



# 25 YEARS IN REVIEW OF THE BEIJING PLATFORM FOR ACTION

Contributions of the Platform of independent expert mechanisms on  
the elimination of discrimination and violence against women  
(EDVAW Platform) towards its implementation (E-booklet 2020)

EDVAW Platform and the Commission on the Status of Women:  
Call for a Human Rights Based Approach in the Implementation of Strategies for the  
elimination of discrimination and violence against women (E-booklet 2021)



Inter-American Commission on  
Human Rights Rapporteur on the  
Rights of Women (IA-RWHR)

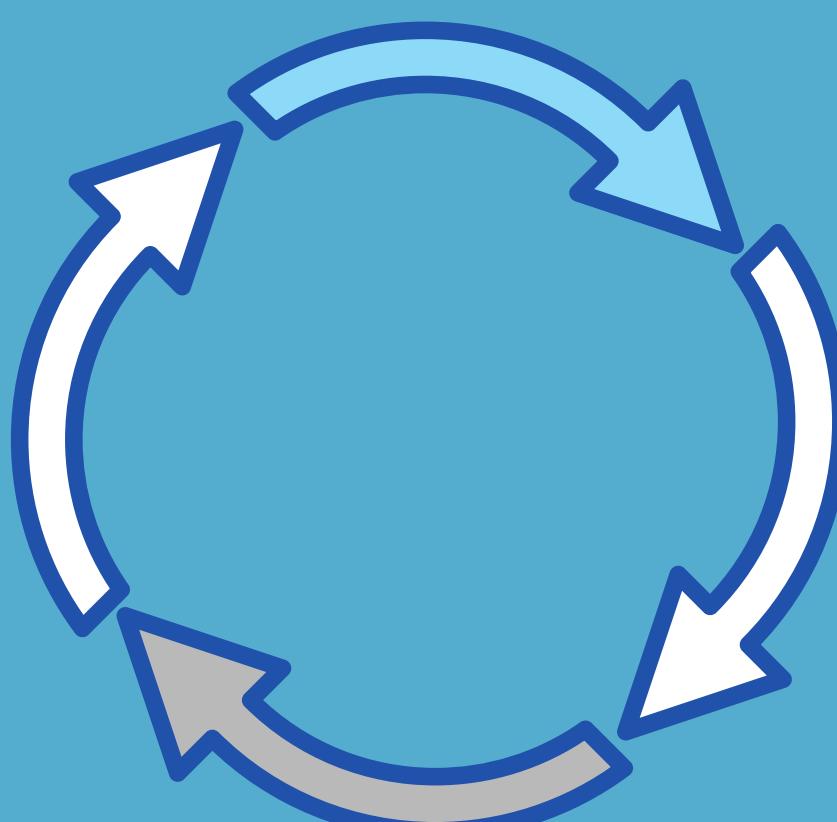


African Commission on Human  
and Peoples' Rights Special  
Rapporteur on the Rights of  
Women in Africa (A-SRWHR)



Group of Experts on Action  
against Violence against  
Women and Domestic  
Violence (GREVIO)

UN Special Rapporteur on violence  
against women, its causes and  
consequences (SRVAW)



UN Special Rapporteur on violence  
against women, its causes and  
consequences (SRVAW)

**CEDAW**

UN Committee on the  
Elimination of  
Discrimination against  
Women (CEDAW)



UN Working Group on  
discrimination against  
women and girls  
(WGDAW)



Committee of Experts of the Follow-up  
Mechanism to the Belém  
do Pará Convention (MESECVI)

# EDVAW

# BOOKLET

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2020<sup>1</sup>

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<sup>1</sup> \*\*Note to reader: The present document combines two Booklets produced by the EDVAW Platform: 1. Beijing Platform for Action: Contributions of the Platform of independent expert mechanisms on the elimination of discrimination and violence against women (EDVAW Platform) towards its implementation (2020) (pages 4- 37); 2. EDVAW Platform and the Commission on the Status of Women: call for a human rights based approach in the implementation of strategies for the elimination of discrimination and violence against women (2021) (pages 38 -60)

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# Introduction: the formation of a dynamic relationship

At the time of the Fourth World Conference on Women, held in Beijing in 1995, only the **UN Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW, adopted in 1979 as a legally binding instrument) and the UN Declaration on the Elimination of Violence against Women (DEVAW, of 1993) provided a global legal gender framework that was used for and is reflected in the Beijing Declaration and Platform for Action. At the regional level, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) had been adopted in 1994.

**Only two UN and one regional independent expert monitoring mechanisms on women's human rights were in place.** The first was the UN CEDAW Committee, established to monitor the implementation of the CEDAW Convention. The Committee commenced its activities in 1982, and by the time the Beijing Conference took place, it had already adopted its General Recommendation No. 19 on violence against women, in 1992.

The mandate of the UN Special Rapporteur on violence against women, its causes and consequences (**SRVAW**) **had just been created, in 1994**, as the first expert mechanism at the UN level to **specifically recommend measures on the elimination of violence against women, its causes and consequences**.

In the same year, 1994, the first regional expert mechanism was created, as the Inter-American Commission established the mandate of the Rapporteurship on the Rights of Women (**IA-RWHR**).

The adoption of the Beijing Declaration and the Platform for Action in 1995 was an important step in developing a comprehensive international policy framework on women's human rights. The Beijing Platform for Action included 12 critical areas of concern including women's human rights and violence against women.

The Beijing Platform for Action entrusted the **CEDAW Committee with monitoring its implementation** by explicitly calling upon all States to report to it.

The Beijing Platform for Action also urged States to “**cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women in the performance of her mandate and furnish all information requested**” and to “**renew the mandate of the Special Rapporteur on violence against women when her term ends in 1997 and, if warranted, to update and strengthen it.**”

Since the Beijing Conference, the **implementation of the Beijing Declaration and the Platform for Action have been assessed by the UN Commission on the Status of Women (CSW) each year and through a review process carried out every five years, reaffirming States' commitment to its full implementation.**

In the time since the Conference, the international framework on women's human rights was strengthened by the adoption of the Optional Protocol to the CEDAW Convention, which established complaint and inquiry mechanisms. The Protocol was adopted in 1999 and entered into force in December 2000.

The adoption of the UN Security Council Resolution 1325 (SCR1325) on Women, Peace and Security, in October 2000, and its subsequent resolutions provided an additional important framework on women, peace and security related to conflict situations.

Another important step was the establishment of another UN expert mechanism dedicated to women's rights, namely the United Nations Working Group on discrimination against women and girls (WGDAW), set up by the UN Human Rights Council in 2010.

The new global development agenda, the 2030 Agenda for Sustainable Development, integrated the **achievement of gender equality and the empowerment of all women and girls** as standalone Goal No 5, and for the first time, in its targets 5.1 and 5.2, focus was placed on the elimination of all forms of discrimination and violence against women and girls in the public and private spheres.

## **Seven independent expert mechanisms: SRVAW; CEDAW; WGDAW; MESECVI; GREVIO; A SRWHR; IA RWHR**



At **the regional level**, the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention was established in 2004. The mandate of the Special Rapporteur on the Rights of Women in Africa was established in 1998, while in **2011** the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (**Maputo Protocol**) was adopted. In 2011, the Convention on Preventing and Combating Violence against Women and Domestic Violence (**the Istanbul Convention**) was adopted, while its Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) held its first session in 2015.

As of **2020**, there are **seven UN and regional independent women's human rights expert mechanisms** mandated to address discrimination and gender based violence against women and girls:

- A. UN Special Rapporteur on violence against women (SRVAW), Dubravka Šimonovic
- B. UN Committee on the Elimination of Discrimination against Women (CEDAW), Hilary Gbedemah (Chair) and 23 experts
- C. UN Working Group on discrimination against women and girls (WGDAW), Meskerem Geset Techane (Chair), Elizabeth Broderick (Vice-chair), Alda Facio, Ivana Radačić, Melissa Upreti
- D. Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), Tatiana Rein

- E. Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Marceline Naudi
- F. African Commission on Human and Peoples' Rights Special Rapporteur on the Rights of Women in Africa (A SRWHR), Lucy Asuagbor
- G. Inter-American Commission on Human Rights Rapporteur on the Rights of Women (IA RWHR), Margarette May Macaulay

These independent expert mechanisms are entrusted with monitoring and supporting the implementation of States' commitments under the global and regional women's human rights frameworks, **including the Beijing Platform of Action, the 2030 Agenda, and UN and regional instruments on women's rights.** These mechanisms support and complement each other in these efforts for implementation through a dynamic and complex relationship.

## **II. Efforts to establish the Platform of independent expert mechanisms on discrimination and violence and against women (EDVAW Platform)**

The Special Rapporteur on violence against women, Dubravka Šimonović, in her first vision setting report to the Human Rights Council (A/HRC/32/42 and Corr.1) in 2016, on the future role of the mandate, detected fragmentation of and disconnection between the implementation of global agendas and instruments. She identified these as obstacles to accelerating the implementation of the human rights framework on discrimination and violence against women, and called for stronger cooperation between independent UN and regional mechanisms dealing with women's rights, discrimination and violence against women.

In an effort to reduce this disconnect, the Special Rapporteur has lead an initiative to convene all the seven UN and regional independent expert mechanisms on the elimination of discrimination and violence against women with the objective of amplifying their voices, magnifying their work and strengthening advocacy and messaging.

**The EDVAW Platform is composed by all seven UN and regional independent women's human rights expert mechanisms** mandated to address discrimination and gender-based violence against women and girls.<sup>2</sup>

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<sup>2</sup> See full list on page 3.

# Activities of the Platform from 2018 to 2020

Since its creation, the Platform has accomplished the following:<sup>3</sup>

## Meetings and events:

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**Panel "A journey to strengthen cooperation between the international and regional mechanisms on women's rights", 61<sup>st</sup> session of the Commission on the Status of Women, March 2017 ([flyer](#))**

**Meeting of independent global and regional experts on women's rights and violence against women with the UN Secretary-General Antonio Guterres, March 2017**

**Panel "Regional and International Mechanisms for an integral approach to violence against women and girls", organized in Washington, DC by MESECVI in November 2017 ([concept note](#) and [video](#))**

**CSW High Level Panel on "Strengthening Cooperation between Global and Regional Independent Mechanisms dealing with Violence and Discrimination against Women", 62nd session of the Commission on the Status of Women, March 2018 ([flyer](#) and [concept note](#))**

**First Official Meeting:** Consultation between Global and Regional Mechanisms on Violence and Discrimination against Women, 62nd session of the Commission on the Status of Women, March 2018 ([agenda](#))

Expert group **meeting on violence against women in politics** at the headquarters of UN Women, March 2018 ([news release](#) and [SRVAW report](#))



**Official Regional Meeting** of the Platform of independent international and regional mechanisms on violence against women and women's rights, during the 169th session of the **Inter-American Commission on Human Rights**, in Boulder, Colorado, United States of America, October 2018 ([report](#))

<sup>3</sup> More information on each of the Platforms activities can be found at:  
[https://www.ohchr.org/Documents/Issues/Women/SR/Platforms\\_meetings\\_and\\_statements.pdf](https://www.ohchr.org/Documents/Issues/Women/SR/Platforms_meetings_and_statements.pdf)

- **Meeting** with the **Secretary-General of the Organization of American States**, Luis Almagro, in Washington, DC, USA, November 2018
- Informal **Meeting** of the Platform of independent mechanisms during the 63<sup>rd</sup> session of the **Commission on the Status of Women**, March 2019
- **Official Regional Meeting** of the Platform of independent international and regional mechanisms on violence against women and women's rights hosted by the **Council of Europe** in Strasbourg, May 2019 ([report](#))
- Meeting of the Platform of independent international and regional mechanisms on violence against women and women's rights under the leadership of the UN Special Rapporteur and the African Commission on Human and Peoples' Rights Special Rapporteur on Rights of Women in Africa and in collaboration with the Secretariat of Gender Is My Agenda Campaign (GIMAC) and the UN Office of the High Commissioner for Human Rights for Eastern Africa (EARO)
- Meeting of the Platform of independent international and regional mechanisms on violence against women and women's rights during the 64th session of the Commission on the Status of Women, March 2020

**Statements:**

- International Day on the Elimination of Violence against Women – Joint call by UN Rapporteur on Violence against Women and all other global and regional mechanisms to end femicide and gender-based violence (November 2016) ([statement](#))
- Joint statement by independent UN and regional women's human rights mechanisms on the consideration of Sustainable Development Goal 5 by the High Level Political Forum on Sustainable Development (July 2017) ([statement](#))
- End the global epidemic of femicide (\**NiUnaMenos*) and support women speaking up against violence against women (\**MeToo*) (November 2018) ([statement](#))
- Independent women human rights mechanisms are part of the solution to "push back the pushbacks and keep pushing back" (March 2019) ([statement](#))
- Intimate partner violence against women is an essential factor in the determination of child custody, say women's rights experts (May 2019) ([statement](#))
- Violence and harassment against women and girls in the world of work is a human rights violation, say independent human rights mechanisms on violence against women and women's rights (May 2019) ([statement](#))
- Absence of consent must become the global standard for definition of rape, say experts (November 2019) ([press release](#) and [statement](#))

- Elimination of discrimination and violence against women and girls, including its root causes, must be integrated in all efforts to silence the guns before, during and after conflict (February 2020) ([press release](#) and [statement](#))

On 31 May 2019, the Platform sent letters to the UN Secretary-General and to each of the regional organizations' Heads requesting support for the future of the Platform.

The Secretary-General of the Council of Europe replied by expressing his support for coordination between international and regional mechanisms, and noted that the possibility of holding meetings, hosted, by each mechanism is a way to exchange experiences and address the different realities on the ground in turn.

Given the role played by all seven **independent expert mechanisms on discrimination and violence against women in the implementation of the Beijing Platform of Action**, this publication presents the specific contribution provided by each of them to it.

### **III. Contributions by independent expert mechanisms on the implementation of the BPA**

#### **A. UN Special Rapporteur on violence against women, its causes and consequences (SRVAW)<sup>4</sup>**

*The mandate of the United Nations Special Rapporteur on violence against women, its causes and consequences (SRVAW) was established on 4 March 1994 by UN Commission on Human Rights Resolution 1994/45 on the question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women. In 2019, the mandate commemorated its 25th Anniversary and published the report “Twenty-five years of the mandate of the Special Rapporteur on violence against women, its causes and consequences: an analysis of its evolution, the current challenges and the way forward – contribution to the 25-year review of the Beijing Declaration and Platform for Action” (A/HRC/41/42).*

##### **Mandate**

The Commission on Human Rights tasked the SRVAW with ensuring that violence against women was integrated into the United Nations human rights framework and its mechanisms, as well as seek and receive information on violence against women, its causes and consequences from Governments, treaty bodies and relevant stakeholders; and to respond effectively to such information by recommending measures, ways and

<sup>4</sup> Prepared by Dubravka Simonovic, Special Rapporteur on violence against women; with the support of the Office of the High Commissioner for Human Rights.

means at the local, national, regional and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences.

***Contribution of the SRVAW to the implementation of the Beijing Platform for Action***

The Beijing Platform for Action also urged States to “cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women in the performance of her mandate and furnish all information requested” and to “renew the mandate of the Special Rapporteur on violence against women when her term ends in 1997 and, if warranted, to update and strengthen it.”

Throughout its twenty-six years of thematic and country based work, the mandate of the SRVAW has focused on violence against women, which is a specific area of concern of the Beijing Platform for Action. By addressing the issue of violence as a form of discrimination against women, the SRVAW has contributed to standard-setting work on violence against women and the interpretation of States obligations “within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women”.

During its first ten years, following the adoption of the Beijing Platform for Action, the mandate was involved in pioneering work in relation to standard setting on all forms of violence against women, including the development of a framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2). During that time, the issue of violence against women was new on the human rights agenda, and the focus was primarily on encouraging States to accept international standards, pass appropriate legislation and establish mechanisms to combat violence against women. Over the following 15 years, the mandate focused on strategies for a more effective implementation of the international and regional commitments in this area and contributed to its further understanding. The SRVAW mandate was expanded to present reports to the General Assembly and oral reports to the Commission on the Status of Women since 2008, becoming more visible. Important work was achieved through consultations with civil society organizations.

Some of the most important contributions of the mandate of the SRVAW towards the implementation of the Beijing Platform for Action are the following:

**Violence against women and due diligence**

The SRVAW mandate has made significant progress in elaborating the State due diligence obligation on preventing and combating violence against women and girls, within the framework of all relevant international and regional instruments.

The mandate has developed standards regarding the concept of due diligence as set out by the 1993 Declaration on the Elimination of Violence against Women as well as other

international instruments. In her report to the Human Rights Commission on developing effective implementation of international norms to end violence against women (E/CN.4/2004/66),, the Special Rapporteur noted that prevention is an integral part of the State's due diligence obligation: "the application of due diligence standard, to date, has tended to be State-centric and limited to responding to violence when it occurs, largely neglecting the obligation to prevent and compensate and the responsibility of non-State actors."<sup>5</sup> In following reports, the mandate has further elaborated on the due diligence obligation in the context of specific manifestations of violence and discrimination against women, including obligations to prevent, investigate and punish such acts by individuals, State agents and private companies.

#### *Femicide prevention watch initiative*

In response to the global phenomena of femicide or gender-related killings and violence against women, the SRVAW started the Femicide prevention initiative and called for the establishment of the "femicide prevention watch" at the global, national and regional levels. In her 2016 report to the General Assembly (A/71/398), the SRVAW outlined the modalities required for the establishment of such a preventative mechanism. In calling upon all States to establish a femicide watch or a "gender-related killing of women watch", the SRVAW proposed that data on the number of femicides should be published annually, on 25 November, along with information concerning the prosecution and punishment of perpetrators. She also proposed the collection of comparable data on: i) intimate partner femicide; ii) family related femicide based on the relationship between the perpetrator and the victim/s; and iii) all other femicides based on the country context.<sup>6</sup> She also called for a flexible model for the establishment of a national femicide watch or observatory on violence against women that should analyse cases in order to determine national shortcomings and focus on the prevention of such cases.<sup>7</sup>

Since the above-mentioned report of the SRVAW, important progress has been made in developing national observatories and the collection of data on gender related killings, while much remains to be done.

#### *Increased cooperation between the SRVAW the CEDAW Committee in elaboration of the CEDAW GR 35 and its implementation*

Upon an invitation of the CEDAW Committee, the SRVAW participated in the elaboration of General Recommendation No. 35 (2017) on gender-based violence against women, updating General Recommendation No. 19. This was the first example of a formal collaboration between a treaty body and a special procedure mandate holder.

In General recommendation No. 35, the CEDAW Committee acknowledged the Special Rapporteur's contribution to the development of this recommendation, and recognized that the prohibition of gender-based violence against women had evolved

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<sup>5</sup> E/CN.4/2006/61, p. 2, available at: <https://undocs.org/E/CN.4/2006/61>

<sup>6</sup> A/71/398, para. 9, available at: <https://undocs.org/A/71/398>

<sup>7</sup> Idem, para. 83 (a)

into a principle of customary international law and, as such, was binding on all States. It also provided an updated road map for preventing and combating violence against women.

On 8 November 2018, the Special Rapporteur and the CEDAW Committee adopted a framework of cooperation<sup>8</sup> that envisages the development of a joint programme of work to promote and support the implementation of General Recommendation 35, through the development of guidelines, tools and/or indicators, as well as strategies to update national action plans on violence against women.

#### *New manifestations of violence against women*

In her most recent thematic reports, the SRVAW has been exploring new manifestations of violence against women. The Special Rapporteur noted with concern the increase in **online violence against women** and violence facilitated by information and communications technology (ICT). She stated that the principle that human rights and women's rights protected offline must also be protected online should fully integrate the right to live free from emerging forms of online and ICT-facilitated violence against women, while respecting the right to freedom of expression and the right to privacy and data protection.<sup>9</sup>

As a follow up to the aforementioned report, the Special Rapporteur visited Silicon Valley in October 2018 with the aim of engaging with the private sector in order to encourage the development of coordinated strategies between States and tech companies to incorporate human rights standards within their policies to prevent online violence against women and girls. In March 2019, within the margins of the Committee on the Status of Women, the Special Rapporteur organized an event, in conjunction with Facebook, on the issue of online violence against women and girls and non-consensual distribution of intimate images.

The SRVAW also analysed the issue of **mistreatment and violence against women in reproductive health services with a focus on childbirth and obstetric violence**. After reviewing the manifestations and root causes of this violence from a human rights perspective, the Special Rapporteur recalled States' obligation to respect, protect and fulfil women's human rights, including the right to highest standard attainable of physical and mental health during reproductive services and childbirth, free from mistreatment and gender-based violence.<sup>10</sup>

Another emerging issue addressed by the mandate is that of **violence against women in politics**. The Special Rapporteur described the widespread and systematic nature of this type of violence, and outlined its chilling impact on the political ambition of young women, with inter-generational consequences for the full realization of their political rights and impacts on society as a whole. She urged States to meet their due diligence

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<sup>8</sup> Available at: [https://www.ohchr.org/Documents/Issues/Women/SR/SRVAW\\_CEDAW\\_FrameworkCooperation.pdf](https://www.ohchr.org/Documents/Issues/Women/SR/SRVAW_CEDAW_FrameworkCooperation.pdf)

<sup>9</sup> A/HRC/38/47, available at: <https://undocs.org/en/A/HRC/38/47>

<sup>10</sup> A/74/137, available at: <https://undocs.org/A/74/137>

obligations to prevent, investigate and punish acts of violence against women, whether they are perpetrated by State or non-State actors.<sup>11</sup>

## B. UN Committee on the Elimination of Discrimination against Women (CEDAW)<sup>12</sup>

*The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the UN General Assembly. The Convention entered into force in 1981 and as of 2019 it had been ratified by 189 countries.<sup>13</sup> 42 countries ratified the CEDAW Convention after the Beijing conference and the adoption of the Beijing Platform of Action in 1995, which affirmed the importance of the full adherence to the Convention and the fulfilment of women's human rights in all areas of the Platform.*

### **Mandate**

According to Article 17 of the Convention, the CEDAW Committee is comprised of 23 independent experts mandated to assess the progress made in the implementation of the Convention. The experts are elected by States Parties from among their nationals and serve in their personal capacity, with consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems. The CEDAW Committee currently meets three times a year for about three weeks to monitor the implementation of the Convention.

**The Committee's work is undertaken through the consideration of States parties' reports, conducting constructive dialogue with governments, adoption of concluding observations and recommendations, and the monitoring of the implementation of the concluding observations and recommendations through the follow-up procedure.**



The Committee has an Optional Protocol (OP) that entered into force in 2000, comprising the Communications and Enquiries procedures. These operate as accountability systems by enabling complaints to be brought against states parties which have ratified the protocol and accepted explicitly these procedures for rights violations under the Convention subject to admissibility criteria. Under the Communication procedure, complaints may be brought on behalf of individuals or groups of individuals submitting claims of violations of rights protected under the Convention. With the inquiry procedure, the Committee may initiate inquiries into

<sup>11</sup> A/73/301, available at: <https://undocs.org/A/73/301>

<sup>12</sup> Prepared by Hilary Gbedemah, then Chairperson of the CEDAW; with the support of the Office of the High Commissioner for Human Rights.

<sup>13</sup> Available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en)

complaints of grave or systematic violations of women's rights. The procedure under the OP CEDAW is a quasi-judicial procedure in which the Committee determines whether the State has failed to fulfil its obligations under CEDAW.

The Committee elaborates and adopts general recommendations on specific articles of the Convention, themes or issues based on the examination of reports and information received from States parties. The Committee as of December 2019 has adopted **37 General Recommendations**, interpreting the nature and scope of States parties' obligations under the Convention.

### ***The CEDAW Committee's contribution to the implementation of the Beijing Platform for Action***

All areas of the Beijing Platform for Action are addressed by the work of the CEDAW. There is a correspondence between the Critical Areas of Concern on the one hand, and the Convention's articles and general recommendations on the other. Apart from the crosscutting nature of some of the areas of concern such as violence and poverty, others are dealt with in the Convention in the articles or General recommendations referred to in parenthesis: Educational (10), Health (12), Violence (5). Armed Conflict (GR 30, 32), Economic Structures (13), decision-making (7, 8), Mechanisms to promote the advancement of women (3), Lack of Awareness of women's rights (cross-cutting), mass media (5 - stereotypes), Environment (GR 37), Girl Child (cross-cutting).

### **Reporting and Follow-Up**

Since the entry into force of the Convention and the establishment of the Committee, CEDAW has reviewed **hundreds of State party reports**. Important **constitutional, legislative and administrative reforms** have been adopted by many state parties in response to CEDAW recommendations to eliminate discrimination against women as well as to prevent and address gender-based violence against women.<sup>14</sup> Under the follow-up procedure applied by the Committee, the latter selects four paragraphs in the Concluding Observations as follow up, to be reported on by the respective state within two years. The procedure was evaluated in 2016, and again in November 2019. It showed that 6% of follow-up recommendations had been implemented, 10% had been substantially implemented, and 47% had been partially implemented. The compliance level of these three categories totalled 62 %. This represented an improvement of 7% over the 55% for the corresponding categories recorded in the 2016 evaluation. The issues identified by the Committee as follow-up items remain the same: violence against women leads at 36.2%. Other manifestations of violence against women include stereotypes and harmful practices (4.7%) and trafficking and exploitation of prostitution (1.3%).

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<sup>14</sup> Statement marking 40<sup>th</sup> Anniversary of CEDAW, 18 Dec. 2019. Available at:  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25443&LangID=E>

### The Optional Protocol

**The entry into force of the Optional Protocol in 2000 –marking its 20<sup>th</sup> year in 2020, and currently ratified by 113 states– is an important step in protecting women against gender-based discrimination and violence** as it strengthened the international framework to confront violence against women. As of November 2019, 149 cases had been registered out of which 36 final decisions were reached. Violations were found in 31 of these cases. Fifty-five cases were found inadmissible, 12 were discontinued and 46 are pending.

In the Committee’s landmark Communication case No. 47/ 2012, *Gonzales Carreno v. Spain*, concerning a victim of physical and psychological violence by her husband, the Supreme Court of Spain endorsed the Committee’s finding of a violation of the Convention and asked the Spanish authorities to pay compensation of 600,000 Euro. The compensation, the largest ever paid to date in the framework of remedies provided in individual cases submitted to UN treaty bodies, has been paid.

Since the inquiry procedure came into force, the Committee has adopted and subsequently published **five inquiry reports** finding grave or systematic violations of rights enshrined in the Convention.

### Women and Girls’ Right to Education

Regarding women’s education, considerable progress has been made in ensuring girls’ and women’s equal access to education also thanks to the regular monitoring and special focus of the Committee on this important theme. In 2017, CEDAW also adopted the comprehensive **General Recommendation No. 36 on the right of girls and women to education**.

### Standard setting on violence against women

#### ✓ **Protection from GBV against women as an explicit state due diligence obligation**

The Convention’s obligation requires states to prevent acts of violence against women, protect the victims/survivors, prosecute and investigate incidents of violence, by ensuring multi-sectoral coordination, punish the perpetrators, provide redress to the victim/survivors for the harm suffered in the form of compensation, and provide reparation.<sup>15</sup>

For example, in the case *Goekce v. Austria* (Communication No. 5/ 2005), the Committee concluded that the police knew or should have known that the victim was in serious danger and should have treated her last call as an emergency. Furthermore, the Public Prosecutor should have responded to the request by the police to detain the aggressor.<sup>16</sup>

<sup>15</sup> CEDAW General Recommendation No. 35, available at: <https://bit.ly/2RKc8Gq>

<sup>16</sup> Examples of case law under CEDAW OP are, among others, *Isatou Jallow v. Bulgaria*, Communication No. 32/2012, ; *V.K. v. Bulgaria*, Communication No. 20/2008, UN Doc. CEDAW/C/49/D/20/2008 (2011) (CEDAW); *Karen Tayag Vertido v. The Philippines*, Communication No. 18/2008, UN Doc. CEDAW/C/46/D/18/2008 (2010) (CEDAW); *Fatma Yildirim v. Austria*,

- ✓ **In protecting women from gender-based violence, intersectionality should be recognized and addressed**
- ✓ Women's experience of violence is shaped by factors such as their race, colour, religion, political or other opinion, national or social origin, property, marital status, sexual orientation, HIV/AIDS status, migrant or refugee status, age, or disability. Consequently, interventions should include targeted measures for particular groups of women, as appropriate.<sup>17</sup>

This was illustrated in the case *Isatou Jallow v. Bulgaria*, Communication 32/2011. I.J. The plaintiff, who could not speak or write Bulgarian, moved from Gambia to Bulgaria after her marriage to a Bulgarian national. He subjected her and her daughter to physical, psychological and sexual violence. The Committee found failure of the state to investigate allegations of domestic violence, failure to take violence allegations into account when issuing an emergency protection order and awarding temporary custody of the child to the father, gender stereotyping and lack of access to justice and translation services as a migrant woman, and unequal rights within marriage and family relations.

- ✓ **Effective protection against domestic violence involves identifying and combating gender stereotypes, as contained in Article 5 of the Convention.**

In addition to other barriers facing women, the Committee has addressed judicial stereotyping. Judicial stereotyping bears particular risks for women as it is characterized by distortions of perception that violate judicial principles of impartiality and integrity. The result is the re-victimization of complainants and discrimination against women who seek justice, including for violence.<sup>18</sup>

*Karen Vertido v. The Philippines* / Communication No. 18/ 2008/ is a landmark rape case and *R.P.B. v. The Philippines*/ Communication No. 34/2011/ involved sexual harassment in the workplace. The Committee affirmed that “....judicial stereotyping affects women’s right to a fair and just trial” and that State party must “ensure that all criminal proceedings involving rape and other sexual offences are conducted in an impartial and fair manner and free from prejudices or stereotypical notions regarding the victim’s gender, age and disability.” It also underscored that “women’s right to a fair and just trial” and that State party must “ensure that all criminal proceedings involving rape and other sexual offences are conducted in an impartial and fair manner and free from prejudices or stereotypical notions regarding the victim’s gender, age and disability.”

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Communication No. 6/2005, UN Doc. CEDAW/C/39/D/6/2005 (2007) (CEDAW); *Sahide Goekce v. Austria*, Communication No. 5/2005, UN Doc. CEDAW/C/39/D/5/2005 (2007) (CEDAW); *A.T. v. Hungary*, Communication No. 2/2003.

<sup>17</sup> See CEDAW General Recommendation No. 28. Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. Also see General Recommendations No. 33 and 35.

<sup>18</sup> S. Cusack, *Eliminating judicial stereotyping - Equal access to justice for women in gender-based violence cases*, 2014. Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/StudyGenderStereotyping.doc>

## C. UN Working Group on discrimination against women and girls (WGDAW)<sup>19</sup>

*The United Nations Working Group on discrimination against women and girls (WGDAW) was established by the Human Rights Council in September 2010, pursuant to Resolution 15/23.<sup>20</sup> The WGDAW was created because it was observed that – “although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic”.*

*In addition, in 2005, during the 10-year review of the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly by the Commission on the Status of Women, concern was expressed that legislative and regulatory gaps, as well as lack of implementation and enforcement of legislation and regulations, perpetuated de jure and de facto inequality and discrimination and that, in a few cases, new laws discriminating against women had been introduced.*

### **Mandate**

The main tasks of this mandate are:

- To develop a dialogue with States, the relevant United Nations entities, national human rights institutions, experts on different legal systems, and civil society organizations to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact and, in that regard, to prepare a compendium of best practices;
- To work in close coordination, in the context of the fulfilment of its mandate, with other special procedures and subsidiary organs of the Council, relevant United Nations entities, including the Commission on the Status of Women and UN Women and, in particular, the Committee on the Elimination of Discrimination against Women and other treaty bodies, within their respective mandates, with a view to avoiding unnecessary duplication;
- To submit an annual report to the Council, starting at its twentieth session, on the issue of discrimination against women in law and in practice, and on good practices in eliminating such discrimination, drawing upon the findings of the United Nations human rights machinery and the broader United Nations system; and
- To offer support to States’ initiatives to address multiple forms of discrimination against women and girls when implementing their obligations as State parties to

<sup>19</sup> Prepared by Meskerem Geset Techane, Chairperson of the WGDAW; with the support of the Office of the High Commissioner for Human Rights.

<sup>20</sup> The mandate was originally created as the Working Group on the Issue of Discrimination against Women in Law and in Practice. In June 2019, it was renewed under its current name. See A/HRC/RES/15/23, available at: <https://undocs.org/en/A/HRC/RES/15/23>

relevant international human rights treaties with regard to civil, cultural, economic, political and social rights, and related commitments, where applicable.

### ***The WGDAW contribution to the implementation of the Beijing Platform for Action***

The WGDAW has a strong substantive connection to the Beijing Platform for Action. Tackling discrimination against women and girls is a key commitment of Member States as expressed in several strategic objectives of the Beijing Platform for Action. Furthermore, discrimination against women and girls is a crosscutting substantive issue that relates to all 12 critical areas of concern. In view of the broad thematic scope of its mandate, the WGDAW had identified for its first six years of its mandate four thematic areas of focus, namely, discrimination against women in: political and public life; economic and social life; family and cultural life; and health and safety.

#### **Eliminating discrimination against women in political and public life<sup>21</sup>**

The WGDAW has recorded achievements in relation to women's political representation and challenges including discriminatory family status; disproportionately care giving responsibilities of women in the family; violence against women in all its forms, whether in the private or public space; stereotypes of women's capacities and roles; and marginalization by political parties. The WGDAW has stressed the particular challenges faced by women human rights defenders around the world, driven by deeply rooted discrimination against women and stereotypes about their role in society. The WGDAW emphasizes States' obligations to eliminate discrimination against women in political and public life, to fulfil women's civil and political rights in their interrelatedness and interdependence with other human rights, and to provide equal opportunity and ways and means for the empowerment of women in these areas.

#### **Eliminating discrimination against women in economic and social life<sup>22</sup>**

The WGDAW has observed the prevalence of discriminatory legislation which continues to obstruct women's enjoyment of equal rights and access to economic opportunity and resources and identified some of the obstacles faced by women in this regard including wage gaps; lack of maternity protections; the disproportionate allocation of care functions to women; and violence against women. The WGDAW has stressed States' obligations to eliminate discrimination against women in economic and social life and to provide equal opportunity and ways and means for the empowerment of women in accordance to international human rights law.

#### **Eliminating discrimination against women in cultural and family law<sup>23</sup>**

The WGDAW has examined the ways in which the cultural construction of gender determines the role of women and girls in the family, including marriage. Further, the WGDAW has analysed the role of women in the family, which is often under

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<sup>21</sup> A/HRC/23/50, available at: <https://undocs.org/A/HRC/23/50>

<sup>22</sup> A/HRC/26/39, available at: <https://undocs.org/en/A/HRC/26/39>

<sup>23</sup> A/HRC/29/40, available at: <https://undocs.org/A/HRC/29/40>

patriarchal control in cultures and religions, that subjects women and girls to discrimination in a number of areas of family life. The WGDAW notes that in some cultures and religions this is reflected through the existence of wives' duty of obedience, the right of husbands to punish their wives and the non-criminalization of marital rape; and stresses throughout its work the considerable impact of domestic violence on women. The WGDAW recalls States' obligation to adopt appropriate measures with a view to eliminating all forms of discrimination against women and girls in laws, cultural practices and the family, whether perpetrated by State agents or private actors.

#### *Eliminating discrimination against women in the area of health<sup>24</sup>*

The WGDAW has aimed to clarify the meaning of equality in the area of health and safety, identify discriminatory practices, expose the instrumentalisation of women's bodies in violation of their human dignity and reveal the barriers to women's autonomous, effective and affordable access to health care. The WGDAW has stressed States' obligations to secure women's rights to the highest attainable standard of health and safety, including their underlying determinants, and women's equal access to health-care services, including those related to family planning, as well as their rights to privacy, information and bodily integrity. Further, the obligation of States 'to ensure women's right to equal access to health-care services is violated by neglecting women's health needs, failing to make gender-sensitive health interventions, depriving women of autonomous decision-making capacity and criminalizing or denying them access to health services that only women require.

The WGDAW regards violence against women at the intersection of various grounds of discrimination as crosscutting in all of its work.

Furthermore, the WGDAW pays particular attention to specific groups of women, women belonging to minorities, rural and indigenous women, older women, girls, including adolescents, women in conflict and post-conflict situations, refugee and migrant women, internally displaced women and stateless women; women with disability; LBTI+ women.

In addition, the WGDAW has focused on good and promising practices for the elimination of discrimination against women and girls; in reasserting women's fundamental right to substantive equality and calling for concerted efforts to counter rollbacks and the increasing attacks against the universality of women's human rights; and the main causes of women's deprivation of liberty. The WGDAW has managed to embrace all areas affecting women's lives and give a broad and comprehensive overview of the persistent and global discrimination against women and girls. In its reports, the WGDAW has striven to provide practical tools for States and other stakeholders to address the major causes of and trends in discrimination against women.

While the findings and recommendations of the WGDAW thematic reports have in some instances influenced policy dialogues and the elaboration of laws and policies at

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<sup>24</sup> A/HRC/32/44, available at: <https://undocs.org/en/A/HRC/32/44>

the national level, through its country visits the WGDAW has worked with States and other stakeholders to identify and promote good practices and exchange views on challenges relating to the elimination of discriminatory laws and practices.

Furthermore, the WGDAW has contributed to the reform of discriminatory laws and policies by engaging in a dialogue with the concerned States and it has become a respected advocate for enhancing respect of international human rights norms through making its expert voice heard by issuing public statements and judicial interventions.

## D. Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI)<sup>25</sup>

*In 2004, the States Parties to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, (Belem do Para Convention) established a Follow-up Mechanism (MESECVI) for the effective implementation of the Convention as a continuous and independent evaluation process.*

### **Mandate**

MESECVI is a systematic and permanent multilateral evaluation methodology that is based on exchange and technical cooperation between the States Parties to the Convention and a Committee of Experts. The MESECVI process operates through multi-lateral evaluation and follow-up rounds:

During the Multi-lateral Evaluation Round:

- The Committee of Experts prepares and circulates a set of indicators on the measures taken by the States Party to address violence against women;
- The State Party replies to the indicators, which serves as the basis for the national report;
- The Committee of Experts evaluates the responses of the States and issues a series of recommendations to strengthen implementation of the Convention, which completes the national reports;
- These results and recommendations are then consolidated into a Hemispheric Report.

During the Follow-up Round:

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<sup>25</sup> Prepared by Tatiana Rein, President of the MESECVI; with the support of the Office of the High Commissioner for Human Rights.

- The Committee of Experts identifies and circulates a series of progress indicators to measure the implementation of the Convention and circulates them to the States Party;
- The States Party inform on their compliance with these indicators;
- A consolidated Follow-up Report is produced.

Meetings are essential to the operation of the MESECVI and provide a necessary forum for dialogue, exchange of views, opinions, and peer evaluation. MESECVI holds two types of meetings as part of its regular process:

- The Conference of States Party, which brings together the Competent National Authorities and other representatives of the states that have signed and/or ratified the Convention of Belém do Pará to discuss the national reports and the recommendations drawn up by the Committee of Experts, to review and adopt the Hemispheric Report, and to consider routine matters concerning the Mechanism's operations and exchange views on the effective, sustainable implementation of the Convention.
- The meetings of the Committee of Experts, which bring together its members to review and adopt the questionnaire to be used for each Multilateral Evaluation Round, examine the national reports and draw up recommendations, and discuss other conceptual and methodological questions related to implementation of the Convention.

In addition, MESECVI occasionally sponsors other meetings of a political and/or technical nature to discuss matters of importance regarding implementation of the Convention.

#### ***The MESECVI contribution to the implementation of the Beijing Platform for Action***

The Belém do Pará Convention was established following the Vienna Declaration and Program of Action, adopted by the World Conference on Human Rights in Vienna in June 1993.

Inspired also by the Beijing Declaration and Platform for Action, the Belém do Pará Convention and its Follow-Up Mechanism harmonize efforts from government officials, technical experts and civil society in order to realize the right to live a life free of violence in Latin America.

Throughout the Latin-American and Caribbean region, the Convention and its Follow-Up Mechanism have significantly advanced the interpretation of violence against women as a violation of human rights, and have highlighted the deeply held patriarchal attitudes and stereotypes relating to the social roles and responsibilities of women and men. The persistence of these stereotypes continue to perpetuate social norms that subordinate women.

The MESECVI released its Strategic Plan for 2018-2023 in which the mechanism sets out the issues it aims to tackle in those next five years, including: the development of

indicators for tracking violence against women in State Parties; intersectionality or multiple discriminatory factors against women as a cross-cutting theme; education for preventing violence with the aim of guaranteeing the right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination; violence and women with disabilities; indigenous women and afro-descendant women; trafficking and disappeared women from a gender perspective and within the framework of respect for human rights; femicide/femicide; violence against women in political life; and access to justice for women, in particular girls and adolescents who have been victims of all types of violence, with special emphasis on physical and sexual violence.

### *Education and training*

The Committee recommendations 16 and 19 in the Second Hemispheric Report<sup>26</sup> reaffirm the importance of establishing ongoing training plans on the knowledge and promotion of women's rights within, without distinction based on sex, social class or membership to any ethnic group. The Third Multilateral Evaluation Round of the MESECVI focused on preventing violence against women through education for eradicating gender stereotypes.

Awareness-raising and training tools have also been developed, including guides on the implementation of the Convention<sup>27</sup> and the use of the System of Indicators<sup>28</sup>, and over 500 people from different sectors of the region have been trained. The MESECVI also has a "Specialization and International Course on Public Policies and Gender Justice." A wide range of communication tools has been developed, including a virtual data visualization platform, a compendium of best practices, infographics, press releases, social media campaigns and events on specific topics with a view to raising awareness and identifying concrete actions.

### *Health*

The First Hemispheric Report on the Implementation of the Belém do Pará Convention (2008)<sup>29</sup>, considered that the violation of sexual and reproductive rights is a form of gender-based violence, that these rights can be grossly violated in legislation that does not recognize or protect them, and that women who are victims of multiple forms of discrimination have the least effective access to sexual and reproductive health services.

Likewise, the Second Hemispheric Report<sup>30</sup> recommended that the States Party to the Convention adopt provisions to criminalize obstetric violence; legalize interruption of pregnancy on therapeutic grounds; as well as women's access to such procedures;

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<sup>26</sup> MESECVI, 2012, Second Hemispheric Report on the Implementation of the Belém do Pará Convention. Available at: <https://www.oas.org/en/mesecvi/docs/MESECVI-SegundoInformeHemisferico-EN.pdf>

<sup>27</sup> MESECVI, 2014. Guide to the application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention). Available at: <https://www.oas.org/en/mesecvi/docs/BdP-GuiaAplicacion-Web-EN.pdf>

<sup>28</sup> MESECVI 2014, op. cit.

<sup>29</sup> MESECVI, 2008, First Hemispheric Report on the Implementation of the Belém do Pará Convention). Available at: <https://www.oas.org/en/mesecvi/docs/InformeHemisferico2008-EN.pdf>

<sup>30</sup> MESECVI 2012, op. cit.

legalize the interruption of pregnancy caused by rape; adopt provisions to guarantee the free distribution of emergency contraceptives in public health services without distinctions based on social class or membership to an ethnic group; adopt provisions to offer emergency prophylactic treatment for HIV/AIDS and other sexually transmitted diseases in public health services, especially for cases of sexual violence and adopt protocols defining the treatment steps and the manner of providing care for users.

The MESECVI's Committee of Experts also approved the Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights, (MESECVI, 2014)<sup>31</sup>.

#### *The girl child*

High rates of sexual violence and its incidence in child and adolescent pregnancy, forced motherhood, and the absence of policies that address this serious situation in an effective way have been a comprehensive concern for the MESECVI and the Committee of Experts.

The severity of sexual violence against girls in early adolescence has become more visible in the few last years, given the broad publicity throughout the region of cases of pregnant girls who, after being victims of sexual violence, have been forced to continue with their pregnancy due to legal prohibitions of pregnancy interruption, lack of information about their rights, the existence of laws that perpetuate gender stereotypes, and the absence of actionable protocols in cases where legal abortion is permitted. The manifestation of this kind of sexual and structural violence against girls and adolescents becomes more complex to the extent that these early pregnancies may affect the full development of the girls and their life projects, since they are obliged or forced to carry these pregnancies to term.

Faced with this regional reality, in 2017, the MESECVI released a Hemispheric Report that specifically addressed the problem of sexual violence and child pregnancy in the State Parties to the Belém do Pará Convention<sup>32</sup>.

The Committee of Experts considers that all pregnancy in girls younger than 14 years old should be considered non-consensual and, accordingly, a product of sexual violence, except in cases where sexual relations take place between peers.

#### *Prevention of violence against women, including domestic violence*

The Belém do Pará Convention Convention was the world's first binding international treaty exclusively focused on eliminating violence against women. This Convention combined with other human rights instruments in the OAS provided the framework for women's human rights and gender equality in the Americas and has contributed to

<sup>31</sup> MESECVI, 2014. Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights. Available at: <https://www.oas.org/en/mesecvi/docs/DeclaracionDerechos-EN.pdf>

<sup>32</sup> MESECVI, 2017. Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention. Available at: <https://www.oas.org/en/mesecvi/docs/MESECVI-EmbarazoInfantil-EN.pdf>

raising awareness of the severity of violence against women.

In 2015, the Competent Authorities of the Follow-Up Mechanism released the Declaration on Political Harassment and Violence against Women<sup>33</sup>. In this Declaration, the MESECVI calls attention to the multiple manifestations of harassment and violence against women in the political sphere and urge to prevent, address and punish these crimes. It recognizes the need to make progress on a definition on political violence and/or harassment against women, taking into account the debates on the subject in the international and regional levels. Following this work, the Committee of Experts approved in 2017 the Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life<sup>34</sup>.

In 2014, the MESECVI worked on a set of indicators and elaborated a Practical Guide to the System of Progress Indicators for Measuring the Implementation of the Belém do Pará Convention<sup>35</sup> allowing States Party and other relevant stakeholders to standardize the data collection work. This Guide aims to strengthen knowledge on the use of indicators developed to measure the impact of the implementation of this Convention in the countries of the region as well as to facilitate a more accurate measurement of the extent to which States Parties implement the Convention.

The Third Hemispheric Report<sup>36</sup> of 2017 is completely dedicated to the prevention of violence against women and girls. It presents the progress of 24 countries in the region in the effective compliance with the obligations assumed upon ratification of the Convention of Belém do Pará. With the inputs provided by the States, as well as by 26 civil society organizations that submitted 24 national and 2 regional shadow reports, the Committee of Experts and the Technical Secretariat conducted an in-depth study of each response in light of the standards established in the Convention in relation to the following thematic axes: Legislation, National Plans, Access to Justice, National Budgets and Information and Statistics, offering recommendations to the States to strengthen the implementation of the obligation to prevent violence against women contained in the Convention.

With regard to **femicide**, pursuant to the Declaration on Femicide of 2008<sup>37</sup>, in 2018 the Committee of Experts released the Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Based Killing of Women (Femicide/Feminicide)<sup>38</sup>. This Model Law seeks to provide an integrating view of the problem and be a tool for States and stakeholders in defence of women's rights, to enjoy the highest standard of protection and interpretation when guaranteeing and demanding the rights established in the Belém do Pará Convention.

In 2018 the Committee of Experts approved the General Recommendation No.1 on **Self-Defence and Gender-Based Violence**<sup>39</sup> which called attention to the case of

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<sup>33</sup> MESECVI 2015, op. cit.

<sup>34</sup> MESECVI 2017, op. cit.

<sup>35</sup> MESECVI 2014, op. cit.

<sup>36</sup> MESECVI 2017, op. cit.

<sup>37</sup> MESECVI 2008, op. cit.

<sup>38</sup> MESECVI 2018, op. cit.

<sup>39</sup> MESECVI 2018, op. cit.

many women who have ended the lives or caused an injury to their aggressors as victims of illegitimate aggressions in the sphere of their interpersonal relationships, including the domestic sphere and those defensive acts against aggressions of gender-based violence.

The Committee of Experts recognizes that in some countries of the region there are high numbers of **women and girls reported as missing**. Because this is a form of violence against women, as well as its connection with other forms of violence such as femicide, trafficking in women and girls and sexual violence, protected by the Convention, in 2018 it released the General Recommendation No.2 on **Missing Women and Girls** in the Hemisphere<sup>40</sup>, seeking to frame the disappearance of women and girls within the remit of the Convention, and therefore, delineate the obligations of the States Party to prevent, investigate, punish and eradicate this form of violence against women and girls.

## E. Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)<sup>41</sup>

*The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was opened for signature in May 2011. The Istanbul Convention is one of the most advanced legally binding regional treaty on violence against women and domestic violence. It provides a holistic and comprehensive legal framework to prevent violence against women, protect victims and witnesses, prosecute perpetrators and promote integrated/ coordinated policies in this realm. The Istanbul Convention is a regional treaty open for signature and ratification by Council of Europe member states. It is furthermore open to accession by non-member states.*

### ***Mandate***

The monitoring mechanism of the Istanbul Convention aims to assess the implementation of the Convention by the Parties and to provide recommendations for further improvement. It is based on a two-pillar system encompassing two distinct but interacting bodies.

The first is the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which is an independent expert body, composed of 15 members. On average, the GREVIO holds three meetings per year. The tasks of GREVIO are to carry out country-by-country evaluations. The Group may also launch special inquiry procedures based on reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious

<sup>40</sup> MESECVI, 2018, op. cit

<sup>41</sup> Prepared by Marceline Naudi, President of the GREVIO; with the support of the Office of the High Commissioner for Human Rights.

violations of the Convention. GREVIO's evaluations are based on information received from State Parties, non-governmental organizations and civil society, as well as from national institutions for the protection of human rights. GREVIO's reports draw further from existing information available from other regional and international instruments and bodies dealing with violence against women and domestic violence.

The second body of the monitoring mechanism of the Istanbul Convention is the Committee of the Parties, a political body composed of representatives of all the States who ratified the Istanbul Convention. Once GREVIO's reports are finalized and published, the Committee of the Parties may adopt specific recommendations on measures to be taken by States Party to implement GREVIO's findings. The Committee of the Parties meets once or twice a year, either at the request of its president, one third of the parties, or the Secretary General of the Council of Europe. Between 2015 and 2019, the Committee held seven meetings. Since the launch of its first baseline evaluation procedure in 2016, GREVIO has finalized its evaluation reports on 13 States Party (Albania, Austria, Denmark, Finland, France, Italy, Monaco, Montenegro, Netherlands, Portugal, Serbia, Sweden and Turkey). Both the GREVIO and the Committee of the Parties have adopted rules of procedure detailing their working methods.

#### ***The GREVIO contribution to the implementation of the Beijing Platform for Action***

The Beijing Declaration and Platform for Action are one of the core sources of inspiration of the Istanbul Convention, as underlined in paragraph 24.f of the Explanatory Report to the Istanbul Convention. The relevance of the Istanbul Convention to the Beijing Declaration and Platform for Action lies in the fact that it offers European states a blueprint for action to prevent and combat violence against women and domestic violence. Because of the global outreach of the Convention, it can also be of support to non-European states addressing violence against women at the national and global level. It was drafted with the understanding that measures to address the global phenomenon of gender-based violence should not be limited to a particular geographic area. Its provisions inspire normative and policy changes in all regions of the world and all States can become parties to it. The Convention and its monitoring mechanism can be used as reference framework and provide a platform for international co-operation, review and exchange of experiences that offer unique guidance in the design of national policies and legislation. The Istanbul Convention addresses comprehensively the Beijing Platform for Action's area of concern on "**violence against women**" while dealing with all other areas.

Since the entry into force of the Istanbul Convention, its impact in terms of contributing towards the implementation of the Beijing Platform is considerable. The following three achievements show its relevance.

#### **Placing violence against women and gender equality high on regional and national political agendas**

As the first legally binding treaty in Europe addressing violence against women, the Istanbul Convention has bridged an important gap in Council of Europe member States and has contributed to keeping violence against women as priority on the political agenda of the Council of Europe and its Parliamentary Assembly. Moreover, the steps taken by the European Union to accede to the Istanbul Convention has put violence against women on the agenda of the European Parliament, the European Council and other EU bodies, thus raising awareness for increased action to end violence against women at EU level. Moreover, international initiatives such as the ones of the Group of Seven (G7) have called for the need to ratify and implement the Istanbul Convention.

At national level, the ratification of the Istanbul Convention has in many instances prompted a wide range of legislative and policy changes, at times leading to widespread parliamentary and public debate. While some of the rhetoric used is intended to deliberately misrepresent the aims and scope of the Convention, these debates are helping to shine a light on the experiences of violence by many European women and the need to address these. The monitoring process has revealed a high level of commitment of decision-makers at national, regional and local level to improving the Convention's implementation. GREVIO's findings and the recommendations issued by the Committee of the Parties are generally regarded as offering constructive and forward-looking guidance on how to deepen the level of implementation.

*Offering an in-depth analysis of national laws and policies in the area of violence against women, including gaps, challenges and good practices*

GREVIO's country-by-country monitoring process is the only process in Europe offering a comprehensive evaluation of laws and policies on violence against women at national level. State parties benefit from a detailed analysis of legal measures in the area of civil, criminal and migration/asylum law and, where possible, their implementation in practice. GREVIO's assessment has helped reveal shortcomings in the letter and spirit of legislation, insufficient training of legal professionals on newly introduced legislation and overall shortcomings in relation to the implementation of legislation and policy measures. State parties are thus provided with detailed guidance on how to further implementation of the Convention and can discern trends emerging in other regions of Europe. This helps to facilitate the sharing of expertise and a general improvement of policy and legislation in this field.

*Creating a platform for dialogue to facilitate civil society's vibrant advocacy*

At the civil society level, the Istanbul Convention has become an advocacy tool to facilitate the awareness-raising and policy change on violence against women. Women's organisations across the continent have embraced the Istanbul Convention and its monitoring process in their bid to improve the situation of women victims of violence and their children at national level. Many examples exist of NGOs joining forces in submitting joint shadow reports ahead of the evaluation procedure in order to speak with one voice and offer shared insights to GREVIO. Often preceded by in-depth consultations among NGOs, the aligning of positions regarding the level of implementation of the Istanbul Convention at the national level has allowed new

strategic alliances and co-operations to emerge. Moreover, the Istanbul Convention has been central to civil society's initiatives and actions during the 16 Days of Activisms against gender-based violence and on International Women's Day.

#### *Prevention of violence against women, including domestic violence*

The prevention of violence against women is one of the four pillars of the Istanbul Convention. State parties are required to take a range of measures to ensure the primary, secondary and tertiary prevention of all forms of violence against women. From the monitoring work of the GREVIO, it emerges that many state parties are in fact aiming to raise awareness of the different forms of violence, but not necessarily in a comprehensive and continuous manner. Efforts to address the needs of victims and their children by preventing the violence from re-occurring (through perpetrator programmes, protection orders, support, counselling, victim empowerment, etc.) are also being made. However, the availability of funding for domestic violence perpetrator programmes and pathways to their attendance seems lacking in many countries, and the enforcement of protection orders frequently presents difficulties.

#### *Gender-disaggregated data collection and analysis*

Systematic collection of gender-disaggregated data is essential to generate evidence-based policy response to violence against women. Article 11 of the Istanbul Convention emphasizes States' obligation to support research as well as the regular collection of representative and comparable statistical data on cases of all forms of violence against women. To evaluate compliance with the Convention insofar as collection of data is concerned, GREVIO has monitored the systematic collection of gender-disaggregated data by law enforcement, criminal justice, civil justice, health and other administrative bodies. In its baseline evaluation reports, GREVIO has documented that data were not always systematically collected in a holistic manner and that often their scope was limited to some forms of violence against women. Nonetheless, GREVIO has encouraged State parties to pursue their efforts to gather data disaggregated by sex, age, form of violence and the type of relationship of the alleged perpetrator with victim. From an intersectional perspective, GREVIO frequently recommends conducting population-based survey to assess the exposure to violence of particularly vulnerable groups such as women from ethnic minorities and women with disabilities.

#### *Education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights*

Firstly, like the Beijing platform for Action, the Istanbul Convention encourages States Parties to adopt measures in the field of education to counter gender stereotypes that trivialize gender-based violence and perpetrate the idea that women are inferior to men. The Convention recognizes the crucial role that educational institutions can play in the promotion of gender equality, mutual respect and non-violent conflict resolution in interpersonal relationships.

Secondly, in line with the Beijing Platform for Action, the Convention highlights the necessity to create sustainable training programs for relevant professionals in regular

contact with victims or perpetrators of violence against women. To prevent secondary victimization, all law enforcement, judicial, health, and educational staff should receive information on the prevention, detection of gender-based violence, the response to victims' needs and the respect of their rights. GREVIO findings show that many state parties have engaged in efforts to include, in the training material for a range of relevant professionals, the different forms of violence against women, their dynamics and gendered nature and how to respond. Progress in this area is very uneven, however, with some professionals trained more systematically than others.

*Remedies for women victims of violence: assistance, access to justice, protection, reparation; accountability*

The Istanbul Convention provides a comprehensive approach to ensure remedies are available to women victims of violence. GREVIO findings in this context show that many measures relating to access to justice, protection and remedies are available on paper but that, in practice, their availability to women in real terms is limited for administrative, technical or financial reasons.

## F. African Commission on Human and Peoples' Rights' Special Rapporteur on the Rights of Women in Africa (A-SRWHR)<sup>42</sup>

*The African Union's (AU) commitment for women's rights is rooted in the African Charter on Human and Peoples' Rights (the African Charter), which is strengthened by the Maputo Protocol. The Maputo Protocol was adopted by the AU on 11 July 2003, in Maputo, Mozambique and came into force in 2005. As of July 2019, 41 Member States of the AU have made commitments to the obligation specifically by ratifying the Maputo Protocol.<sup>1</sup> This is an indication of the favourable reception that the Protocol enjoys in the continent as the foremost legal instrument on women's rights.*

### **Mandate**

The Special Rapporteur on Rights of Women in Africa was established by the African Commission at the 23rd Ordinary Session, which was held in Banjul, The Gambia, in April 1998, in recognition of the need to place particular emphasis on the problems and rights specific to women in Africa. In its 25th Ordinary Session, the African Commission adopted resolution ACHPR/res.38 (XXV) 99, appointing the first Special Rapporteur in May 1999 retroactively as from October 1998.

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<sup>42</sup> Prepared by Lucy Asuagbor, then Special Rapporteur on the Rights of women in Africa; with the support of the Office of the High Commissioner for Human Rights.

The Special Rapporteur on the Rights of Women in Africa is mandated:

- To serve as a focal point for the promotion and protection of the rights of women in Africa amongst the 11 Members of the African Commission;
- To assist African governments in the development and implementation of their policies of promotion and protection of the rights of women in Africa, particularly in line with the domestication of the newly entered into force Protocol to the African Charter on Human and Peoples' rights, relative to the Rights of Women in Africa and the general harmonization of national legislation to the rights guaranteed in the Protocol;
- To undertake promotional and fact finding missions in African countries Members of the African Union, in order to disseminate the human rights instruments of the African Union and to investigate on the situation of women's rights in the countries visited;
- To follow up on the implementation of the African Charter on Human and Peoples' Rights and its Protocol relative to the Rights of Women in Africa by State Parties, notably by preparing reports on the situation of women rights in Africa and propose recommendations to be adopted by the Commission;
- When appropriate, to draft Resolutions on the situation of women in the various African countries and propose them to the Members of the Commission for adoption.
- To define guidelines for State reporting in order to bring Member States to address adequately women's rights issues in their periodic and/or initial reports submitted to the African Commission;
- To collaborate with relevant actors responsible for the promotion and protection of the rights of women internationally, regionally and nationally

***The AS-WHR contribution to the implementation of the Beijing Platform for Action***

The Maputo Protocol provides a comprehensive framework to guide all rights-based action for gender equality and ensure the empowerment of women and girls in Africa. It is celebrated universally for its various innovations in women's rights. These include the legal prohibition of FGM and an authorization of medical abortion in instances of rape, incest, sexual assault and where a pregnancy endangers the health or life of the mother. In contrast to the Beijing Platform for Action, women's right to safe abortion has been accorded the highest human rights recognition. The Protocol is also the first legally binding human rights treaty to make explicit reference to HIV/AIDS. In addition to these innovative provisions, the Protocol addresses issues such as violence against women, child marriage, harmful practices, widowhood practices, women's inheritance, women's economic empowerment, right to property in case of divorce, separation or annulment, and the political participation of women. It further affirms and protects vulnerable and marginalized women including older women, women with disabilities, women in distress and women in situations of armed conflict.

The African Commission on Human and Peoples' Rights (African Commission or the Commission), which is charged with monitoring states' compliance with the African Charter and its Protocols, has also put in place various mechanisms and developed a number of standards to elevate attention paid to women's rights concerns. The Commission has taken steps to provide interpretive guidance to women in Africa by elaborating on specific rights while assisting states to fulfil their obligations under the Maputo Protocol. Towards this, the Commission adopted its first general comment on women's right to self-protection and to be protected from HIV.<sup>43</sup>

General Comment No 2, adopted in 2014<sup>44</sup>, further elaborates on the duty of states to ensure the realization of the rights of women to safe abortion as guaranteed by article 14 of the Protocol.<sup>45</sup> This General Comment builds on existing work by the Commission including the Campaign for the Decriminalization of Abortion in Africa launched in 2016, to promote greater protection and respect of sexual and reproductive rights of women. An estimated 6.2 million women have unsafe abortion in the African region.<sup>46</sup> The Guttmacher Institute estimates that majority of women of reproductive age in Africa live in countries with highly restrictive abortion laws.<sup>47</sup>

Moreover, on February 8, 2018, the African Commission and the African Committee of Experts on the Rights and Welfare of the Child adopted its first Joint General Comment on Child Marriage.<sup>48</sup> The Joint General Comment seeks to clarify and elaborate on the nature of rights set out in article 6(b) of the Maputo Protocol and article 21(2) of the African Charter on the Rights and Welfare of the Child (ACERWC) respectively.

The Commission also adopted the Guidelines on Combating Sexual Violence and its Consequences in Africa (*Niamey Guidelines*) during its 60th Ordinary Session held in Niamey, Niger from 8 to 22 May 2017. The goal of the *Niamey Guidelines* is to guide and support Member States of the AU in effectively implementing their commitments and obligations to combat sexual violence and its consequences. The *Niamey Guidelines* offer a set of practical, specific and concrete measures for an adequate legal and institutional framework. The Guidelines are now at the popularisation stage.

In addition, the AU in 2018 adopted its new Strategy on Gender Equality and Women's Empowerment, which seeks to maximize opportunities for women and girls, ensuring their security, dignity and resilience, making laws and institutions more effective and strengthening their leadership, voice and visibility. This Strategy also promotes full

<sup>43</sup> General Comment No. 1 on article 14(1)(d) & (e) of the Protocol the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (2014). On the drafting history and analysis of content, see M Geldenhuys, CK Kafulu-Kumwenda, S Nabaneh & K Stefiszyn. The African Women's Rights Protocol and HIV: Delineating the African Commission's General Comment on articles 14(1)(d) and (e) of the Protocol. (2014) 14(2) *African Human Rights Law Journal* 681-704.

<sup>44</sup> African Commission on Human and Peoples' Rights“ General Comment No 2 on article 14(1)(a), (b), (c) and (f) of the Protocol the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

<sup>45</sup> See C. Ngwena, E. Brookman-Amissah and P. Skuster. Human rights advances in women's reproductive health in Africa. 129 *International Journal of Gynecology and Obstetrics* 129 (2015).

<sup>46</sup> World Health Organization (WHO) ‘Unsafe abortion: Global and regional estimates of the incidence of unsafe abortion and associated mortality in 2008’ (2011) 27. Available at: <https://bit.ly/30RsG3u>

<sup>47</sup> Guttmacher Institute ‘Factsheet: Abortion in Africa ’(2018) 1. See also Guttmacher Institute ‘*Abortion Worldwide 2017: Uneven progress and unequal access* ’(2018).

<sup>48</sup> African Commission on Human and Peoples' Rights & African Committee of Experts on the Rights and Welfare of the Child. Joint General Comment on Ending Child Marriage (2017). Available at: <https://bit.ly/2RLdbpr>

implementation of women's rights instruments and proposes the development of a Programme titled "All for Maputo Protocol," which promotes the universal ratification, domestication and implementation of Maputo Protocol.

At the national level, many gains have been achieved since the adoption of the Maputo Protocol, not only evidenced by the number of countries that have signed and ratified the Protocol, but also evident through increased adoption of legislation addressing discrimination against women. For instance, adoption of legislation in the areas of violence against women, FGM and child marriage, sexual and reproductive health rights, marriage equality and increased women's participation. Between 2007 and 2018, countries such as Zimbabwe, Uganda, South Sudan, Kenya, Guinea Bissau, Mozambique, The Gambia, and Cameroon all have laws that punish the practice of FGM. Either new laws have been introduced or existing laws have been amended.<sup>49</sup> Addressing discrimination through the law presents a crucial starting point that eventually translates to substantive equality on the ground.

Although the African Commission had previously issued rulings that dealt with different manifestations of violence against women, including sexual violence in the context of conflict, the case EIPR and Interights v. Egypt represented a landmark, in 2013. This was the Commission's first decision regarding women's rights, finding that the State of Egypt had failed to protect four women journalists from violence and in doing so violated their human rights including rights to equality and non-discrimination, right to dignity and protection from cruel, inhuman and degrading treatment, and their right to express and disseminate opinions within the law.

Given the role of the courts as the watchdog of other organs of government, litigation plays an important role in the realization of women's rights. It is noteworthy that on 11 May 2018, the African Court on Human and Peoples' Rights (African Court) issued a landmark judgment in the case of *Association pour le progres et la defense des droits des femmes Maliennes (APDF) and institute for Human Rights and Development in Africa (IHRDA) v Republic of Mali*.<sup>50</sup> For the first time in its history, the African Court found a violation of the Maputo Protocol. The Court held that the Malian Family Code violates women's rights as recognised under international law and ordered the state of Mali to modify its legislation accordingly.

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<sup>49</sup> S Nabaneh. Ending Female Genital Mutilation (FGM) by 2030: Harnessing National and Regional Laws to Protect Women and Girls. *Human Rights Brief* (May 3, 2019). Available at: <http://hrbrief.org/2019/05/ending-female-genital-mutilation-fgm-by-2030-harnessing-national-and-regional-laws-to-protect-women-and-girls/>.

<sup>50</sup> Application No. 046/2016, African Court on Human and Peoples' Rights (2018)

## G. Inter-American Commission on Human Rights' Rapporteur on the Rights of Women (IA-RWHR)<sup>51</sup>

*The IACHR is a principal and autonomous organ of the Organization of American States (OAS) whose mission is to promote and protect human rights in the American hemisphere. It was created by the OAS in 1959 and it is composed of seven independent members who serve in a personal capacity. Together with the Inter-American Court of Human Rights, installed in 1979, the Commission is one of the institutions within the inter-American system for the protection of human rights (IAHRS).*

### **Mandate**

The IACHR has specific mechanisms to address the issues of violence and discrimination against women, such as:

- Processing of individual cases;
- Adoption of precautionary measures to avoid serious, urgent and irreparable damage, like for example to protect women human rights defenders, in cases of domestic violence and malnutrition and poverty;
- Requesting information from States through confidential correspondence;
- On-site visits and working visits to observe the situation of human rights or to investigate particular situations;
- Statements to highlight both advancements and challenges in the region;
- Publishing thematic or country reports such as for example on the situation of indigenous women;
- Convoking hearings to inform the IACHR about the situations of risk that affect women, girls and adolescents.

The Office of the Rapporteur on the Rights of Women of the IACHR focuses specifically on women's rights and gender equity. Since it was established in 1994, this office has played a critical role in the Commission's task of protecting the rights of women. It has published studies on particular issues, helped to develop new jurisprudence on this subject within the individual case system, and supported research on various issues that affect the rights of women in specific countries of the region, through its country visits and thematic reports. One of the principles that informs its work and is reflected in everything it does is the need to incorporate a gender

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<sup>51</sup> Prepared by Margarette May Macaulay, Rapporteur on the Rights of women of the IACHR; with the support of the Office of the High Commissioner for Human Rights.

perspective in the planning and implementation of public policies and in decision-making in all Member States.

### ***The IA-RWHR contribution to the implementation of the Beijing Platform for Action***

The IACHR has identified both emerging and deeply rooted challenges for women's rights in the Americas, relevant to the 12 Areas of Concern of the Beijing Platform. These include:

#### *Lack of inter-sectional approach in addressing the rights of women and the eradication of violence and discrimination against them*

As the IACHR has consistently stated, not all women suffer nor are at risk of encountering violence and discrimination at the same level. Some women, as Afro descendants, indigenous, human rights defenders or migrants, suffer violence differently or are more at risk to fall victims of violence based on their gender, but also based on additional factors of vulnerability. As such, the IACHR has established that States must take into consideration an inter-sectional approach in all measures regarding the rights of women.

#### *Women's rights in contexts of institutional crises, humanitarian or environmental crisis*

The IACHR has found that in such contexts, human rights are at risk of being violated, and in particular the rights of persons in situation of vulnerability such as women's rights. The IACHR has addressed these issues in the cases of Venezuela and Nicaragua specifically.

#### *Women's rights in processes of truth, memory and justice*

All Human Rights mechanisms have recognized that in such processes the rights of women have been understated and most of the times, silenced despite the grave violations that women are subjected to.

#### *Corruption and human rights, impacts on women's rights*

The IACHR has found that corruption undermines the enjoyment of human rights and, in particular, for groups in situation of vulnerability. In particular, the IACHR has addressed the issue of the impact of corruption on the rights of women and girls in Peru.

The IACHR, throughout the work of its Rapporteurship on the Rights of Women and in the framework of its mandate, has addressed the key areas identified in the Beijing Platform to achieve gender equality and protect the rights of women and girls in the Americas. As such, the IACHR has addressed the link between women's rights and

poverty<sup>52</sup>; issues dealing with women and health<sup>53</sup>; equality in education, labour and family<sup>54</sup>; the challenges for women's political empowerment and participation<sup>55</sup> and, recently, the situation of the rights of women journalists and women in the media. In particular, the IACHR has conducted extensive work in addressing the relation between discrimination and violence against women, including sexual violence, domestic violence and gender-based violence in the context of armed conflicts<sup>56</sup>.

The Rapporteurship on the Rights of Women has also contributed to promote the mechanisms that the inter-American system provides to protect the rights of women by advising in the handling of precautionary measures and individual complaints involving violations of women's rights in the development of a new jurisprudence with a gender perspective.

In addition, the IACHR has contributed to develop legal standards to address violence and discrimination against women and girls. One of the most important - and crucial – standards set by the Commission and the Court for the protection of women's rights in the Americas is the immediate obligation of States to act with due diligence to prevent, investigate, and punish swiftly and without delay all acts of violence against women, including those committed by state and non-state actors.

A series of emblematic decisions issued by the Inter-American Commission have set in place clear legal standards concerning violence against women in the hemisphere as well as regarding due diligence, including two landmark cases regarding domestic violence (cases Jessica Lenahan relating to the United States and Maria da Penha in relation to Brazil).

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<sup>52</sup> IACHR, *Report on poverty and human rights in the Americas*. OEA/Ser.L/V/II.164 Doc. 147. 2017. Available at: <http://www.oas.org/en/iachr/reports/pdfs/Poverty-HumanRights2017.pdf>

<sup>53</sup> IACHR, *Access to Maternal Health Services from a Human Rights Perspective*. OEA/Ser.L/V/II. Doc. 69. 2010. Available at: <http://www.oas.org/en/iachr/women/docs/pdf/MaternalHealth2010.pdf>

IACHR, *Access to justice for women victims of sexual violence: education and health*, OEA/Ser.L/V/II. Doc.65, 2011. Available at: <http://www.oas.org/en/iachr/women/docs/pdf/SEXUALVIOLENCEEducHealth.pdf>

IACHR, *Access to information on reproductive health from a human rights perspective*, OEA Ser.L/V/II. Doc.61, 2011. Available at: <http://www.oas.org/en/iachr/women/docs/pdf/womenaccessinformationreproductivehealth.pdf>

<sup>54</sup> IACHR, *Report On The Rights Of Women In Chile: Equality In The Family, Labor And Political Spheres*, OEA/Ser.L/V/II.134, 2009. Available at: <http://www.cidh.org/countryrep/Chilemujer2009eng/Chilewomen2009toc.eng.htm>

IACHR, *The work, education and resources of women: The road to equality in guaranteeing economic, social and cultural rights*. OEA Ser.L/V/II.143 Doc.59, 2011. Available at: <http://www.oas.org/es/cidh/mujeres/docs/pdf/MujeresDESC2011.pdf>

<sup>55</sup> IACHR, *The Road to substantive democracy: Women's political participation in the Americas*, OEA/Ser.L/V/II. Doc.79, 2011. Available at: <http://www.oas.org/en/iachr/women/docs/pdf/POLITICALpart.pdf>

<sup>56</sup> IACHR, *Violence And Discrimination Against Women In The Armed Conflict In Colombia*. OEA/Ser.L/V/II, 2006. Available at: <http://www.cidh.org/countryrep/ColombiaMujeres06eng/TOC.htm>

IACHR, *Access To Justice For Women Victims Of Violence In The Americas*, OEA/Ser.L/V//II.Doc. 68, 2007. Available at: <http://www.cidh.org/women/Access07/tocaccess.htm>

# CONCLUSION<sup>57</sup>

While the past 25 years have witnessed many positive changes in the global context of women's rights, they have also revealed the persistent and systematic discrimination and violence against women that are deeply rooted in the fabric of societies, thus becoming normalized.

It is within that context that the rise of popular movements, such as #MeToo and #NiUnaMenos, and their various manifestations across the world, has broken the silence on sexual harassment and other forms of gender-based violence, while calling for change. At the same time, there is a mounting opposition to and backsliding of women's rights everywhere, including an upsurge in retrogressive movements and a backlash against feminism, gender equality and women's empowerment. Within that context, the term "gender" is also being misinterpreted as "gender ideology" and has been used to prevent Constitutional and legislative changes in different parts of the world, as well as to stall the ratification process of some of the regional instruments like the Istanbul Convention. The rise in authoritarianism, populism and fundamentalism have all had a negative impact on efforts to eliminate discrimination and violence against women and achieve gender equality, which can be perceived as an increasing trend of denying and challenging international standards concerning women's human rights and gender-based violence.

All of the above continue to pose significant challenges to the implementation of the Beijing Platform for Action and women's human rights instruments.

UN Member States and all other actors, including independent expert women's human rights mechanisms, must ensure that the progress that has been made in placing the elimination of discrimination and violence against women firmly on the international agenda as a violation of women's human rights and a form of gender-based discrimination is not lost, but upgraded and regularly assessed at the each session of the UN Commission on the Status of Women.

In addition, it is of utmost importance that the re-affirmation in the Beijing Declaration and Platform of Action, and subsequent review processes, **recognize the indispensable role played by the seven independent expert mechanisms and their fundamental contributions to the implementation of the Beijing Platform for Action and other UN and regional instruments.**

This recognition should begin by taking measures to support and institutionalize the EDVAW Platform, which is bringing together existing independent expert mechanisms on women's human rights. The EDVAW Platform has offered a space for joint action vis à vis the challenges for achieving gender equality and the elimination of discrimination and violence against women. Institutionalization of the EDVAW Platform would also provide a recognized space with which inter-governmental bodies,

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<sup>57</sup> Prepared by the UN Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović; with the support of the Office of the High Commissioner for Human Rights.

particularly the Commission on the Status of Women and the UN system, could engage and forge alliances.

EDVAW  
BOOKLET  
II  
2021

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## I. Update on the EDVAW Platform expert membership

As of 2021, there are seven UN and regional independent expert women's human rights mechanisms mandated to address discrimination and gender based violence against women and girls, and all seven form part of the EDVAW Platform:

- UN Special Rapporteur on violence against women (SRVAW), Dubravka Šimonovic
- UN Committee on the Elimination of Discrimination against Women (CEDAW), Gladys Acosta (Chair), and 23 experts<sup>58</sup>
- UN Working Group on discrimination against women and girls (WGDAW), Elizabeth Broderick (Chair), Dorothy Estrada-Tanck, Meskerem Geset Techane, Ivana Radačić, Melissa Upreti (Vice Chair)
- Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), Tatiana Rein Venegas, (President)<sup>59</sup>
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Marceline Naudi, (President)<sup>60</sup>
- African Commission on Human and Peoples' Rights Special Rapporteur on the Rights of Women in Africa (A SRWHR), Hon. Maria Teresa Manuela
- Inter-American Commission on Human Rights Rapporteur on the Rights of Women (IA RWHR), Margarette May Macaulay, Commissioner



## II. EDVAW Platform response to the COVID-19 pandemic

**COVID-19 has presented new challenges for women, with increased discrimination and violence.**

**The EDVAW Platform produced guidance on States' continuing obligations during the pandemic of COVID-19**

Following its 8th meeting, on 14 July 2020, the expert mechanisms issued a joint statement on COVID-19 and the increase in gender-based violence and discrimination against women<sup>61</sup>. The experts reminded States of their responsibility to combat both pandemics by maintaining access to justice and services for the elimination of gender-based violence against women, in line with the relevant international standards, which remain applicable during the COVID-19 pandemic.

They noted that as countries imposed lockdowns to fight the health pandemic, the world saw dramatic increases in cases of domestic violence, including violence by intimate partners, sexual violence and Femicide. They also highlighted the fact that the global

<sup>58</sup> <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Membership.aspx>

<sup>59</sup> See names of all MESECVI experts at <https://www.oas.org/en/mesecvi/Experts.asp>

<sup>60</sup> See names of 15 GREVIO experts at <https://www.coe.int/en/web/istanbul-convention/members2>

<sup>61</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26083&LangID=E>.

response to the COVID-19 pandemic had exposed existing gaps and deep-rooted gender-based discrimination, with fewer police interventions and the closure of courts, shelters and essential services for victims emboldening perpetrators and aggravating the risks faced by women and girls.

They also said restrictions on the provision of health and reproductive health services, increased domestic and unpaid care responsibilities, and the burden of providing for the basic needs of family life were taking an additional on both the physical and mental wellbeing of women everywhere.

The experts called on all States to consider any response to the crisis as an opportunity to recognize and reinforce the efforts that have already been made in promoting and protecting the rights of women in all spheres of life, and to 'build back better'.

### **III. EDVAW Platform and the Commission on the Status of Women: call for a human rights based approach in the implementation of strategies for the elimination of discrimination and violence against women**

The present 2021 EDVAW Platform e-booklet aims to build on the first e-booklet dedicated to the commemoration of 25 years of the Beijing Platform for Action, entitled: *25 years in review of the Beijing Platform for Action: Contributions of the Platform of independent expert mechanisms on the elimination of discrimination and violence against women towards its implementation*<sup>62</sup>, and considers how the independent expert women's human rights mechanisms can better interact and contribute to the Commission on the Status of Women and the integration of a human rights based approach in its deliberations and its outputs thereof.

The e-booklet includes a joint proposal by the EDVAW Platform to the Commission on the Status of Women on how to improve synergies between the Commission and the EDVAW Platform expert mechanisms **by focusing on the need to exert more energy and resources on bridging the gap between international and national laws and policy, and ensuring the harmonization and implementation of laws and policies at the national level. Such an approach should be fully inclusive of independent expert women's human rights mechanisms and their respective recommendations.**

The e-booklet also provides examples of the work carried out by the expert mechanisms in detecting systematic obstacles in laws and in practice, as well as the examination of cases of violence and discrimination against women.

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<sup>62</sup> [https://www.ohchr.org/Documents/Issues/Women/SR/Booklet\\_BPA.pdf](https://www.ohchr.org/Documents/Issues/Women/SR/Booklet_BPA.pdf)

The examples reveal the shocking reality of an increasing ‘normalization’ of gender based violence against women, including alarming rates of femicide, and the continuing discrimination against women and girls that permeate societies worldwide.

As a means of enabling a more inclusive human rights perspective in the work of the Commission on the Status of Women more robust links are needed between the Commission, the EDVAW Platform and the individual expert women’s rights mechanisms.

Reports submitted by the UN independent expert mechanisms to the Commission on the Status of Women reveal considerable implementation gaps and shortcomings at the county level, as well as at thematic and structural level. They further provide human rights based recommendations to States, that bear the primary responsibility of combating gender based violence and discrimination against women, and to other stakeholders on how to close these gaps.

Lessons learned should also be promoted by the Commission on the Status of Women as a means of addressing implementation gaps in key international standards on women’s rights: the Convention on the Elimination of Discrimination against Women; the UN Declaration on the Elimination of Violence against Women; the Beijing Platform for Action (all drafted by the Commission on the Status of Women along with relevant regional instruments); the Belem do Para Convention; the Maputo Protocol and the Istanbul Convention, and as a means of identifying solutions.

Furthermore, regional mechanisms such as MESECVI, GREVIO and the Special Rapporteur on the Rights of Women in Africa and the Inter-American Commission on Human Rights Rapporteur on the Rights of Women, also provide relevant recommendations in line with their mandates at the regional level, that supplement those made by the UN mechanisms with more detailed guidance.

The Commission on the Status of Women, as a catalyst for debate on key global women’s rights issues, should utilize opportunities for States, National Human Rights Institutions, expert mechanisms, UN agencies, civil society and others, to review and discuss gaps related to the implementation of international standards on women’s rights, as well as good practices as well as relevant legal and practical solutions, and should allow for the recommended measures and strategies proposed by women’s human rights expert mechanisms to address such gaps. Those States that face similar gaps and challenges should share their experiences and consider existing recommendations as implementation tools. All actions taken should be supplemented by the collection of reliable and comparable administrative data to track progress and in order to push back the push backs and anti-gender campaigns and movements that are threatening progress made in advancing gender equality.

In March 2021, two of the UN independent expert mechanisms on women’s human rights and violence against women (CEDAW, and SRVAW) will present their oral reports (comprising of a 5 to 7 minute oral statement) to the 65th session of the Commission on the Status of Women, in line with the respective Human Rights Resolutions that guide each of their mandates. The WGDAW will also participate in the general deliberations during the 65<sup>th</sup> session. While they are each invited in line with their respective mandates to submit their thematic and country specific reports on the elimination of discrimination and violence against women to the Commission on the

Status of women, they are not included in the program of work and in the interactive dialogue with Members States.

## A. UN Special Rapporteur on violence against women, its causes and consequences and the Commission on the Status of Women

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The mandate of the Special Rapporteur on violence against women, its causes and consequences was established by the Commission on Human Rights in its resolution 1994/45 which invited the Special Rapporteur to “...cooperate closely with the Commission on the Status of Women in the discharge of its functions” (para. 7 (c)). In addition, the Commission requested the Secretary-General to ensure that the reports of the Special Rapporteur were brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women. Thematic and country visit reports are important tools not only for providing recommendations to individual governments, but also for highlighting issues at the regional level and identifying trends related to the mandate. All of the aforementioned reports were submitted to the Commission on the Status of Women in line with the mandate, however they were not utilized by the Commission.

*From 2015 to 2021 the Special Rapporteur on violence against women, Dubravka Simonovic, has prepared ten thematic reports on the following topics:*

- 1. Mandate's vision setting report (2016);*
- 2. The modalities for establishing a Femicide Watch (2016);*
- 3. Adequacy of the international framework on violence against women (2017);*
- 4. Shelters and protection orders (2017)*
- 5. Online violence against women (2018)*
- 6. Violence against women in politics (2018);*
- 7. Analysis of 25 years of the mandate (2019);*
- 8. Obstetric violence (2019);*
- 9. Violence against women journalists (2020);*
- 10. COVID-19 and gender based violence against women (2020)*

<https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/AnnualReports.aspx>

Since 2008, the Special Rapporteur has presented an oral statement to the Commission on the Status of Women, but has had no opportunity to engage in an **interactive dialogue with States parties**, as is the case when presenting reports to the UN Human Rights Council and to the UN General Assembly.

Moreover, in its resolution 7/24, the Human Rights Council called upon the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of Commission to assist in its work on violence against women. While the thematic and country reports of the Special Rapporteur are shared with UN-Women, they are only available temporarily on the session webpage of the Commission and are neither referred to in the Commission session report nor mentioned during its deliberations.

<sup>63</sup> Prepared by the UN Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović; with the support of the Office of the High Commissioner for Human Rights.

*The Special Rapporteur has visited 11 countries and elaborated reports based on her findings for:  
Bulgaria and Ecuador (2019);  
Canada and Nepal (2018);  
Australia and Bahamas (2017);  
Argentina, the Occupied Palestinian Territory and Israel (2016);  
Georgia and South Africa (2015)*

<https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CountryVisits.aspx>

The Beijing Declaration and Platform for Action notes that the Secretary-General of the United Nations calls on States to “provide the Special Rapporteur of the Commission on Human Rights on violence against women with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all treaty bodies” (para. 127).

Since then, the mandate of the Special Rapporteur has developed good cooperation with the CEDAW Committee, and most recently in November 2018, the Special Rapporteur and the Committee adopted a framework of cooperation<sup>64</sup> in which they recognized the common objectives and mutually reinforcing nature of both independent mandates to protect and promote the rights of women and girls from gender-based violence. They envisaged the development of a joint programme of work to promote and support the implementation of general recommendation No. 35 on gender-based violence against women, through the development of guidelines, tools and/or indicators, as well as strategies to update national action plans on violence against women.

The link between the mandate of the Special Rapporteur and the United Nations Trust Fund on violence against women was also envisaged thorough the Trust Fund’s founding resolution 50/166, in which the UN General Assembly calls on the Trust Fund to “cooperate closely with the Special Rapporteur on violence against women”. The Special Rapporteur sought collaboration as foreseen in the founding resolution of the trust fund, but to date, she regrets that no effort has been made on behalf of the trust fund to engage with her mandate, despite the specific request by the General Assembly in its resolution 50/166 that it do so.

The Trust Fund is obliged to report to the Commission on the Status of Women and to the UN Human Rights Council, however the proposed reports are neither presented nor used by either body. Efforts should be made to amend this practice and examples of good practice should be presented by the Trust Fund to the Commission on the Status of Women.

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<sup>64</sup> See [www.ohchr.org/Documents/Issues/Women/SR/SRVAW\\_CEDAW\\_Framework\\_Cooperation.pdf](http://www.ohchr.org/Documents/Issues/Women/SR/SRVAW_CEDAW_Framework_Cooperation.pdf).

### **Femicide watch initiative**

The outcome document of the Beijing+25 regional review meeting organized by the United Nations Economic Commission for Europe in October 2019 supports the Special Rapporteur's femicide watch initiative and in its recommendation 31(j).

**It calls on all countries to establish multidisciplinary national bodies such as Femicide Watch with the aim of actively working on prevention of femicide or gender-related killing of women.**

In her annual statement to celebrate the International Day for the Elimination of Violence against Women, on 25 November 2018, the Special Rapporteur, along with relevant United Nations and regional mechanisms, reiterated the call to all States to establish a femicide watch or a “gender-related killing of women watch” and called for States to produce data on femicide. The Special Rapporteur received submissions from Argentina, Australia, Austria, Azerbaijan, Canada, Colombia, Costa Rica, Croatia, Ecuador, El Salvador, France, Georgia, Guatemala, Italy, Mexico, Nicaragua, Norway, Portugal, Qatar, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland, MESECVI, Monash University and Durham University.<sup>65</sup>

In her most recent statement to celebrate the International Day for the Elimination of Violence against Women, in November 2020, the Special Rapporteur noted that the COVID-19 pandemic is overshadowing the pandemic of femicides and gender-based violence against women and girls and called for the establishment of national femicide watches or observatories around the world to prevent such killings.

The statement was supported by 40 other UN Special Procedures mandate holders, and builds on the statement of the UN Secretary General to the High-Level Meeting on the twenty-fifth anniversary of the Fourth World Conference on Women on 1 October 2020, in which he called for affirmative action to prevent violence against women, including femicide.

### ***Intersection between the Covid-19 pandemic and the pandemic of violence against women***

As one of the first responses to the COVID-19 context and restrictive lockdown measures, the Special Rapporteur issued a press statement on 27 March 2020, warning about the increased risk of domestic violence at home, and urged Governments to continue to combat domestic violence during the COVID-19 pandemic by ensuring access to protection measures such as restraining orders, safe shelters and help lines, and to enable rapid action by police in such cases.

In her report to the UN General Assembly (A/75/144) in October 2020 the Special Rapporteur analysed the intersection between the Covid-19 pandemic and the pandemic of gender based violence, which was based on over 275 submissions received from States, and other relevant stakeholders, and revealed that the intersection between the COVID-19 pandemic, and its lockdown measures, and the pandemic of violence against women, has exposed pre-existing gaps and shortcomings in the prevention of violence against women as a human rights violation that had not been sufficiently addressed by many States even before the onset of COVID-19. Measures to combat the virus have mostly been gender-blind with many States failing

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<sup>65</sup> See [www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CallForFemicide.aspx](http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CallForFemicide.aspx)

to consider measures to combat gender-based violence against women as essential services and as basic human rights that should not be restricted.

In some States, women have been fully included in the design of COVID-19 response plans, including in a leadership role. In the majority of States, however, women are largely absent from local, national and global COVID-19 response teams, policy spaces and decision-making, reflecting the low number of women Members of Parliament and leaders at the global and national levels.

### ***Criminalisation and prosecution of rape***

In her report to be presented to the 47<sup>th</sup> session of the Human Rights Council, the Special Rapporteur will address the prevention of rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls. Currently, the international legal framework and jurisprudence recognizes rape as a human rights violation and a manifestation of gender-based violence against women and girls, that could amount to torture; as well as a violation of international humanitarian law; and international criminal law under which rape is a war crime and a crime against humanity when the other elements of the crimes are present, or as a constitutive act with respect to genocide.

However, these international standards have not been fully incorporated and national laws are not entirely harmonised with them. Additionally, the implementation of those provisions is influenced by the surrounding general context of inequalities, discrimination and gender-based violence against women. All this contributes to the fact that rape is frequently not reported; if reported, it is seldom prosecuted; if prosecuted, it is rarely pursued in a gender-sensitive manner and often results in very low numbers of convictions, the secondary victimisation of survivors and high attrition rates, creating a culture of silence, the normalisation of rape and the stigmatization of victims instead of perpetrators.

To contribute to the prevention of rape, the Special Rapporteur will present in her report recommendations for the harmonization of national criminal laws with international standards and jurisprudence on rape, both in peacetime and during conflict. She will also recommended that States harmonise definitions of rape to cover all persons, to include marital rape and all acts of penetration of a sexual nature, and to explicitly include lack of consent at its centre. Consent must be given freely, as the result of the person's free will and assessed in the context of surrounding circumstances. Integration of psychological harm and the effects of trauma of rape should in the constitutive elements for criminalisation and prosecution of rape. Statutes of limitation for prosecution of rape should also be excluded in times of conflict and in the time of peace or, at the very least, child victims should be able to report rape after reaching adulthood. States should also collect data on prosecution, sentencing, and attrition rates, and establish rape prevention observatories. The report will be accompanied by a Framework and Model Rape Law, envisaged as a harmonization tool.

## **B. Committee on the Elimination of Discrimination against Women<sup>66</sup>**

The CEDAW Convention has been ratified by 189 States parties, and as of 2020 there were 114 States parties to the Optional Protocol to the Convention. Under article 18 of the Convention, States parties are required to submit periodic reports to the Committee on the measures taken to implement their obligations under the Convention. Each year the Committee normally examines 24 State party reports. In 2020, the Committee was able to examine only 8 such reports due to the COVID-19 pandemic. It adopted concluding observations on each of these reports, in each case including recommendations to adopt concrete measures to eliminate gender-based violence against women, such as awareness-raising, criminalizing and introducing adequate penalties for rape, sexual harassment and other forms of gender-based violence against women, capacity building for the judiciary and law enforcement officers on the strict application of existing criminal law provisions, and ensuring that survivors have adequate access to justice, reparation, protection orders and shelters, as well as victim assistance and rehabilitation services. In April 2020, the Committee adopted a Guidance note on CEDAW and COVID-19, in which it noted that “[d]uring confinement, women and girls are at increased risk of domestic, sexual, economic, psychological and other forms of gender-based violence by abusive partners, family members, and care persons, and in rural communities. States parties have a due diligence obligation to prevent and protect women from, and hold perpetrators accountable for, gender-based violence against women. They should ensure that women and girls who are victims or at risk of gender-based violence, including those living in institutions, have effective access to justice, particularly to protection orders, medical and psycho-social assistance, shelters and rehabilitation programmes. National response plans to COVID-19 should prioritize availability of safe shelters, hotlines and remote psychological counselling services and inclusive and accessible specialised and effective security systems, including in rural communities, and address women’s mental health issues, which stem from violence, social isolation and related depression. States parties should develop protocols for the care of women not admitted to such services due to their exposure to COVID-19, which includes safe quarantine and access to testing.”

In November 2020, the Committee adopted General Recommendation No. 38 on trafficking in women and girls in the context of global migration. In the general recommendation, the Committee calls on social media and messaging companies to set up relevant controls to mitigate the risk of exposing women and girls to trafficking and sexual exploitation and to use their data to identify traffickers and involved parties from the demand side. It urges governments to discourage the demand for trafficking and address the root causes that push women and girls into vulnerable situations, such as sex-based discrimination, including socio-economic injustices in home countries, gender-biased migration policies and asylum systems in countries of destination, as well as conflicts and humanitarian emergencies. The Committee calls for public policies to ensure women’s autonomy and equal access to education and job opportunities. It also calls for gender responsive safe migration frameworks to protect migrant women and girls. It further underscored the importance of comprehensive protection and assistance systems to help displaced women and girls in conflict situations and emergencies.

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<sup>66</sup> Prepared by Gladys Acosta, Chair of CEDAW; with the support of the Office of the High Commissioner for Human Rights.

In February 2021, the Committee examined the ninth periodic report of Denmark during its first-ever online dialogue with a State party delegation due to the pandemic. In its concluding observations, CEDAW commended Denmark for placing lack of free consent at the centre of its new definition of rape; the adoption of a specific provision on psychological violence and abuse; the establishment of a hotline for victims of sexual violence and of new shelters for women victims of gender-based violence, including domestic and sexual violence; and the strengthening of free psycho-social counselling and assistance provided to women victims, including by increasing funds for non-governmental organizations providing ambulatory counselling services. It recommended that the State party:

- (a) Define consent in the new criminal provision on rape, strengthen awareness-raising and education on the new definition of rape, and introduce the consent-based definition of rape in Greenland and the Faroe Islands;
- (b) Ensure the application of the new Section 243 in the Criminal Code on psychological violence and abuse to cases where women, in particular women belonging to certain ethnic and religious groups, are retained in a marriage against their will;
- (c) Provide sufficient numbers of shelters for women victims of gender-based violence, taking into account the need to avoid their relocation in the event of full occupancy of the designated shelter;
- (d) Take urgent measures to address the high rate of cases of sexual violence committed against women with disabilities, in particular intellectual or psychosocial disabilities;
- (e) Ensure that victims of sexual harassment in the workplace and the educational system have access to effective remedies, take steps to provide for the liability of employers for sexual harassment in the workplace if they have taken insufficient measures to prevent such harassment, encourage employers to regularly review their company culture, and accelerate the creation of a whistleblower hotline for reporting unlawful behaviour, including sexual harassment;
- (f) Evaluate the Greenlandic Strategy and Action Plan against Violence 2014-2017 and adopt a new strategy and action plan to combat gender-based violence, including sexual and domestic violence, against women and girls, including those with disabilities, linking it to the prevention of suicide, substance abuse and the action plan on parental neglect, with clear goals and mechanisms for prevention, monitoring and follow-up, and continue measures to address domestic violence;
- (g) Ensure the collection and analysis of data, disaggregated by sex, age, nationality and disability, on gender-based violence against women and girls in Greenland and the Faroe Islands;
- (h) Extend the application of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Convention to Greenland and the Faroe Islands.

Under its follow-up to concluding observations procedure, CEDAW assessed the follow-up reports of 27 States parties between February 2020 and February 2021. 16 of these reports included information on the implementation of recommendations related to gender-based violence against women, ranging from adopting or amending legislation to ensure the elimination of such violence, including femicide, domestic violence and sexual harassment, incorporating the Istanbul Convention into the

domestic legal order, adopting or strengthening national policies and action plans, allocating adequate resources to ensure effective implementation of such policies, to harmonizing and coordinating national mechanisms to combat gender-based violence. CEDAW also assessed capacity-building programmes for judges, prosecutors, other law enforcement officials and lawyers and data collection systems on gender-based violence against women, as well as the number of cases reported, investigated and prosecuted and the sanctions imposed on perpetrators. Follow-up reports from States parties also covered enhancing and expanding rehabilitation and reintegration for victims/survivors of gender-based violence against women or the number of shelters in a country. The Committee further assessed measures by States parties to eliminate gender-based violence against disadvantaged groups women, such as asylum-seeking, refugee and migrant women, women with disabilities, and rural women.

Under article 2 of the Optional Protocol to the Convention, individuals can submit cases to the Committee whereby they claim to be victims of a violation of their rights. In 2020, the Committee has examined 16 such cases. The issues of the cases examined varied: non-refoulement, sexual violence in armed conflict, gender-based discrimination, domestic violence, discrimination and forced sterilization of Roma, obstetric violence, gender-based discrimination in divorce proceedings and separation of property, denial of nationality based on sex, trafficking in human beings, gender-based discrimination of a human rights defender. The Committee concluded that the authors' rights have been violated in 5 cases: Communications 107/2016 and 110/2016 concerning North Macedonia (gender-based discrimination of Roma and lack of adequate medical care); 116/2017 concerning Bosnia and Herzegovina (sexual violence during armed conflict); 130/2018 concerning Libya (gender-based discrimination and harassment of a human rights defender); and case No 138/2018 concerning Spain (obstetric violence). All decisions are available through the petitions database at [juris.ohchr.org](http://juris.ohchr.org).

Under article 8 of the Optional Protocol, the Committee is mandated to conduct inquiries into grave or systematic violations of women's human rights in States that are party to the Optional Protocol and have not opted out from the inquiry procedure. In 2020, the Committee published its inquiry report on Mali finding that the State party: (a) failed to fulfil its obligation to protect the majority of women and girls from female genital mutilation and ensure that they have appropriate access to health care and justice, thereby exposing them to severe physical and psychological suffering, impeding investigations and obstructing victims' access to remedies; (b) has knowingly omitted to take effective measures to criminalize and prohibit female genital mutilation and ensure that the crime is punished by severe penalties. The Committee is also undertaking inquiries, which are confidential until publication of the report, into alleged grave or systematic violations by the States parties concerned (often through failure to comply with their due diligence obligation to protect women from, prevent and punish perpetrators of gender-based violence) related to (a) rampant levels of domestic violence; (b) crimes involving rape which are subjected to settlement through payment of compensation, non-prosecution of the crime of marital rape, flawed convictions and low sentences; (c) feminicides and disappearances of women in a specific region of a State party; and (c) sexual violence against minority women and girls.

In 2020, the Committee also reinvigorated its Working Group on gender-based violence against women to elaborate a Guidance Note on General Recommendation No. 35 on gender-based violence against women (2017). The Guidance Note will seek to support

States parties in the implementation of General Recommendation No. 35, particularly on the inventory of data and statistics on gender-based violence against women, the role of men in eliminating such violence, and the intersectionality between different types of gender-based violence and discrimination. The Working Group draws on a wide array of international legal standards to make its recommendations concrete and user-friendly, including the Istanbul Convention and the Maputo Protocol to the African Charter on Human and Peoples' Rights. It closely collaborates with the Special Rapporteur on violence against women, its causes and consequences to better understand States' expectations with regard to the guidance developed by the Committee.

## C. The UN Working Group on Discrimination against Women and Girls<sup>67</sup>

The United Nations Working Group on discrimination against women and girls (WGDAW) was established by the Human Rights Council in September 2010, pursuant to Resolution 15/23. The WGDAW was created because it was observed that – “although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic”. In addition, in 2005, during the 10-year review of the implementation of the Beijing Declaration and Platform for Action by the Commission on the Status of Women, concern was expressed that legislative and regulatory gaps, as well as lack of implementation and enforcement of legislation and regulations, perpetuated de jure and de facto inequality and discrimination and, in a few cases, new laws discriminating against women have been introduced<sup>68</sup>, which highlighted the importance of establishing a specific mechanism on discrimination against women

Since its founding resolution in 2010, the Human Rights Council has invited relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requested the Working Group to cooperate with the Commission on the Status of Women.

The request of the Human Rights Council to the Working Group has evolved throughout the years from making its reports available to the Commission on the Status of the Women in 2010 to continuing to engage with it, including by participating in its work and formally reporting in 2017, 2018, 2019. In 2020, the Human Rights Council, in its resolution 44/17<sup>69</sup>, requested that the Working Group continues its cooperation with the Commission on the Status of Women, including by participating in its work and formally reporting (Para 12). It further requested the Secretary-General to ensure that the reports of the Working Group<sup>70</sup> are brought to the attention of the Commission on the Status of Women and requests the Working Group to present an oral report annually to the Commission (Para 13).

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<sup>67</sup> Prepared by Elizabeth Broderick, Chair of the WGDAW; with the support of the Office of the High Commissioner for Human Rights.

<sup>68</sup>Final report of the 49<sup>th</sup> session of the Commission on the Status of Women, para.93 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/346/33/PDF/N0534633.pdf?OpenElement>

<sup>69</sup> <https://undocs.org/en/A/HRC/RES/44/17>

<sup>70</sup> <https://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/Annualreports.aspx>

The Working Group attaches great importance to cooperation with other United Nations mechanisms and inter-governmental fora on women's rights to ensure synergy and coherence. The Working Group was honoured to intervene for the first time at the Opening Segment of the High-level Meeting of the General Assembly on Beijing plus 25 in October 2020. The Working Group also participated in the Expert Group Meeting (EGM) convened by UN Women on the priority theme for the 65<sup>th</sup> session of the CSW: "Women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls." The Working Group has dedicated a specific report on the issue of women's participation in political and public life<sup>71</sup> and could greatly contribute to the discussion in this upcoming session.

Throughout the years, the WGDAW has embraced all areas affecting women's lives and give a broad and comprehensive overview of the persistent and global discrimination against women and girls, in line with several CSW sessions' thematic priorities. While the findings and recommendations of the WGDAW thematic reports have in some instances influenced policy dialogues and the elaboration of laws and policies at the national level, through its 18 country visits the WGDAW has worked with States and other stakeholders to identify and promote good practices and exchange views on challenges relating to the elimination of discriminatory laws and practices. Furthermore, the WGDAW has contributed to the reform of discriminatory laws and policies by engaging in a dialogue with the concerned States and it has become a respected advocate for enhancing respect of international human rights norms through making its expert voice heard by issuing public statements and judicial interventions.

The Group's 400 plus communications, have tackled issues and individual cases such as sexual and reproductive health and rights, women human rights defenders, domestic workers and access to land. Many of the Working Group's communications address discriminatory laws including on nationality, marital status, sexual and reproductive health and rights, and adultery. The Working Group also develops position papers to advance conceptual debates on important issues, such as gender, women's reproductive rights and women's land rights.

Since 2018, the Working Group has been participating to the General Discussions at the CSW's sessions, and hopes to be included in the official programme of the Commission, together with the SRVAW and the Chair of CEDAW, as a longed-for recognition of its role in promoting women's equality and tackling discrimination against women.

Finally, in its latest thematic report presented at the 44<sup>th</sup> session of the Human Rights Council, the Working Group analyzed the gendered dimensions of major trends changing the world of work, including technological and demographic changes, accelerated globalization, and the shift to sustainable economies. The report set out a vision for a world of work that starts with women's human rights and transforms the current economic model through the redistribution of power and resources.

The Working Group finalized this report in the weeks prior to the COVID-19 pandemic, therefore the significant implications of the pandemic for women's work could not be

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<sup>71</sup>A/HRC/23/50, <https://undocs.org/A/HRC/23/50>

overemphasized, but the Group called on States to take a gender sensitive intersectional approach to their responses to the crisis.

## D. Follow up mechanism to the Belém do Pará Convention (MESECVI)<sup>72</sup>

### (i) *Third Multilateral Round Evaluation and Follow Up*

Taking into account the persistence of sociocultural patterns and historically accepted discriminatory behaviors, the MESECVI has reiterated in its various reports, and especially in the Third Hemispheric Report on the Implementation of the Belém do Pará Convention, the importance of the promotion and implementation of laws that protect the rights of women. They also emphasize that these laws be accompanied by public policies to eradicate violence, taking into account the reality of the diversity of women in the region.

With the Third Hemispheric Report on the Implementation of the Belém do Pará Convention ; over the last two years, the Committee has expressed its concern about the generalized situation of decline in women's human rights and especially the right of women to live free from violence , the increase of a public speech that undermine the importance of women rights and their impact in a significant number of countries in the region, CEVI issued the Declaration on Gender and Women's Empowerment as a Benefit to Humanity . Also the Committee has expressed its concern of the negative impact of this speech, on the implementation of public policies and budget allocations to prevent, punish and eradicate violence against women in all levels of government, especially in the legislative and judicial branch.

In particular, the Committee also has raised awareness about the institutional weakness of the justice administration systems to address, investigate, punish and offer reparation for victims and survivors of violence against women, which is manifested in high rates of impunity; the use of gender stereotypes in addressing, investigating, and prosecuting violence against women; which continues to promote a message of tolerance to violence against women and the strengthening of gender stereotypes and unequal power relations and mechanisms and social structures of subordination.

### (ii) *Model Laws as a tool in preventing violence against women, including, Femicide and in political life*

As femicide is the most extreme and irreversible expression of discrimination and violence against women, and stands in radical opposition to all the rights and guarantees established in international and national human rights law the Committee worked on the development of a Comprehensive Model Law to prevent, punish and eradicate gender-related killing of women (Femicide/Feminicide) and in order to contribute to the strengthening of the technical capacities of the States Parties to implement the Belém do Pará Convention with an intersectional approach; the Committee carried out several alliances with the states, NGOs and different agencies in order to advance in the implementation of the Convention, this Model law, and the Inter-American Model Law on the Prevention, Punishment and Eradication of Violence Against Women and Political Life.

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<sup>72</sup> Prepared by Tatiana Rein, President of MESECVI; with the support of the Office of the High Commissioner for Human Rights.

With the ultimate goal to promote the exercise of citizenship and violence-free women's political life and to contribute to the advancement of substantive parity in the region, in 2020 the MESECVI in collaboration with UN Women and the Inter-American Commission of Women (CIM) published a study to evidence the legal advances and legislative projects under debate in the region under the impulse given after the approval of the Model Law on Violence Against Women in Political Life in 2017, and to explore the obstacles that these initiatives may have faced. As a result, the Report examines the experience of 4 countries that have adopted legislation since the Model Law approval, those being Ecuador and Uruguay in 2018, Argentina in 2019 and Mexico in 2020.

In the same way, the MESECVI is examining the initiatives that have followed the approval of the Comprehensive Model Law to prevent, punish and eradicate gender-related killing of women (Femicide/Feminicide) in 2018, finding an important reform of a femicide law in Chile, in light of the Model Law, approved in March 2020.

(iii) *CEVI Judicial Participation*

Raising awareness and strengthening actions to confront violence against women in Latin America, the Committee also has worked in the presentation of an amicus curiae before the CEDAW Committee in the case A.R.B.M Vs. Spain. No. 120/2017 (MESECVI, 2019), where CEVI ratified the importance of the interaction among the Inter American System and the International System in order to guarantee the protection of women human rights and the relevance of taking into account the Belem do Para Convention as part of the Corpus Juris of the treaties to be analyze by the CEDAW Committee.

CEVI also, presented before the Inter American Court of Human Rights another amicus curiae in the case Guzmán Albaracín and others vs. Ecuador (MESECVI, 2020). In this case the Committee worked in the interpretation of the conventional obligation in the case of Ecuador as State party of the Belem do Para convention related to the girl's rights to be educated free of violence and discrimination. In the Decision the IACHR resolved based on the Belém do Pará Convention and for the first time introduce in its decision not also the CEVI analysis but the participation of the Committee in its to follow up in order to guarantee the develop of a strategy to eradicate violence against girls at school level.

CEVI also in April 2020, at the request of the Inter-American Court of Human Rights, participated with written observations for the Advisory Opinion "Scope of the obligations of the States, under the Inter-American System, on the guarantees of freedom of association, its relationship with other rights and its application from a gender perspective," which include a historical account of the participation of women in trade unions; a brief diagnosis of this participation, including references to advances and setbacks in the union agenda for gender equality; the characteristics and scope of the labor human rights of women in terms of organizing, as well as the corresponding obligations of the States and the unions.

During this period the MESECVI is in the conclusive Follow-up Phase of the Third Round of Multilateral Evaluation (REM), 20 States Parties responded to this matrix and 7 National Shadow Reports and 2 regional shadow reports were received. With the inputs obtained, the CEVI Experts wrote and approved 20 National Reports and a Hemispheric Report that were confirmed at the VIII Conference of States Parties to the MESECVI.

(iv) *New and permanent challenges*

In the last two meetings, CEVI also agreed to drive the application of the Belém do Pará Convention in the following areas: violence against women in politics, guarantee of access to justice for women victims of violence; comprehensive education on reproductive and sexual health; prevention and combat of social and institutional tolerance of gender-based violence; elimination of all forms of discrimination and violence against disabled persons; and the promotion and guarantee of the right of women to live a life free from violence under the auspices of an education free from gender stereotypes, also explore violence against women on line Participation in the Platform.

Regarding international cooperation, the MESECVI continues to participate actively in the Platform of international and regional mechanisms on violence against women and their rights, an initiative created by the United Nations Special Rapporteur on violence against women, its causes and consequences.

Through strengthening cooperation at the global and regional levels, independent mechanisms work to achieve harmonized strategies and undertake joint actions aimed at increasing the protection and promotion of women's human rights and combating violence against women throughout the world, based on the relevant international and regional instruments in this field.

Also CEVI has collaborated with the European Union projects EUROSOCIAL + and Spotlight, through initiatives dedicated to fulfilling their mandates and the current Strategic Plan, that include other important topics such as: Women with disabilities and violence; the establishment of standards on shelters for women victims and survivors of violence; prevention, punishment and eradication of femicide-feminicide; elimination of digital violence; eradication of discriminatory regulations in civil and family legislation and criminal procedure, among others.

#### (v) COVID-19

Finally, in the framework of the global COVID-19 pandemic, the MESECVI has been focused on addressing the needs of women, for which, together with the Inter-American Commission of Women, it held 4 meetings with the Authorities of the MESECVI and Delegates of the CIM , the CEVI Experts and civil society, resulting in the publication of the document "Violence against women in the face of measures aimed at reducing the spread of COVID-19", which raises the new patterns of violence against women generated by the emergency and contains a set of recommendations to respond to the effects produced by the COVID-19 pandemic.

These are measures that seek to strengthen the capacities of the States, based on effective and innovative experiences developed in order to guarantee effective access to justice for women, girls and adolescents, in this health emergency. This document has in turn been disseminated in another 4 meetings in the form of a wide-ranging webinar and both the Experts and the Secretariat have been collaborating with their technical knowledge with the States Parties and other international organizations to help mitigate the effects of the pandemic in women's lives.

## **E. Group of Experts on Action against Violence against Women and Domestic Violence<sup>73</sup>**

### *(i) Positive trends and challenges emerging from GREVIO's country monitoring*

Since its inception, GREVIO has carried out evaluations in relation to 17 state parties. Its evaluation reports assess states parties' implementation of the convention, looking at the normative framework, as well as at states' policies and practices. The growing corpus of these evaluation reports indicates that the convention has already had a tangible and positive impact. It has, for one thing, propelled gender-based violence to the forefront of public debate in states parties and increased victims' and society's awareness of the urgent need to combat it. It has also introduced higher legislative and policy standards at the national level in a number of countries.

One of the steps taken to improve the implementation of the Istanbul Convention is the criminalisation of more forms of violence against women and the introduction of new criminal offences. For example, the crime of stalking has been introduced in several state parties as has a new offence of female genital mutilation and forced marriage. GREVIO has also welcomed in a growing number of states parties the amendment of provisions on sexual violence so that they are no longer founded on an approach based on coercion but reflect instead an approach based on consent. These legal changes depart from previous narrower definitions of sexual offences that required proving the offender's use of force or threats. Under Article 36 of the convention, the central element of the definition of sexual violence is the lack of consent given voluntarily by the victim; Article 36 therefore does not require proof of the use of force or threat by the perpetrator, nor proof of the victim's physical or verbal resistance. This position is in line with the European Court of Human Rights' judgment in the landmark case M.C. v Bulgaria. Furthermore, Article 36 paragraph 2 of the Istanbul Convention requires that the prosecution of sexual offences is based on a context-sensitive assessment of the evidence in order to establish on a case-by-case basis whether or not the victim has freely consented to the sexual act. This enables the recognition and the acknowledgement of the wide range of behavioural responses to sexual violence and rape that victims exhibit.

Article 7 of the Istanbul Convention calls for comprehensive and co-ordinated policies, encompassing a multitude of measures to be taken by different actors, which, taken as a whole, offer a holistic response to violence against women. In implementation of this provision, many states parties are successfully developing national action plans (NAPs) and public policies that address more forms of violence against women and thus seek to offer a holistic approach. Moreover, many state parties are increasing the level of support services for women victims of violence. Notwithstanding the continuing shortage of in particular specialist support services for victims of violence against women, further to the ratification of the convention by states parties an increase in support structures for victims of violence against women and domestic violence, or the improvement of existing ones, has been noted, in particular those run by women's rights NGOs. Some state parties have significantly increased the funds allocated to support services/shelters assisting victims of violence against women and domestic violence or have amended legislation to ensure new methods of financing for shelters to ensure more funding stability by moving from per capita funding to a lump sum annual funding system.

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<sup>73</sup> Prepared by the Marceline Naudi, President GREVIO; with the support of the Office of the High Commissioner for Human Rights.

As concerns support services for rape and sexual violence, Article 25 of the Istanbul Convention requires that states parties adopt a holistic and sensitive response by setting up and ensuring specialist support services, including rape crisis centres that offer long-term help, counselling and therapy, and sexual violence referral centres, which provide immediate medical care, forensic practice and crisis intervention. In line with this provision, support services for victims of sexual violence have been established or increased in a number of countries. Offering a highly professional service, they provide crucial support to victims of sexual violence regardless of their willingness to report the act of violence to law-enforcement agencies. In addition, the entry into force of the Istanbul Convention has contributed to a rise in national helplines for women victims of violence which seek to offer 24-hour support free of charge.

The inclusion of gender-based persecution as a ground for the recognition of refugee status in asylum law in a number of states parties also represents a tangible outcome of the application of the Istanbul Convention. Official recognition of women's specific experiences as refugees is gaining ground in asylum law in states parties, and many have broadened the grounds on the basis of which refugee status can be granted to encompass persecution based on gender and sexual orientation. This will greatly facilitate the implementation of Article 60 of the Istanbul Convention and allow for more systematic training of asylum case managers and the collection of data on the number of cases granted on the basis of gender.

## **F. African Commission on Human and Peoples' Rights Special Rapporteur on the Rights of Women in Africa (A-SRWHR)**

The Special Rapporteur on the Rights of Women in Africa (SRRWA) was established by the African Commission at the 23rd Ordinary Session, which was held in Banjul, The Gambia, in April 1998, in recognition of the need to place particular emphasis on the problems and rights specific to women in Africa. In its 25th Ordinary Session, the African Commission adopted resolution ACHPR/res.38 (XXV) 99, appointing the first Special Rapporteur in May 1999 retroactively as from October 1998.

The mandate as the focal point for the protection and promotion of women's rights on the African continent has been working to give effect to the various strategies and agenda set by the African Union to achieve this goal. The mandate's normative framework revolves around the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and its accompanying soft laws, as well as other policies set by the African Union from time to time. In addition, the mandate aims to give effect to the global agenda set for the elimination of discrimination and violence against women. As such, its work feeds into processes that include the Beijing Platform for Action, as well as the Sustainable Development Goals.

### *i. Africa's Decade of Women 2010-2020*

2020 marked the end of the Africa Decade of Women. The theme was 'Grassroots approach to gender equality and women's empowerment'. Different priorities had been set by the AU all aimed at improving women's lives economically, their personal integrity and empowering them for sustainable development. For the A SRRWA, the decade was also an opportunity to push for the achievement of the full ratification, domestication and implementation of the Maputo Protocol. To date, 42 out of the 55 African states have ratified the Maputo Protocol, with 14 of these ratifications having

taken place during the decade of African women. Some countries have also made considerable strides in the domestication of the Maputo Protocol. For instance, adoption of legislation in the areas of violence against women, FGM and child marriage, sexual and reproductive health rights, marriage equality and increased women's participation. Countries such as Guinea Bissau, Uganda, Kenya and South Sudan have all either introduced laws that criminalise FGM or amended existing laws. A conducive legislative framework creates the right platform to work towards the effective promotion and protection of women's rights.

*ii. African Union Saleema Initiative on Eliminative Female Genital Mutilation*

Female Genital Mutilation (FGM) is a harmful practice that is pervasive on the African continent. At least 50million girls are at risk of being subjected to FGM before they reach the age of 15 by 2030 if nothing is done to eliminate the practice. The continental initiative to end FGM was launched on the sidelines of the 32nd Session of the AU Heads of State and Government Summit in February 2019. The initiative not only seeks to fulfil the Beijing Platform for Action, but is also in line with Aspiration 6 of the AU's Agenda 2063 which aims to eliminate violence against women which includes FGM. The initiative focuses on ensuring strong legislative provisions, deliberate allocation of financial resources and foster political will and strategic partners to end FGM. The SRRWA has therefore been popularizing the initiative, underlining its strength in creating a positive narrative for girls and challenging socio-cultural norms and contexts that have reinforced FGM in communities.

*iii. General Comment No. 6 on the right to property during annulment, separation or divorce*

Article 7(d) of the Maputo Protocol provides for the equitable distribution of property between spouses upon the dissolution of a marriage. The SRRWA spearheaded a process of the development of General Comment 6 on this provision which was adopted at the 27th Extraordinary Session of the African Commission in March 2020. The provision and the subsequent general comment have their basis on the fact that women are not at par with men in their access to socio-economic rights by virtue of their limited access to property. Women are affected by unequal power balances occasioned by social-cultural contexts as well as discriminatory legislation which hinders their access to property. The General Comment serves to elaborate the right in article 7(d) and provides a clarification for member states on how they can give effect to it. These include adequate legislative frameworks, budget allocations, access to remedies as well as capacity building and training of stakeholders among others. The effective implementation of the right to property at dissolution of a marriage contributes to improve economic independence of women and work towards elimination of discrimination.

*COVID-19 Pandemic*

Like other regions, Africa has been wading through the challenges that have been brought on by the COVID-19 pandemic. It has been accepted that women bear the brunt in situations like this, owing to a number of factors that include societal-assigned roles that women take on. The SRRWAA issued a statement on 6 May 2020, expressing concern over the effect of the pandemic on women on the continent. A notable increase

in cases of violence against women was noted in most of the African countries, often owing to the lockdown measure put in place by many countries to control the spread of the virus. This left women vulnerable and in inescapable close confines with their abusers thereby escalating their abuse. She took the opportunity to remind member states of their obligations and commitments they made to protecting the rights of women and strive towards creating an environment that keeps cognizance of this even during a pandemic.

In addition, in 2020, the African Union Commission (AU Commission) initiated a process of developing a Scorecard and Index framework for monitoring the implementation of the Maputo Protocol in the context of the Covid-19 pandemic. It is an innovative tool that seeks to uphold the provisions of the Maputo Protocol as a means of mitigating against the disproportionate effects of the pandemic against women. It is meant to enhance accountability and assess how the instrument is being implemented. It also includes an online reporting platform for member states to assess their progress. The SRRWA is jointly commissioned to implement this scorecard together with the Women, Gender and Development Directorate of the AU Commission as well as other sub-regional bodies (the regional economic networks).

In her operating framework, the SRRWA fosters cooperation and collaboration with stakeholders at different levels. She has numerous engagements with National Human Rights Institutions (NHRIs) who are tasked with the promotion and protection of human rights at national level. She also cooperates with civil society organisations who provide support to her work particularly by providing contextual information and experiences in the various member states. The cooperation with other independent regional mechanisms is particularly important as it affords an opportunity to generate joint strategies to tackle discrimination and violence against women on a global level. Additionally, the cross-pollination of ideas and lessons learnt from other regions assists in creating more effective interventions in one's own region. The added advantage of mechanisms speaking with one voice from regional to global is the reinforcement of the obligations that states have to eliminate discrimination and violence against women.

## **G. Inter-American Commission on Human Rights Rapporteur on the Rights of Women (IA-RWHR)**

## V. Conclusion and recommendations

The EDVAW Platform expert mechanisms are mandated to monitor implementation of international instruments and policy documents, including the Beijing Platform for Action and to recommend to States measures to ensure the elimination of discrimination and violence against women. While some of the EDVAW Platform expert mechanisms are already included in the deliberations of the Commission on the Status of Women, others attend on a voluntary basis and present their work during Commission side events (MESECVI, GREVIO). Due to financial constraints some of the mechanisms are unable to participate (SR WHR Africa, SR IAHRC).

The Commission on the Status of Women and States should have an opportunity to review and discuss implementation gaps in relation to the elimination of discrimination and violence against women, and to consider related recommendations and implementation strategies proposed by the expert mechanisms. They should also have the opportunity to observe good practices and to consider legal and practical solutions. In particular those States facing similar implementation gaps and challenges **should consider the recommendations provided by the expert mechanisms** as tools that should be supplemented by using reliable and comparable data to track progress and to push back the push backs and anti-gender campaigns and movements that are threatening progress made in advancing gender equality.

- **The Commission on the Status of Women should include violence against women as a separate standing agenda item**, to be discussed each year in order to support States and other stakeholders in implementing commitments and recommendations on the elimination of violence against women and girls;
- The EDVAW expert mechanisms on discrimination and violence against women and the Commission on the Status of Women should **expand cooperation** in order to **focus more on implementation** of the Beijing Platform for Action and other international human rights instruments on the elimination of discrimination and gender based violence against women and girls.
- The **UN Working Group on Discrimination against Women and Girls should be formally invited to intervene at the official opening** of the Commission on the Status of Women together with the Chairperson of CEDAW and the Special Rapporteur on violence against women, its causes and consequences.
- The Commission on the Status of Women should, in addition to receiving oral statements, **hold an interactive dialogue with the UN expert mechanisms (CEDAW, SRVAW, WGDAW)**, allowing them the opportunity to present their respective reports and recommendations to States.
- The Commission on the Status of Women should invite all women's human rights **expert mechanisms to participate at the official panels of the Commission**.
- Regional mechanisms such as MESECVI and GREVIO, as well as the African Commission on Human and Peoples' Rights Special Rapporteur on the Rights of Women in Africa and the Inter-American Commission on Human Rights Rapporteur on the Rights of Women **should be invited to participate in panels** at the Commission on the Status of Women, and to other activities and side events on relevant topics.

- The Trust Fund on violence against women should present its reports to the Commission on the Status of Women and the Human rights Council and establish cooperation with the Special Rapporteur on violence against women as entrusted by its founding resolution.