholders, with a view to both listening to how they see the realities on the ground and what they see to be the main priorities. These conversations have helped me define my own priorities for my mandate period; priorities which I have reported on in my first address to the General Assembly in October 2021.

*Excellencies,*

I have also made it a point to work very closely with other thematic and country mandate holders, as I see violence against women as an intersectional phenomenon that impacts diverse groups of women and girls. I have therefore thought to highlight examples of the relationship between the structural system-wide causes of violence and the manifestations and experiences of violence. Which brings me to the focus of the thematic report that I am presenting to you today, namely my report on violence against indigenous women and girls.

Few issues demonstrate the intersectional causes and consequences of violence against women as the violence that is directed at and experienced by indigenous women and girls who face a situation of constant daily violence caused by historic and unequal patriarchal power structures, racism, exclusion, and marginalization that has been enabled by the legacy of colonialism. It is often an inter-generational form of violence that permeates every aspect of their lives. Not and that they experience at individual and collective level.

I can think of few forms of violence against groups of women, where the perpetrators, whether State or non-State, enjoy such levels of impunity. Even when there is an awareness of the alarming and systematic levels of violence that indigenous women and girls experience, the scale and seriousness of the situation is often not reflected in the data collected. More troubling is the fact that, when such data exists, it does not sufficiently influence legislation or public policies.

Even though many customary and treaty laws have enshrined the right of indigenous women and girls to be free from violence; and even though several regional human rights systems and national laws have reaffirmed the duty of States to adopt all measures to prevent and eradicate all forms of violence against them; such references often failed to translate into improved prevention and protection measures for them. in part to the lack of effective participation of indigenous women in political, governance, and transitional justice processes.

My report includes several recommendations – many that have been made by others. I wish to highlight the ones that are most challenging to address yet indispensable- if we are to make real advances on the issue.

First, it is vital to recognize that the collective and individual rights of indigenous women and girls are interdependent and not exclusive to each other as some may claim. At the same time, and while the collective rights of indigenous peoples are paramount for their existence, as well as their identity, prosperity, collective rights should not come at the expense of the individual rights of indigenous persons, including individual women and girls.

Second, is to ensure that the interplay of jurisdictions belonging to the nation state on one hand, and indigenous communities on the other are reviewed with a view to ensuring that incidents of violence against indigenous women and girls are effectively prevented, and where they occur, are effectively addressed, to end the rampant impunity that exists.

Third, is to recognize the way in which the legal lacuna and grey zones on the human rights accountability of non-State actors continues to contribute directly and indirectly to promoting violence against indigenous women and girls. Many of these continue to occur with the full knowledge and often tacit agreement and support of States, whether it is the State whose nationality the corporation carries, or the State where these activities are taking place.

Fourth, and most importantly, there can be no upholding of the rights of indigenous women and girls without full, equal, and effective participation, a participation that goes beyond lip service, and one that does not consist of a “ticking the box” exercise. It also requires seeing them as resilient actors with agency, with autonomous views, and as equal contributors and not only as survivors of violence.

To conclude on this report, I am convinced that the real litmus test for our ability to deal with the two global crises of our times – the crisis of violence against women and the climate crisis- is the ability to uphold the rights and dignity of indigenous women and girls.

*Mr. President,*

Turning now to the report on my visit to Mongolia, let me begin by expressing my sincere appreciation to the Government of Mongolia for accepting my visit request and for the excellent cooperation provided throughout. I wish to also convey my thanks to all other stakeholders, both national and international, for their support and active engagement during the visit.

I commend the considerable efforts made by the Government of Mongolia to harmonize its domestic provisions with the country’s international human rights obligations. In recent years several important steps have been taken towards building legislative and institutional frameworks to tackle gender-based violence against women and girls They have provided the basis on which services for victims have been implemented and expanded.

Despite important progress made, challenges remain, and the report also examines gaps in fulfilling the obligations of the State to eliminate violence against women, and the limited reach of the existing framework; particularly, on the lack of gender-sensitive provisions in the Law on Combatting Domestic Violence.

I am also concerned that other manifestations of violence and groups at risk are falling through the cracks of the Government’s well intended work, and the report calls for more focused interventions to protect LBTI women, victims of trafficking, refugees and migrant women, and sex workers.

Although amendments to the Criminal Code have improved provisions related to sexual violence, marital rape is still not explicitly criminalized. I recommend that such a provision be included to send a clear message that, regardless of the relationship between victim and perpetrator, sexual relations without consent is always rape, and to ensure that such cases are prosecuted.

The report also calls on the Government to elaborate and implement a National Program on Gender Equality and its Action Plan for the period starting in 2022, and to collect and analyse data on femicide; to review judicial responses to femicide cases, and to further develop evidence-based policies and legislation to effectively respond to these crimes.

There are many other important recommendations outlined in my report and I continue to stand ready to engage the Government of Mongolia on these in a spirit of constructive dialogue that was initiated during this visit.

Thank you