

## HUMAN RIGHTS COUNCIL - 50th SESSION

### Interactive dialogue with the Special Rapporteur on violence against women, its causes and consequences

20 June 2022

In her opening remarks, addressing the Council for the first time in this capacity, **Ms. Reem Alsalem** the Special Rapporteur on violence against women, drew attention to the continuing **epidemic levels of violence against women and girls worldwide**. The COVID-19 pandemic and the gender-blind restrictive measures imposed by many States have exposed pre-existing gaps and shortcomings in the prevention of violence against women and exacerbated risks. Speaking of the relationship between gender justice and the climate crisis, the SR said much is still to be understood. Simultaneously, significant advances have been made in strengthening legislation, and 158 countries have passed some form of legislation on domestic violence. Observatories to monitor femicide or gender-related killings have been set up. The SR had engaged with key stakeholders and worked closely with the other thematic and country mandate holders, approaching violence against women as an intersectional phenomenon.

The SR **presented her report on violence against indigenous women and girls**. These women and girls face constant daily violence caused by historic and unequal patriarchal power structures, racism, exclusion, and marginalization enabled by colonial legacy. This intersectional and often inter-generational violence permeates every aspect of their lives, happens with impunity from both State and non-State perpetrators, and is not reflected in the data collected nor sufficiently influencing legislation and public policy. Highlighting key recommendations, the SR recognized that while the collective rights of indigenous women and girls are paramount for their existence and identity, they should not come at the expense of the individual rights of indigenous person. To end rampant impunity, the interplay of jurisdictions and indigenous communities must be reviewed with a view to ensuring incidents of violence are effectively prevented and addressed. The SR recognized the grey zones of human rights accountability of non-State actors contributing to violence against indigenous women and girls, often occurring with the full knowledge and tacit agreement and support of States. She highlighted that upholding the rights of indigenous women and girls cannot happen without their full, equal, and effective participation, and seeing them as resilient actors with agency, autonomous views, and as equal contributors – not only survivors of violence.

Turning to her visit to **Mongolia**, the SR expressed her appreciation to the Government for the excellent cooperation and commended the considerable efforts made to harmonize the domestic provisions with international human rights obligations. She highlighted several important steps towards building legislative and institutional frameworks to tackle GBV. Remaining challenges include the limited reach of the existing framework, particularly, on the lack of gender-sensitive provisions in the Law on Combatting Domestic Violence. The SR was concerned about other manifestations of violence and groups at risk falling through the cracks of the well-intended work and called for more focused interventions to protect LGBTI women, victims of trafficking, refugees and migrant women, and sex workers. Despite amendments to the Criminal Code improving provisions related to sexual violence, marital rape is still not explicitly criminalized. 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, to collect and analyze 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.

**Mongolia (Country Concerned)** welcomed the SR for her report and recommendations which they are reviewing carefully and have taken actions on since the visit in December. Recognizing there remains room for improvement, the Government will continue to monitor and act on issues. Mongolia will present its tenth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the coming days. Extended a standing invitation to mandate holders.

### Interactive dialogue

61 country delegations took the floor during the interactive dialogue. **Ecuador (on behalf of a group of countries<sup>1</sup>)** shared the SR's concerns, considered the effective participation of indigenous women and girls in the construction of normative frameworks and policies to deal with gender violence essential, and urged States to ensure that measures are culturally appropriate and consider the specific needs of indigenous women and girls. **The EU** highlighted the additional barriers that indigenous women and girls face when participating in public or political life or when engaging in advocacy or activism and shared SR's concerns of indigenous women and girls facing higher prevalence of serious forms of SGBV, such as forced sterilization, trafficking, sexual exploitation and abuse, harmful traditional practices, and conflict-related SGBV. **Luxembourg (on behalf of 55 countries of the Group of Friends of the Responsibility to Protect<sup>2</sup>)** called for the systematic application of a gender lens by HRC mechanisms and procedures which would enhance holistic atrocity prevention strategies and improve the effective implementation of the Responsibility to Protect (R2P).

**Sweden (on behalf of Nordic-Baltic Countries)** stressed that measures to prevent violence against women and girls and address its root causes are key, sharing the concern that indigenous women and girls often face complex and intersectional forms of violence and discrimination. **Lithuania (on behalf of Lublin Triangle<sup>3</sup>)** referred to **Russia's** brutal and unprovoked military aggression in Ukraine disproportionately affecting women and girls, with ongoing SGBV, growing numbers of extremely concerning rape testimonials of Ukrainian women that require special attention from the international community and holding the perpetrators accountable. **The U.S** shared national progress regarding Native Americans and expressed deep concern over the situation of women and girls in **Ukraine**, including indigenous women and girls: "We are appalled by reports of alleged sexual violence perpetrated by Russia's forces." The **Russian Federation** did not agree with the need of creating special conditions for indigenous women to protect them from violence stating that everyone deserves the same treatment, and further reminded the SR to adhere to the terminology generally accepted in the UN, and not to use and impose controversial concepts on States.

Several other countries highlighted national efforts to fight GBV. **Cameroon** is implementing actions relating to prevention, repression and care for victims. In 2021, the State revised the National Strategy for the fight against GBV and the Action Plan for the Fight against FGM. **Malawi** shared that despite having a progressive legislative scheme to protect women and girls from violence, social and cultural attitudes continue to be the major impediment. Malawi further highlighted the crucial role of community and faith leaders in changing societal attitudes which will ultimately make the legislative scheme already in place effective. **Yemen** referred to the suffering of Yemeni women especially in the areas controlled by the Houthi militia, with kidnappings and arrests of human rights activists and

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<sup>1</sup> Argentina, Chile, Colombia, Ecuador, Guatemala, Mexico, Panama, Paraguay, and Ecuador.

<sup>2</sup> Botswana, Côte d'Ivoire, Ghana, Liberia, Mali, Morocco, Mozambique, Nigeria, Rwanda, Senegal, Sierra Leone, South Sudan, Tanzania, Bangladesh, Japan, Qatar, Marshall Islands, Republic of Korea, Argentina, Chile, Costa Rica, Guatemala, Peru, Mexico, Panama, Uruguay, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, European Union, Finland, France, Germany, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, Australia, New Zealand, Canada, United States

<sup>3</sup> Lithuania, Poland, Ukraine

women and girls who oppose its policies, including torture and rape in detention and prisons. **Nigeria** shared recent national developments in scaling up advocacy against GBV and the adoption and implementation of policies, programmes and initiatives to prevent violence against women and girls and ensure that perpetrators are held accountable. **Pakistan** reminded of the issue of women and girls living in other vulnerable situations including UN recognized occupied territories, urging the SR to prioritize them in her future thematic work. **Malaysia** has launched a National Committee on Domestic Violence (NCDV) to intensify advocacy and awareness.

**UN Women** highlighted their work in **Guatemala, Mexico, Nepal, Brazil** amongst others which has focused on increasing indigenous women's access to justice as a key priority, further calling upon States to promote conflict prevention and development processes through consultations with the full participation of indigenous women. **The United Nations Children's Fund** reminded that despite the disproportionate discrimination, indigenous girls are important leaders in the struggle for the rights of indigenous peoples and the pursuit of environmental protection, and member States must ensure they learn about their rights, can freely exercise their civil and political rights and are protected while doing so.

**NGOs** highlighted that abuse against women and girls is a societal epidemic. The intersectional identity of indigenous women and girls places them at the center of structural discrimination and racism in society, its laws, policies and institutions. The link between violence against indigenous women and girls to the continuing colonial dispossession of their peoples' lands which often involves discriminatory and coercive practices was also highlighted, including acts of sexual abuse and rape, forced sterilization and forced abortion. Furthermore, sexual and reproductive rights violations resulting from conflict-related sexual violence are often marginalized, silenced or forgotten. The LGBT Centre expressed that the Government of **Mongolia** has failed to provide an environment that is conducive for LGBTI persons to fully participate in society. LGBTI persons, especially women, continue to be deemed as non-citizens, rendering them unable to access equality and non-discrimination rights. The speakers recommended that effective measures be taken to fully implement the rights of indigenous peoples and address the root causes of violence, called for action to prevent, investigate and punish perpetrators, and to provide reparations for indigenous women and girls. NGOs encouraged the SR to support States to strengthen their capacity to take an intersectional approach to measures to protect all indigenous women and girls. In terms of the widespread economic and financial abuse of women, there is a need to continue advocating for women survivors of abuse via legislation, expanding our workshops and lectures to raise awareness, and assist women from all backgrounds to achieve financial independence.

Delegations that took the floor during the Interactive Dialogue (61 country delegations):

*Sudan, European Union, Lithuania (on behalf of a group of countries), Sweden (on behalf of a group of countries), Ecuador (on behalf of a group of countries), Luxembourg (on behalf of a group of countries), Sovereign Order of Malta, Peru, France, Sierra Leone, Ecuador, Spain, Netherlands, Luxembourg, Cuba, Iraq, Czech Republic, Canada, Paraguay, Morocco, Venezuela, Namibia, Cameroon, Russian Federation, Malaysia, Egypt, China, India, El Salvador, Republic of Korea, Australia, Marshall Islands, DPRK, Togo, Türkiye, Afghanistan, South Africa, Malta, Mauritania, Bolivia, Argentina, Pakistan, Benin, Nigeria, Yemen, Malawi, Ireland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Côte d'Ivoire, Panama, Azerbaijan, Mexico, Cambodia, United States, Indonesia, Brazil, Organization of American States (OAS), Lesotho, Cyprus, Iran, United Republic of Tanzania, Armenia, Belgium, Djibouti, Tunisia, South Sudan, Chile, Organisation of Islamic Cooperation (OIC).*

NHRIs and NGOs that took the floor (12):

*Burundi - Commission Nationale Indépendante des droits de l'homme, World Organisation Against Torture, International Lesbian and Gay Association, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland (Joint Statement), Women's Spirit (Ruach Nashit) – Financial Independence for Women Survivors of Violence, Centre d'études juridiques africaines (CEJA), International Volunteerism Organization for Women, Education and Development – VIDES, Center for Reproductive Rights - Inc., Minority Rights Group, Women's Centre for Legal Aid and Counseling (Joint statement), Comisión Mexicana de Defensa y Promoción de los Derechos Humanos - Asociación Civil.*

International organizations (4): UN Women, United Nations Children's Fund, Food and Agriculture Organization of the United Nations, United Nations Population Fund.

To watch full meeting refer to [UN Web TV](#).