

**Statement by Rashida Manjoo**

**United Nations Special Rapporteur on violence against women, its causes and  
consequences**



**Intergovernmental Expert Group meeting on gender-related killing of women and girls**

**Co-hosted by the United Nations Office on Drugs and Crime and the Government of  
Thailand**

**Prevention, investigation and prosecution of gender-related killings of women and girls**

**Bangkok, 11-13 November 2014**

## Distinguished Delegates and Colleagues

I would like to thank the Government of Thailand and the United Nations Office on Drugs and Crime for convening this intergovernmental expert group meeting to discuss “ways and means to more effectively prevent, investigate, prosecute and punish gender-related killings of women.” It gives me great pleasure to join you today to discuss an issue to which I attach great importance.

In the exercise of my mandate, I have observed that gender-motivated killings of women have taken on disturbing proportions in the last few years. I have looked at this phenomenon from the perspective of the continuum of violence, the multiple forms of discrimination and oppression which women around the world face, and also the culture of impunity that continues to exist. In response, I convened an expert group meeting in New York in October 2011 on gender-related killings of women, which informed my 2012 report to the Human Rights Council on this topic.

### **Manifestations and causes of gender-related killings of women**

As mentioned above, the prevalence of different manifestations of gender-related killings is increasing globally and impunity for such crimes is the norm. Terms such as femicide, feminicide, honour killings and crimes of passion have been used to define such killings. In my report, I distinguished between active or direct killings, with defined perpetrators; and passive or indirect killings. The manifestations in the direct category include dowry-related killings of women, suicides and self-immolation, killings of women as a result of intimate partner violence, killings of women due to accusations of sorcery and witchcraft, honour-related killings of women, and extreme forms of violent killings of women. Other relevant manifestations include killings in the context of armed conflict; killings of indigenous women; killings as a result of sexual orientation and gender identity; and other forms of gender-related killings of women and girls, such as female infanticide.

Indirect killings include: deaths due to poorly conducted or clandestine abortions; maternal mortality; deaths from harmful practices; deaths linked to human trafficking, drug dealing, organized crime and gang-related activities; the death of girls from simple neglect, through starvation or ill-treatment; and deliberate acts or omissions by the State.

It should be noted that while manifestations, prevalence and causes differ between regions there are many similarities that exist. The discrimination and violence that is reflected in gender-related killings of women can be understood as multiple concentric circles, each intersecting with the other. These circles include structural, institutional, interpersonal and individual factors. The structural factors include macro-level social, economic and political systems; institutional factors include formal and informal social networks and institutions; interpersonal factors include personal relationships between partners, among family members and within the community; and individual factors include personality and individual

capacities to respond to violence. Thus an understanding of gender-related killings requires taking into account the political, social and economic contexts within which it takes place, including the responses of men to women's empowerment; the political, legal and societal reaction to such killings; the principle of the continuum of violence; and patterns of structural discrimination and inequality that continue to form part of the reality of women's lives.

Thus it is important to disaggregate data by factors such as race, ethnicity, education, sexual orientation and economic status, among others, to establish systemic patterns that exacerbate existing vulnerabilities. Most importantly, we need to acknowledge that such killings are not isolated incidents that arise suddenly and unexpectedly, but that they are rather the extreme manifestation of pre-existing forms of violence experienced by women everywhere, and that it is the ultimate act of violence experienced by women and girls.

### **International developments as regards gender-related killings**

Violence against women has been affirmed in many human rights instruments and by various human rights bodies as a violation of women's rights and fundamental freedoms. The killing of women constitutes a violation of, among others, the rights to life, to equality, dignity and non-discrimination, and not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment. The obligation of States to ensure these rights arises pursuant to the duty of States to prevent and protect individuals from human rights violations within their jurisdictions, to punish perpetrators and to compensate individuals for such violations. The failure of States to guarantee the right of women to a life free from violence, allows for a continuum of violence that can end in the deaths of women.

The UN Human Rights machinery including the UPR, treaty bodies and special procedure mandate holders have condemned specific forms of violence, including femicide, honour-related killings, systematic killings, disappearances and witchcraft-related killings of women. They have also raised concerns in relation to the significant obstacles for women in accessing justice, the climate of impunity surrounding such cases, and also the systematic failure of States to investigate or provide redress.

A significant component of the international human rights framework is the duty placed on States to prevent, investigate, punish and provide redress for all acts of violence. The Declaration on the Elimination of Violence against Women spells out the obligation of States to exercise due diligence when gender-based violence occurs, whether perpetrated by the State or by private persons. In numerous resolutions relating to the intensification of efforts to eliminate all forms of violence against women, the Human Rights Council and the General Assembly have also urged States to act with due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and to provide protection to the victims. Current research indicates that the majority of gender-related killings of women are perpetrated by intimate partners or by close family members. Thus there is an urgent need

to reinforce the obligations of States under international human rights law to prevent and respond more effectively to violations occurring in the private sphere.

The rights of women and girls to be informed about and provided with access to the mechanisms of justice and effective remedies are also contained within international human rights law. I have noted in my report on “*Reparations for women subjected to gender-based violence*” that the obligation to provide adequate reparations involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services for survivors of violence.

The General Assembly has repeatedly urged Member States to take action towards this end by means of a more systematic, comprehensive, multisectoral and sustained approach, adequately supported and facilitated by strong institutional mechanisms and financing, through national action plans; and to ensure that all human rights and fundamental freedoms are respected and protected. Relevant resolutions also provide that States must condemn violence against women and not invoke custom, tradition or religion to avoid their obligations to eliminate such violence; States must develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to victims; must provide access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies; and to ensure that the secondary victimization of women does not occur because of laws insensitive to gender considerations, or due to enforcement practices or inappropriate interventions.

In other resolutions, the General Assembly has also urged States to review or abolish all laws and regulations that discriminate against women or have a discriminatory impact on women. Also States must ensure that provisions of multiple legal systems comply with international human rights obligations, and to use best practices to end impunity and a culture of tolerance towards violence against women, including by evaluating and assessing the impact of legislation, rules and procedures regarding violence against women and reinforcing criminal laws and procedures relating to all forms of violence against women, as well as by incorporating into law measures aimed at preventing violence against women.

### **Continuing challenges**

States have sought to comply with their due diligence obligation to prevent violence against women through the adoption of specific legislation, the development of awareness-raising campaigns, and the provision of training for professional groups, including the police, prosecutors and members of the judiciary. In spite of these initiatives, there are persisting challenges including a lack of overall societal transformation; inadequate provision of access to justice; the absence and/or insufficiency of the rights-based discourse when addressing the killings of women; and the blindness to structural inequalities and the complex intersecting relations of power in the public and private spheres, which remain the root causes of sex and gender discrimination.

Weaknesses in information systems and the poor quality of data are major barriers in investigating gender-related killings, developing meaningful prevention strategies and advocating for improved policies. The different frameworks, definitions and classifications used in the conceptualization of the phenomenon often complicate the collection of data from different sources and can lead to documentation that may not be comparable across communities or regions. Information collected by official or State sources is frequently not harmonized or coordinated. Furthermore, the lack of adequate assessment of risk, the lack of enforcement by police and the judiciary of civil remedies and criminal sanctions, and the absence or inadequate provision of services, such as shelters, also exacerbate the risk of women of being murdered, as often women have no choice but to continue living with their abusers.

Other obstacles to investigating and prosecuting killings of women include the failure of police intervention, a lack of implementation of security measures for women, repeated attacks on law-enforcement officials and women's rights advocates, and inaccessible detention locations in areas under the control of insurgents and other illegally armed groups. Institutional weakness results in impunity in cases of gender-related killings of women, as a lack of respect for the rule of law, corruption, and poor administration of justice, are the norm.

## **Conclusion**

Both international and regional human rights systems have interpreted the due diligence obligations of States in cases involving gender-related killings of women. These include ensuring effective investigations, prosecution and sanctions; guaranteeing de jure and de facto access to adequate and effective judicial remedies; treating women victims and their relatives with respect and dignity throughout the legal process; ensuring comprehensive reparations to victims and their relatives; identifying certain groups of women as being at particular risk for acts of violence, due to multiple forms of discrimination, when adopting measures to prevent all forms of violence; and modifying the social and cultural patterns of conduct of men and women as well as eliminating prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either of the sexes, and on stereotyped roles for men and women.

Despite progressive jurisprudence from the regional human rights systems, often there is no mechanism to coordinate the implementation of the judgements at the national level, with some authorities stating that the absence of a special implementing law precludes fulfilment. It is argued that in order to facilitate compliance with such rulings, the creation of an international standard for the investigation of gender related killings, which ensures compliance with the guarantee of non-repetition, is necessary.

A holistic approach in preventing gender-related killings must be emphasized in all the measures taken by States to investigate and sanction violence, especially in crafting,

implementing and evaluating legislation, policies and national plans of action. Moreover, there is a need to research and compile best practices, existing at both the theoretical and practical levels to help inform us on current developments at the country level.

I thank you for inviting me to be part of this discussion and I look forward to the dialogue.