

International Day on the Elimination of Violence against Women
25 November 2017

Joint call by UN Special Rapporteur on Violence against Women and global and regional mechanisms on women's rights to eradicate gender based violence against women with focus on Sexual harassment and rape and to update their national action plans in line with the CEDAW new GR No. 35 on gender based violence against women

GENEVA (22 November 2017) – Ahead of the **International Day on the Elimination of Violence against women**, the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences, the Committee on the Elimination of Discrimination against Women (CEDAW), the United Nations Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples' Rights, the Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights, the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) and the Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe (GREVIO),* as key global and regional women's rights expert mechanisms, jointly call for the intensification of efforts for the implementation of international and regional instruments on gender-based violence against women through updated and strengthened national actions plans, in line with the new CEDAW general recommendation No. 35 on gender based violence against women.

Gender-based violence including all forms of sexual violence against women are strictly prohibited by international human rights law, including the Declaration on the Elimination of Violence against Women (DEVAW), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and regional treaties, such as: the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); and the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Gender-based violence against women and girls including all forms of sexual violence, sexual harassment and rape is a global pandemic and a major human rights violation. It is estimated that one in three women have experienced sexual violence in their lifetime and two out of three women have experienced physical and/or sexual violence from an intimate partner.

Despite the improvements in raising collective awareness about the prohibition of all forms of gender-based violence including sexual violence, sexual harassment and rape, women around the world continue to be sexually assaulted, raped, threatened, or inappropriately touched, in at least one or more instances in their life and most of these cases rarely come to public attention, nor are they brought to justice. Many victims experience re-victimization due to a widespread victim-blaming culture across the media and society alike which tends to stigmatize victims thus deterring them from reporting.

In this regard, the undersigned mechanisms welcome the adoption, in July 2017, by the CEDAW Committee, of general recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 of 1992.

General recommendation No. 35 on gender-based violence declares the prohibition of gender-based violence against women as a recognized norm of customary international law and provides a comprehensive global roadmap that should be implemented at the national level.

As a result, States have the duty to harmonize and implement their national legislation in line with concrete guidance provided by general recommendation No. 35, and other pertinent international and regional instruments.

In this regard, the undersigned mechanisms also welcome the adoption, in May 2017, by the African Commission on Human and Peoples' Rights, of the new Guidelines for Combating Sexual Violence and its Consequences in Africa. The Guidelines are practical regional tools to combat gender-based violence including sexual violence and complement, in an effective and timely manner, CEDAW general recommendation No. 35.

The experts therefore call upon States to adopt and implement these standards at the national level through the adoption of the new generation of national action plans on the elimination of gender based violence including all forms of sexual violence based on general recommendations No. 35 and relevant regional instruments.

All States, stakeholders and media should work together to combat the culture of sexual harassment and rape.

Monitoring work at the global and regional levels shows that there is widespread impunity on sexual violence and rape. Too often, national legislations are not in line with international standards on the prohibition of rape and understanding of sexual violence as a violation of the right to physical and psychological integrity. Rape cases have the highest rates of attrition and the acquittal rate is very high. At the same time, prevention and protection systems are largely inadequate or non-existent. The result is the concealment and underreporting of rape and other forms of gender-based violence against women, as well as stigmatization and victims' re-victimization.

The experts urge States, civil society and other stakeholders, to urgently and significantly intensify and scale up their actions to prevent and eradicate rape and sexual harassment and violence against women and girls all over the world. All actors must guarantee that all woman and girls are protected from rape and all forms of sexual violence by:

- Ensuring that the absence of consent is the central component of the definition of the incriminated acts of sexual abuse (rape, marital rape, acquaintance/date rape, all forms of sexual harassment) and take into account the power relationship between perpetrator and victim;
- Ensuring data collection of all forms of gender-based violence by the national statistical office, the institution charged with monitoring gender related killings or by the observatory on gender-based violence against women; **
- Recognizing that in countries ravaged by war and conflict, sexual violence is used as a weapon of war and take appropriate measures to protect women from violence;
- Amending legislations and eradicating customs and practices that tolerate rape, sexual violence and discrimination against women;
- Providing effective protection against rape and sexual assault and guaranteeing the provision of a gender-sensitive justice system for rape survivors;

- Providing adequate shelters and crisis centres, protection orders and services for rape survivors and victims of all forms of sexual violence, including free medical certificates and access to sexual and reproductive care services, retroactive contraception and other treatments and abortion;
- Integrating gender-sensitive trainings of judicial and law enforcement officers and other public officials to increase the reporting of rape and all forms of gender-based violence and address the subsequent stigmatization and re-victimization of survivors;
- Ensuring that all cases of violence against women are effectively investigated and that perpetrators are prosecuted without impunity.

(*) The UN and regional women's human rights mechanisms are as follows: **Ms. Dubravka Simonovic**, [Special Rapporteur on violence against women, its causes and consequences](#); the [UN Committee on the Elimination of Discrimination against Women](#); the [UN Working Group on the issue of discrimination against women in law and in practice](#); the [Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe](#); **Ms. Lucy Asuagbor**, [Special Rapporteur on Rights of Women in Africa of the African Commission on Human and Peoples' Rights](#); **Ms. Margarete May Macaulay**, [Commissioner and Rapporteur on the Rights of Women of the Inter-American Commission](#); and the [Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention](#).

(*) Report of the Special rapporteur to the General Assembly of the United Nations on the modalities of establishing [femicide watch](#) (A/71/398)

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