

Preventing and Eliminating All Forms of Violence Against Women and Girls: The Role of National Human Rights Institutions

A contribution to the review and priority themes of CSW63



GANHRI

GANHRI is the Global Alliance of National Human Rights Institutions, established in 1993, as the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), with the aim of coordinating and supporting the activities of National Human Rights Institutions (NHRIs) worldwide.

GANHRI promotes and strengthens NHRIs to be in accordance with the UN recognized Paris Principles (A/RES/48/134), and provides leadership in the promotion and protection of human rights.

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vention on the Rights of the Child and has established Monitoring Bodies for these purposes.

The Director of the Institute, Professor Dr Beate Rudolf, served as GANHRI Chairperson from March 2016 to March 2019. For this reason, the Institute oversaw the development and production of the current report, which was made possible with a contribution of the Federal Ministry of Economic Cooperation and Development (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, BMZ).

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Foreword

For the second time, the Global Alliance of National Human Rights Institutions (GANHRI) presents a report showcasing the contributions that National Human Rights Institutions are making to the work of the Commission on the Status of Women (CSW). In 2018, the report dealt with the empowerment of women and girls in rural areas.¹ The present report looks at combating gender-based violence against women, and thus contributes to both the priority theme and the review theme of CSW63.

By explaining how National Human Rights Institutions (NHRIs) contribute to ensuring all women's access to public services in the context of violence against women, the report deals with an important dimension of the priority theme of CSW63 "Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls." By expounding how NHRIs use their mandate to prevent and combat gender-based violence against women and girls, the present report focusses on the core issue of the review theme of CSW63 "Women's empowerment and the link to sustainable development." As the UN General Assembly, the Beijing World Conference on Women, and the Commission on the Status of Women have emphasized, gender-based violence against women is a form of discrimination that seriously violates and impairs or nullifies the enjoyment by women and girls of all human rights. It thus is a central obstacle to women's empowerment and participation in political, economic, and cultural life. In other words, where women experience gender-based violence, their full empow-

erment cannot be achieved. Therefore, violence against women is one of the main obstacles to realizing Goal 5. But beyond Goal 5, the realization of the Sustainable Development Goals as such is in danger where gender-based violence against women and girls prevails and women thus are prevented from using their full potential. This is obvious for many goals, such as Goal 1 (ending poverty), Goal 2 (ending hunger), Goal 3 (healthy lives for all), Goal 4 (quality education for all), Goal 6 (water and sanitation for all). It particularly applies to Goal 16 (peaceful and inclusive societies), which cannot be achieved if women are excluded.

NHRIs, as independent state bodies, are mandated to promote and protect the human rights of all in their States. Given the interrelatedness of the 2030 Agenda and human rights, NHRIs committed to supporting the implementation of the Sustainable Development Goals (SDGs) shortly after their adoption.² They do so, inter alia, by contributing to combating gender-based violence against women, and already in 2012 pledged to prioritize women's human rights in their work.³

We hope that UN member states, civil society organizations and all UN bodies participating in the CSW will benefit from the present report, which cannot be formally submitted to the CSW by GANHRI, given the lack of NHRIs' independent participation rights in this body. In November 2017, the UN General Assembly welcomed the contribution of NHRIs to the work of the CSW and encouraged the Commission on the Status of Women to

- 1 Global Alliance of National Human Rights Institutions (GANHR) and Asia-Pacific Forum of National Human Rights Institutions (APF), "The Role of National Human Rights Institutions in promoting gender equality and the empowerment of women and girls living in rural areas" (2018), online: <https://nhri.ohchr.org/EN/Themes/WomenRights/Commission%20on%20the%20Status%20of%20Women/GANHRI-APF%20report%20on%20the%20Role%20of%20NHRIs%20in%20promoting%20gender%20equality%20and%20the%20empowerment%20of%20women%20and%20girls%20in%20rural%20areas.pdf>.
- 2 GANHRI (formerly: International Coordinating Committee of National Institutions for the promotion and protection of human Rights, ICC), "Mérida Declaration – The Role of National Human Rights Institutions in implementing the 2030 Agenda for Sustainable Development" (10 October 2015), online: <https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>.
- 3 GANHRI (formerly: International Coordinating Committee of National Institutions for the promotion and protection of human Rights, ICC), "Amman Declaration and Programme of Action" (7 November 2012), online: <https://nhri.ohchr.org/EN/ICC/InternationalConference/11IC/Background%20Information/Amman%20PoA%20FINAL%20-%20EN.pdf>.

further enhance the participation of Paris Principles compliant NHRIs in its sessions and to allow for their contribution to them.⁴ NHRIs around the world, gathered in the Global Alliance of National Human Rights Institutions and its four regional networks – APF for Asia, ENNHRI for Europe, NANHRI for Africa,⁵ and the Network of the Americas – stand ready to intensify their cooperation with the Commission on the Status of Women for the benefit of women everywhere.

Professor Dr Beate Rudolf

Chairperson Global Alliance of National Human Rights Institutions

⁴ *National institutions for the promotion and protection of human rights*, UN General Assembly, 72nd Sess, UN Doc A/RES/72/181 (2017), at para 16.

⁵ APF is the Asia-Pacific Forum of National Human Rights Institutions, ENNHRI is the European Network of NHRIs, and NANHRI is the Network of African NHRIs.

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1 | Introduction

The Global Alliance of National Human Rights Institutions (GANHRI) presents this report on the role of National Human Rights Institutions (NHRIs) in promoting gender equality by combatting gender-based violence against women in the context of the 63th session of the Commission on the Status of Women (CSW63).

The report is intended to contribute to the review theme of CSW63 “Women’s empowerment and the link to sustainable development”. It also relates to important aspects of the priority theme of CSW63, “Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls”, as it covers access to public services in the context of violence against women.

In their Agreed Conclusions of CSW60, the UN member states emphasized that “all forms of violence against women and girls (...) are impediments to the full achievement of gender equality and the empowerment of women and girls, the realization of all human rights and fundamental freedoms for all women and girls and the development of their full potential as equal partners with men and boys, as well as the achievement of the Sustainable Development Goals”.¹ Indeed, violence against women is one of the most important factors hindering women’s empowerment. As the UN General Assembly underlined in its Declaration on the Elimination of Violence against Women already in 1993: “violence against women is an ob-

stacle to the achievement of equality, development and peace”, and “violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”²

In 1993, the UN General Assembly was “alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence”.³ Today, despite the fact that the number of laws in favor of gender equality and against gender-based violence against women and girls has increased world-wide, the level of gender-based violence⁴ remains alarmingly high.⁵ According to the World Health Organisation, 35% of women world-wide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence.⁶ Moreover, certain characteristics in women, such as disability status, sexual orientation or ethnicity, and some contextual factors, such as humanitarian crises, including conflict and post-conflict situations, may increase women’s vulnerability to violence.⁷

¹ Report on the sixtieth session (20 March 2015 and 14-24 March 2016), UN Commission on the Status of Women, Official Records, Suppl No. 7, UN Doc E/2016/27 (2016), at Chapter I A para 15.

² UN Declaration on the Elimination of Violence against Women, UN General Assembly, 48th Sess, UN Doc A/RES/48/104 (1993), at preamble paras 4 and 6.

³ *Ibid*, at preamble para 11.

⁴ For the purpose of this report, that the term “gender-based violence” is synonymous to “gender-based violence against women and girls”.

⁵ CEDAW Committee, “Contributions to the 2030 Agenda for Sustainable Development” (2017), online: [https://sustainabledevelopment.un.org/content/documents/14537Comm_on_the_Elimination_of_Discrimination_vs_Women_\(CEDAW\).pdf](https://sustainabledevelopment.un.org/content/documents/14537Comm_on_the_Elimination_of_Discrimination_vs_Women_(CEDAW).pdf), at p 3.

⁶ World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council, “Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence” (Geneva, 2013), online: http://apps.who.int/iris/bitstream/handle/10665/85239/9789241564625_eng.pdf;jsessionid=C8F7EF70218D94136B809E7F84E0F246?sequence=, at p 2.

⁷ UN Women, “Facts and figures: Ending violence against women”, online: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

Combating gender-based violence against women and girls is an obligation of all states under various human rights treaties, such as the International Covenant on Civil and Political Rights,⁸ the International Covenant on Economic, Social and Cultural Rights,⁹ and, most importantly, the *Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*.¹⁰ The 1992 *General Recommendation No. 19* of the Committee on the Elimination of Discrimination against Women¹¹ highlights the close connection between discrimination against women, gender-based violence, and other violations of human rights and fundamental freedoms. It also emphasizes that the full implementation of the Convention requires measures to eliminate all forms of violence against women. *CEDAW General Recommendation No. 35* defines gender-based violence as violence directed against a woman because she is a woman or that affects women disproportionately, and that constitutes a violation of their human rights.¹²

In view of these State obligations, the *Amman Declaration*, adopted at the 11th International Conference of NHRIs in 2012, reaffirms the indivisibility

and interrelatedness of all human rights and calls upon NHRIs to give priority in their work to a number of actions to address violence against women.¹³

The *2030 Agenda for Sustainable Development*, in Sustainable Development Goal (SDG) 5, makes it clear that ending discrimination against women is central to accelerating and achieving sustainable development.¹⁴ Hence, the elimination all forms of violence against all women and girls in the public and private spheres is one of the targets of SDG 5 (target 5.2). The SDGs therefore clearly link gender equality and the battle against gender-based violence against women with the quest for sustainable development. In the words of the UN General Assembly, if one half of humanity continues to be denied its full human rights and opportunities, the achievement of full human potential and of sustainable development is not possible.¹⁵

NHRIs have a clear role in achieving these goals. In light of the overarching importance of combating gender-based discrimination against women and girls, this report shows how NHRIs act as catalysts for the achievement of target 5.2 of the SDGs and

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- 8** *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS 171 (1976). See, in particular, Article 2(1) (prohibition of gender-based discrimination), Article 3 (ensuring equal rights of men and women), Article 8 (right to life), and Article 7 (prohibition of torture). See also: *General comment No. 28: The equality of rights between men and women*, Human Rights Committee, UN Doc HRI/GEN/1/Rev.9 (Vol. I) (2000), at para 11.
- 9** *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 (1976). See, in particular, Article 2(2) (prohibition of gender-based discrimination), Article 3 (ensuring equal rights of men and women), and Article 12 (right to health). See also: *General Comment No. 22: The right to sexual and reproductive health*, Committee on Economic, Social and Cultural Rights, UN Doc E/C.12/GC/22 (2016), at para 7.
- 10** *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13 (1981).
- 11** *General Recommendation No. 19: Violence against women*, CEDAW, UN Doc A/47/38 (1993).
- 12** *General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, CEDAW, UN Doc CEDAW/C/GC/35 (2017), at para 1.
- 13** ICC (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, today: GANHRI), “Amman Declaration and Program of Action” (2012), online: [https://nhri.ohchr.org/EN/ICC/InternationalConference/11IC/Background Information/Amman PoA FINAL - EN.pdf](https://nhri.ohchr.org/EN/ICC/InternationalConference/11IC/Background%20Information/Amman%20PoA%20FINAL%20-%20EN.pdf), at pp 6-7.
- 14** United Nations, *Sustainable Development Goals: Goal 5: Achieve gender equality and empower all women and girls*, online: <https://www.un.org/sustainabledevelopment/gender-equality/>. The important role of NHRIs in promoting human rights and contributing to the achievement of the SDGs is also reaffirmed in the Mérida Declaration: Global Alliance of National Human Right Institutions, “Mérida Declaration on the Role of National Human Rights Institutions in implementing the 2030 Agenda for Sustainable Development” (12 October 2015), Mexico, online: [https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background Information/Merida Declaration FINAL.pdf](https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf).
- 15** *Transforming our world: the 2030 Agenda for Sustainable Development*, UN General Assembly, 70th Sess., UN Doc GA/Res/A/70/1 (2015), at para 20.

through working for the realization of women's right to be free from violence.¹⁶ Indeed, the UN General Assembly emphasized that the SDGs seek to realize the human rights of all and international human rights converge towards the same objective, which is to "leave no one behind".¹⁷ Moreover, NHRIs act as a bridge between different types of stakeholders¹⁸ and play a crucial role by "translating the SDGs into reality on the ground".¹⁹

1.1 | Methodology

In order to collect relevant information for this report, a survey was developed and distributed to NHRIs regardless of their accreditation status.²⁰ The survey was composed of 27 questions based on *General Recommendation No. 35* of the Committee on the Elimination of Discrimination against Women and the *Amman Declaration* in order to cover all aspects of gender-based violence. A total of 41 NHRIs participated in the survey, thus one third of all NHRIs world-wide.²¹

GANHRI would like to thank all participating NHRIs for having responded to its call for input. The examples presented in this report are chosen from the answers given by NHRIs in order to showcase various strategies of NHRIs regarding their efforts to address gender-based violence against women and girls. This report does not represent an exhaustive study of all activities of NHRIs regarding gender-based violence. It provides an overall view of the type of activities carried out and the issues that NHRIs engage with in their work. It is intended to encourage UN member states, UN agencies, civil society, and other domestic actors to engage with the NHRI in country so as to use synergies for eradicating gender-based violence and thus for strengthening women's equality.

16 GANHRI, "National Human Rights Institutions engaging with the Sustainable Development Goals (SDGs)" (June 2017), online: https://nhri.ohchr.org/EN/News/Documents/GANHRI_NHRIs_engaging_with_the_SDGs.pdf, at p 12.

17 *Ibid*, at p 6.

18 *Ibid*, at p 10.

19 The Danish Institute for Human Rights, "National Human Rights Institutions", online: <https://www.humanrights.dk/how-we-work/sustainable-development/national-human-rights-institutions>.

20 See below at 21 and Annex, Table 2. The accreditation status reflects the compliance with the UN Paris Principles as the UN-recognized international standard for NHRIs. A-status is conferred on Paris Principles compliant NHRIs, B-status on NHRIs that are partly Paris Principles compliant. Institutions that fall outside the Paris Principles or that have not (yet) submitted a request for accreditation are listed as "no status". A-status NHRIs have the right to participate in various UN human rights mechanism in their independent capacity, e.g. the UN Human Rights Council or before the UN Open-Ended Working Group on Ageing, and are voting members of GANHRI. B-status NHRIs do not have such participation rights and are non-voting members within GANHRI. NHRIs that are not (yet) accredited may only participate as observers in the work of GANHRI.

21 See Annex, Table 2. Of the 79 Paris Principles compliant NHRIs (A status), 29 replied, thus more than 36 %.

2 | National Human Rights Institutions: A quick overview

National Human Rights Institutions (NHRIs) are unique bodies and cornerstones of an effective domestic human rights system. For this reason, the UN General Assembly and the UN Human Rights Council have continuously been calling upon states to consider setting up an NHRI in compliance with the UN Paris Principles.²²

Established by national law or constitution, NHRIs are mandated to promote and protect human rights in and by their own countries. Independent and endowed with a broad human rights mandate, NHRIs can take up and investigate any human rights situation in their country, thereby also uncovering structural problems that negatively impact the enjoyment of human rights. At the national level, NHRIs work with the executive, the parliament and the judiciary by reporting to them and advising them to ensure that laws, policies and administrative practices as well as legal remedies are compliant with the State's human rights obligations. NHRIs particularly focus on the most vulnerable groups and individuals. Additionally, they work closely with communities and non-state actors to raise awareness and promote a culture of human rights.

NHRIs operate on the basis of the UN Paris Principles (Paris Principles), a set of standards endorsed by the UN General Assembly in 1993 (A/RES/48/134). The Paris Principles lay down the requirements that NHRIs must fulfil to be considered independent and effective. GANHRI, the Global Alliance of National Human Rights Institutions, under the auspices of OHCHR, accredits NHRIs according to the Paris Principles as either fully compliant (A-status) or partially compliant (B-status). Today, GANHRI has 112 members, out of which 79 NHRIs fully comply with the Paris Principles and 33 NHRIs are partially compliant.

A-status NHRIs have the right to participate in various UN human rights mechanism in their independent capacity, e.g. in the UN Human Rights Council, as well as in UN bodies, such as the UN Open-Ended Working Group on Ageing, and (where applicable) regional human rights mechanisms. Thus, they can provide these bodies with accurate and reliable information on the human rights situation on the ground, on good practices in implementing human rights norms, and on new challenges for realizing human rights. Thus, NHRIs help these international bodies develop targeted and relevant recommendations for human rights implementation.

Moreover, being domestic actors with intimate knowledge of the human rights situation on the ground and of the domestic context for implementation measures, the work of NHRIs closes a critical implementation gap: by bringing human rights home, NHRIs support states in the effective domestic application of international human rights standards. Through Paris Principles compliance, NHRIs enjoy legitimacy, both internationally and domestically. NHRI can play a particularly important role when implementation of human rights law is opposed with reference to traditions, local context, or the like. NHRIs, as legitimate domestic actors, uphold universal standards, in line with their mandate, and thus help ensure that the rights of marginalized or oppressed groups in their societies, such as women victims of violence, will be respected.

²² *National institutions for the promotion and protection of human rights*, UN General Assembly, 72nd Sess, UN Doc A/RES/72/181 (2017), at para 8. *National human rights institutions*, UN Human Rights Council, UN Doc A/HRC/RES/39/17 (2018), at para 2.

3 | NHRI functions and approaches

3.1 | Promotion

The Paris Principles set out a number of functions and responsibilities NHRI shall have in order to promote human rights. Among other things, NRHs play an essential role in the establishment and the sustainability of a strong national human rights protection system.²³ Through various promotional activities, NHRI can help raise awareness, increase dialogue, change attitudes and overcome commonly-held stereotypes that may lead to discrimination and violence against women.²⁴ A further important promotional activity of NHRI is to advise the government and parliament on laws and policies. Many of these activities are described in part 4 of this report.

3.1.1 | Public education and awareness-raising

In its Agreed Conclusions on the elimination and prevention of all forms of violence against women and girls of 2013, the Commission on the Status of Women (CSW) stresses that, in order to prevent violence against women and girls, education campaigns addressing structural and underlying causes of gender-based violence should be carried-out. These programs can contribute to overcome gender stereotypes, prevent violence against women and girls and promote a tolerant environment where women and girls are not stigmatized for being victims or survivors for such violence and can easily report incidences of violence.²⁵ To support the State in implementing this recommendation, the **NHRI of Bosnia and Herzegovina**, for example, helped develop public education programs at the elementary school level.

At the university level, the **NHRI of Colombia**, in collaboration with the International Organization

of Migration and the School of Public Administration, helped develop and implement a program on gender violence at the School of Public Administration. Over the past four years, numerous public officers have completed the program, thereby contributing to making public policy makers more sensitive to the issue. More than 600 persons registered for the program during the fall term of 2018. At Baku State University, the **NHRI of Azerbaijan** offered lectures on topics including the concept of human rights, gender and equal opportunities as well as about international and national standards on gender equality and the cultural, economic, and social aspects of gender.

The **NHRI of Venezuela**, in 2011, launched the National School of Human Rights, for which it developed programs and courses aimed at training highly qualified professionals. In order to contribute to the construction of a critical and liberating culture of women's human rights, the school offers various courses on women's sexuality and women's rights. One particular course is about the right to a life free of violence and specifically deals with the *Law on the Rights of Women to a Life Free of Violence*, including the rights it protects, the mechanisms for reporting violence and the sanctions applicable to violations.

Finally, at a general level, the **NHRI of Afghanistan** works closely with the Ministry of Education to incorporate human rights and equality values in the national school curriculum.

Awareness-raising programs are part of a comprehensive prevention strategy. Besides enhancing awareness of women's and girls' right, they promote the unacceptability of violence and discrimi-

²³ Office for Democratic Institutions and Human Rights (OSCE/ODIHR), "Handbook for National Human Rights Institutions on Women's Rights and Gender Equality" (Warsaw, 2012), online: <https://www.osce.org/odihr/97756?download=true>, at p 39.

²⁴ *Ibid.*

²⁵ *Report on the fifty-seventh session (4-15 March 2013)*, UN Commission on the Status of Women, Official Records, suppl No. 7, UN Doc E/2013/27 (2013), at Chapter I A para 34 (II).

nation against women and girls.²⁶ The **NHRI of Cameroon** and the **NHRI of Romania** organise awareness-raising campaigns on discriminatory gender stereotypes. Other NHRIs disseminate written information, such as the **NHRI of Slovakia** which distributes detailed pamphlets on gender equality and sexual harassment in the workplace for both employees and employers. Likewise, the **NHRI of Mexico**, through the “Program on Women’s Affairs and Equality between Women and Men (PAMIMH)”, makes information accessible to the general public through leaflets, brochures and pamphlets. The material deals with women’s human rights in general, sexual and reproductive rights of women, the principle of equality and non-discrimination, gender parity and prevention of political violence and includes information about international instruments that protect these rights.

In 2010 the **NHRI of Greece** produced the study “Group violence and aggression in schools” which was distributed to school teachers with the purpose of raising awareness on violence against girls and providing useful information on how to address the issue in an educational context.

Teaching about existing national legislation is the objective of the **NHRI of Burundi** which organizes sessions to popularize *Law No. 1/13 of 22 September 2016 on the prevention, protection of victims and the repression of sexual and gender based violence* for different stakeholders.

3.1.2 | Media campaigns

Using the media in the fight against gender-based violence can significantly increase the effectiveness of the message and can make it possible to reach broader audiences.²⁷ The **NHRI of Azerbaijan**, with the cooperation of a local media outlet, launched a campaign against the discrimination of women in which it presented – one by one – the rights protected in the CEDAW Convention. In the same vein, the **NHRI of Cyprus**, in 2015, ran a targeted national media campaign aimed at raising awareness

among the general public, but more specifically amongst men and boys, about gender-based violence and the different forms it may take. The campaign was promoted through TV, radio stations, newspapers, magazines, social media, websites, and in public spaces such as shopping malls, Nicosia’s football stadium, buses, cinema theatres and universities. Finally, the **NHRI of Oman** reported that it promotes its presence on social media in order to reach a broader audience, especially young women and girls, and to raise awareness among them on gender-based violence and women’s rights.

3.1.3 | Training and capacity building

Capacity development and trainings of different stakeholders is crucial to the prevention and elimination of gender-based violence. The implementation of laws and policies addressing violence against women and girls requires trained and qualified personnel.²⁸ The following examples show how NHRIs carry out training activities for various stakeholders.

- The **NHRI of Cyprus** organized thematically specialized training seminars for health professionals, social workers, police officers, educators and lawyers. The seminars were designed to raise awareness on gender-based violence and increase the participants’ specialized knowledge and their ability to deal with cases of gender-based violence.
- The **NHRI of Colombia** offers training sessions for women, public officials and civil society leaders on sexual and reproductive rights with an emphasis on the right to have access to abortion services.
- The **NHRIs of Samoa, Romania, Afghanistan** and **Nepal** offer training to law enforcement officers, health care personnel, social workers and teachers on various aspects including human rights, violence against women and girls and gender equality.

²⁶ *Prevention of violence against women and girls: Report of the Secretary-General*, UN Commission on the Status of Women 57th Sess., UN Doc E/CN.6/2013/4 (2012), at para 35.

²⁷ Office for Democratic Institutions and Human Rights (OSCE/ODIHR), *supra* note 22, at p 41.

²⁸ *Prevention of violence against women and girls*, UN Commission on the Status of Women, *supra* note 25, at para 56.

- Training sessions on gender-based violence for district police officers at the National Police Academy and for police officers who work within the protective and preventive mechanisms concerning gender-based violence were held by the **NHRI of Georgia**.
- The **NHRI of Kenya** has been part of a process steered by the National Police Service to review its curriculum and incorporate a human rights-based approach, including concerning the prevention and protection of sexual violence. The NHRI has been advocating for the creation of guidelines for the members of the National Police Service on how to use force, and how to prevent and protect from sexual violence, in their operations. They are also currently offering training to prison officers based on the *UN Standard Minimum Rules for the Treatment of Prisoners* and on the promotion of the rights of women as a base.
- Through its project “Enhancing Access to Justice and Realization of Human Rights for All, particularly women”, the **Tanzanian NHRI** developed a training manual for local government authorities on topics such as gender-based violence, female genital mutilation, child marriage, early pregnancies and inheritance rights, with the goal of helping women fulfill their rights.
- The **NHRI of Afghanistan** agreed to train the staff of three national ministries (including Defense and Security) on the rules concerning gender equality, sexual harassment in the armed forces, and the *Elimination of Violence against Women Law*. Amongst other things, the NHRI uses these trainings in order to advocate for a safer environment for female police officers and strongly promote women’s participation in the police forces.
- The **NHRI of Myanmar**, in collaboration with the UN Women country office, organized workshops on the UN Security Council Resolution 1325 in collaboration with UN Women Myanmar.

It also coordinated a workshop on violence against women in partnership with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

- In collaboration with various organizations such as NGOs and trade unions, the **NHRI of Cyprus** provided training seminars on a variety of topics, including the prevention of gender-based violence and sexual harassment.

NHRIs continuously strive to improve their own capacity to deal with issues of violence against women and girls. For this purpose, they often cooperate with international organizations or civil society organizations. Many of the respondent NHRIs have detailed how such cooperation has been beneficial to better address gender-based violence. The **NHRI of Armenia** initiated the “Preventing violence against women” project with the assistance of the Directorate General of Democracy of the Council of Europe. The goal of the project was to provide capacity building for the NHRI’s staff. It also implicated the **NHRI of Georgia** in a collaborative effort to increase their respective capacities and to share strategies to enhance women’s rights. In 2018, the **NHRI of Comoros**, among other NHRIs, actively participated in a Regional Seminar of the African Commission on Human and Peoples’ Rights regarding the implementation of the Commission’s decisions. The seminar concerned the strengthening of the African Human Rights System and, more specifically, how NHRIs can monitor and advocate for the ratification of regional instruments, in particular the Maputo Protocol dealing specifically with women’s rights.

3.2 | Protection

Pursuant to the Paris Principles, NHRIs also fulfil protection functions, i.e. functions that address and seek to prevent actual human rights violations. They include monitoring, inquiring, investigating and reporting on human rights violations, and may include individual complaint handling.²⁹

²⁹ GANHRI Sub-Committee on Accreditation, “General Observation 1.2 (Human Rights Mandate)”, online: https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/EN_GeneralObservations_Revisions_adopted_21.02.2018_vf.pdf.

In this respect, engaging with the international human rights system can be an effective tool for NHRIs.³⁰ For this reason, a number of NHRIs has engaged with the CEDAW Committee so as to support the Committee in developing targeted recommendations to prevent and eliminate violence against women in their countries. Between 2016 and 2018, 32 NHRIs (A- and B-status) submitted parallel reports to the CEDAW Committee during the reporting procedure of their own State. 30 of these reports raised issues relating to violence against women. For example, the report of the **NHRI of Germany** included human trafficking, sexual harassment and gender stereotypes.³¹ In 2016, together with 30 civil society representatives, called the CEDAW Coalition, the **NHRI of Poland** organized a seminar on the implementation of the CEDAW Committee's concluding observations regarding Poland. Several NHRIs, such as the **NHRI of Georgia** and the **NHRI of Burundi**, reported that they made written submissions to the CEDAW Committee on various issues related to gender-based violence such as the criminalization of domestic violence. The **NHRI of South Africa** has also made a written submission to the UN Human Rights Council in the framework of the country report of the Special Rapporteur on violence against women.

When monitoring the human rights situation in country, NHRIs also collaborate with other, non-state organizations. For example, the **NHRI of the Philippines** conducted a vast study on the impact of extra-judicial killings and the war on drugs on women and children. This was done through a discussion forum, organized with members of the media, non-governmental organizations working on

human rights, church-based action groups, and international NGOs. Secondly, data was gathered nationwide, in collaboration with the NHRI's regional offices and their partners at the local levels, while the research design, data audit, and analysis were done in partnership with a local university.

3.3 | Data collection

According to the CSW, the availability of gender-responsive data is a fundamental element to achieve gender equality and empowerment of women and girls.³² Regarding gender-based violence, collecting data enables the identification of the risks and of protective factors for violence against women and girls, the understanding of the causes of all forms of violence against women and girls, and the evaluation of prevention strategies and programs.³³ Based on this data, the effectiveness of legislation, policies and programs in response to gender-based violence can then be evaluated.³⁴ About half of all respondent NHRIs (20 out of 41) reported that they undertake some kind of data collection on women's rights, including on gender-based violence, within their respective mandates.

In order to collect information from different state authorities, the **NHRI of Georgia** included a specific section on statistics concerning gender-based and domestic violence in its institutional database. The results and statistics are then used in the NHRI's parliamentary reports and special reports on violence against women and domestic violence. In 2016, the **NHRI of Argentina** created the *National Observatory on Femicide* "to gather, produce, elaborate, systematize, analyze and communicate

³⁰ GANHRI Sub-Committee on Accreditation, "General Observation 1.4 (Interaction with the international human rights system)", online: https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/EN_GeneralObservations_Revisions_adopted_21.02.2018_vf.pdf.

³¹ German Institute for Human Rights, "Parallel report to the Committee on the Elimination of Discrimination against Women (CEDAW)", (January 2017), online: https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Parallelberichte/Parallel_Report_by_the_GIHR_to_the_Committee_on_the_Elimination_of_Discrimination_against_Women_CEDAW.pdf.

³² *Ministerial round table on fostering gender-responsive data design, collection and analysis, and building the knowledge base*, UN Commission of the Status of Women, UN Doc E/CN.6/2016/17 (2016), at para 3.

³³ *Prevention of violence against women and girls*, UN Women: Expert Group Meeting, UN Doc EGM/PVAWG/2012/BP.1 (2012), at p 59.

³⁴ *General Recommendation No. 35*, *supra* note 12, at para 34.

data and information on feminicides that occurred in Argentina".³⁵ With the objective of preventing and eliminating violence against women, the observatory is equipped with a broad mandate to collect data on all forms of violence against women.

For the past several years, the **NHRI of Afghanistan** has conducted national inquiries on gender-based violence and other types of violence experienced by women. The data obtained through these inquiries gave it leverage to advocate for modifications in the relevant legislative provisions, namely to include the most recurrent types of violence against women as crimes. For example, the request of a virginity test outside a judge's order is now prohibited by the *Elimination of Violence against Women Law*.

In some cases, data collection is linked to a complaint-handling mechanism. For example, the **NHRI of Bosnia and Herzegovina** uses a system called "Orka Workflow Information System" which simultaneously serves to gather information on gender-based and domestic violence, receive complaints and relate them to the responsible authority. Through its database on human rights violations, the **NHRI of Kenya** gathers witness statements and medical records of survivors of sexual and gender-based violence with the aim of assuring accountability. To ensure the continuation of the collection process, the NHRI collaborates with the National Gender and Equality Commission and Gender Technical working groups. Similarly, the **NHRI of Nigeria** has built a complaint registry in order to collect evidence-based data regarding gender-based violence. The NHRI also conducted a study on the frequency and the nature of gender-based violence reported to Nigerian police stations in order to analyze how such incidents were documented at police stations.

3.4 | Intersectionality

Prevention and response strategies to gender-based violence must be developed as a holistic system, taking into account the multiple and intersecting forms of disadvantage and discrimination that women can face and that increase the risk of violence.³⁶ Some women may be affected differently by gender-based violence than others and the experience of gender-based violence can be influenced and exacerbated by many factors in a woman's life.³⁷

The majority of NHRIs that participated in this survey (30 out of 41) affirmed that their work is undertaken with an intersectional approach. For example, the **NHRI of Colombia** declares having integrated an intersectional analysis in all of its reports, assessments and publications. In the same vein, the **NHRI of Ecuador** also states that it uses an intersecting analysis in its work but particularly so in handling individual cases of gender-based violence. Meanwhile, the **NHRI of Great Britain** declares that it takes into account a series of intersecting factors such as the age and ethnicity of sexual violence survivors, mental health issues, drug/alcohol dependency and homelessness.

Among the respondent NHRIs, approximately one third (12 out of 41) mentioned that they work on specific groups of women who are more likely to face gender-based violence due to intersecting factors placing them in a situation of particular vulnerability.

Some NHRIs focus on women with disabilities, such as the **NHRI of Mongolia**, which, in 2017, conducted a study on reproductive rights of girls and women with disabilities and their access to medical services. The **NHRI of Germany**, which is the designated monitoring body under the *UN Convention on the Rights of Persons with Disabilities (CRPD)*,³⁸ submitted a parallel report to the CEDAW Com-

³⁵ Defensor Del Pueblo de la Nación, "Observatorio De Femicidios" (15 November 2016), online: <http://www.dpn.gob.ar/observatorio-femicidios.php>.

³⁶ *Prevention of violence against women and girls*, supra note 33 at p 7.

³⁷ *Ibid*, at p 5.

³⁸ *Convention on the Rights of Persons with Disabilities*, 13 December 2006, 2215 UNTS 3 (entered into force 3 May 2008).

mittee in 2017, documenting the high prevalence of violence against women with disabilities and making recommendations in this regard. The NHRI also produced an information sheet³⁹ on *General Comment No. 3 of the CRPD Committee on the rights of women and girls with disabilities*. The document explains article 6 of the *United Nations Convention on the Rights of Persons with Disabilities* and the state obligations associated with it. The **NHRI of Nepal** created several programs designed to enhance access to mental health care. In collaboration with local hospitals and the Asia Pacific Hospice Palliative Care Network, the NHRI helps to find places in appropriate shelter facilities for homeless people, including for homeless women, who suffer from mental illness.

Two NHRIs present an intersectional approach to work regarding women in detention in order to raise awareness about these women's vulnerability to gender-based violence. The **NHRI of Armenia** visited penitentiary institutions and conducted an analysis on the situation and the level of protection of women and children's rights in these institutions, which lead to an *ad hoc* report published in 2018. Likewise, the **NHRI of Bahrain** regularly conducts announced or unannounced visits to rehabilitation institutions and pre-trial detention centers for women in order to monitor the respect of their human rights.

Dealing with the human rights situation of women and girls in refugee shelters are another example of an intersectional approach. The **NHRI of Germany** analysed how the law on protection against violence against women can and must be made effective for women and girls in refugee shelters in Germany.⁴⁰

Membership of specific ethnic or minority community is another factor which intersects with gender and puts women more at risk of becoming victims of gender-based violence.⁴¹ As a consequence, some NHRIs focus on women from specific communities, such as Roma women. The **NHRI of Romania** strives to make its training activities inclusive for Roma women by giving particular attention to their rights and the issues faced by their communities. The NHRI also conducted a study on various forms of discrimination and violence against women and girls. Subsequently, they produced a report analysing the difficulties faced by Roma women and progress made so far.

The *United Nations Declaration on the Rights of Indigenous Peoples*⁴² holds State parties responsible for ensuring full protection against any form of violence against indigenous women and children. The **NHRI of Mexico** produced a report on the protection of the health and reproductive rights of indigenous women that analyses the progress made in recognizing these rights and implementing them by developing public policies.⁴³ Similarly, the **NHRI of the Philippines** has worked on indigenous women's rights through monitoring activities concerning economic, social and cultural rights conducted in three areas of the country. The objective of these activities was data gathering on human rights issues and challenges and more specifically on the rights to housing, health, education, food and water. They were also initiated with the aim of identifying the intersectional issues of gender and ethnicity in relation to these economic, social and cultural rights. The **NHRI of Norway** specifically considers the situation of Sami women and its regional office in Kautokeino collaborates with the

³⁹ Deutsches Institut für Menschenrechte, Monitoring-Stelle UN-Behindertenrechtskonvention, "Rechte von Frauen und Mädchen mit Behinderungen: Allgemeine Bemerkung Nr. 3 des UN-Ausschusses für die Rechte von Menschen mit Behinderungen" (2017), online: https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Information/Information_10_Rechte_von_Frauen_und_Maedchen_mit_Behinderungen.pdf.

⁴⁰ Deutsches Institut für Menschenrechte, "Policy Paper Nr. 32: Effektiver Schutz vor geschlechtsspezifischer Gewalt – auch in Flüchtlingsunterkünften" (2015), online: https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Policy_Paper/Policy_Paper_32_Effektiver_Schutz_vor_geschlechtsspezifischer_Gewalt.pdf.

⁴¹ UN Women, *supra* note 7.

⁴² *United Nations Declaration on the Rights of Indigenous Peoples*, UN General Assembly, 61st Sess, UN Doc A/RES/61/295 (2007).

⁴³ Comisión Nacional de los Derechos Humanos de México, "El derecho a la protección de la salud en las mujeres indígenas en México. Análisis nacional y de casos desde una perspectiva de Derechos Humanos" (2016), online: <http://www.cndh.org.mx/sites/all/doc/Programas/Indigenas/Publicaciones/Informe-Salud-Indigenas-CIESAS.pdf>.

Sami communities. It held multiple consultations with professional groups and affected members of the communities in order to produce a thematic report on violence and abuse in Sami communities.⁴⁴

Finally, the **NHRI of Kenya** works on the rights of gender minorities and on eradicating the discrimination, stigma and violence targeting gender minorities. For example, the NHRI commented a recent High Court ruling on the right to freedom of association for sexual minorities and the unconstitutionality of forced anal testing. The NHRI also acted as an *amicus curiae* in the case *R.M vs. Attorney General & 4 others* in 2010 which dealt with violations

to the rights of intersex people. More recently, the NHRI intervened in the case of *E.A & Another vs. Attorney General & 6 others* and pointed out the need to develop an appropriate legal framework for intersex children, the need to collect data and to establish guidelines on the treatment of intersex children. This initiative led to the creation of the *Taskforce on Policy, Legal, Institutional and Administrative Reforms regarding Intersex Persons* by the Attorney General in 2017. Gender minorities are also receiving particular attention by the **NHRI of New Zealand** whose Advisory and Research Team includes an advisor on the rights of the LGBTQI+ community.

⁴⁴ Norwegian National Human Rights Institution (NIM), "Temarapport 2018: Vold og overgrep i samiske samfunn" (2018), online: https://www.nhri.no/wp-content/uploads/2018/06/NNIM_temarapport_web.pdf.

4 | Selected issues relating to gender-based violence against women and girls

4.1 | Combatting impunity

The CEDAW Committee, in its *General Recommendation No. 35*, expresses concern over the prevalence of impunity regarding gender-based violence in all countries.⁴⁵ Moreover, it emphasizes the lack and ineffectiveness of legal frameworks and policies for the elimination of gender-based violence and reaffirms that this further weakens the state response regarding this type of violence.⁴⁶

4.1.1 | Outlawing gender-based violence

As highlighted in *General Recommendation No. 35*, states are required to adopt legislation to prohibit all forms of gender-based violence against women. States are also required to repeal laws that constitute discrimination against women, including those which cause, promote or justify gender-based violence or perpetuate impunity.⁴⁷ In the same vein, the CSW urged States to adopt and implement effectively laws that criminalize all forms of violence against women and girls. It also called upon governments to repeal laws that constitute discrimination against women or have a discriminatory impact on women.⁴⁸

NHRIs can play a role in helping states to fulfill this obligation, as shown by the **NHRIs of Albania** and **Algeria**, which both made recommendations to their respective governments regarding the adoption of laws prohibiting gender-based violence against

women. Domestic violence affects women's health and their ability to participate in family and public life. The roots of this violence are patriarchal attitudes and stereotypes on the role of men and women.⁴⁹ In addition to addressing legal and institutional structures, NHRIs can play a transformative role in national and local dialogue to address patriarchal principles, values and notions of masculinity that impede measures against gender-based violence.

Other examples of how NHRIs have worked in favor of more effective protections against gender-based violence against women include the following:

- The **NHRI of Finland** advocated for the ratification of the *Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence*⁵⁰ by Finland. Once it became effective, the NHRI contributed to the work of the monitoring body GREVIO.⁵¹
- The **NHRI of Germany** advocated for the criminalization of unwelcome sexual behavior and the recognition of the principle “no means no” in the Criminal Code. During the legislative amendment process, the NHRI used its advisory function and submitted several opinions to the parliament on the various legislative proposals. It also intervened in parliamentary hearings and provided a platform to civil society coalitions.

⁴⁵ *General Recommendation No. 35*, *supra* note 12, at para 6.

⁴⁶ *Ibid*, at para 7.

⁴⁷ *Ibid*, at para 26 (a).

⁴⁸ *Report on the fifty-seventh session (4-15 march 2013)*, *supra* note 25.

⁴⁹ *General Recommendation No. 19*, *supra* note 11, at para 11.

⁵⁰ *Convention on preventing and combating violence against women and domestic violence*, Council of Europe, Committee of Ministers, 121st Sess, 2011 CETS No. 210.

⁵¹ GREVIO stands for Group of Experts on Action against Violence against Women and Domestic Violence and is the group of independent experts responsible for ensuring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, see Council of Europe, online: <https://www.coe.int/en/web/istanbul-convention/grevio>.

- On behalf of the (then) **European Group of NHRIs**⁵², the **NHRI of Germany** drafted a submission for the CEDAW Committee's *General Discussion Day* on the issue of access to justice for domestic workers employed by diplomats in order to combat impunity for violations of these workers' rights.
- By supporting the "Women's Legal Aid Centre", an initiative of NGOs from Zenica, the **NHRI of Bosnia and Herzegovina** specifically addresses human rights violations through high-tech activities, particularly targeting vulnerable groups such as children, women and persons with disabilities. It made recommendations to the Parliament of the Federation of Bosnia and Herzegovina to amend the Criminal Code to adequately sanction such violations.

The majority of respondent NHRIs (32 out of 41) mentioned that they work specifically on the issue of domestic violence and on the legal framework relating to domestic violence in order to combat impunity.

Some NHRIs mentioned that they engage in drafting laws, making recommendations to the government and receiving complaints on domestic violence. For example, the **NHRI of Armenia** was very involved in the drafting process of the *Protection and Prevention of Domestic Violence Law*. It also played a liaising role by facilitating the communication between lawmakers and other stakeholders to improve the draft. Amongst other things, the institution collaborated with the *Coalition to Stop Violence Against Women in Armenia* (coalition of NGOs) which also provided observations and recommendations on this law. The **NHRI of Azerbaijan** participated in the drafting of the *Guarantees of Gender Equality Law* and the *Prevention of Domestic Violence Law*. The institution was also present during the parliamentary debates on these laws and submitted comments and recommendations. In 2016, the Ombudsman met with the delegation of the Parliamentary Network *Women Free from Violence* where they discussed a draft law concern-

ing reproductive health and the protection of children from corporal punishment as well as the ratification of the Istanbul Convention.

Similarly, the **NHRI of the Philippines** issued a policy paper on the proposed revision of the *Family Code of the Philippines* whose objective was to strengthen marriages and to ensure equality between men and women. The NHRI pointed out the harmful provisions of the Family Code which seemed to be discriminating against women by allowing partiality favoring a husband's decisions in many cases. The NHRI supported the bill amending the Code, including through proposed amendments to ensure compliance with the *Magna Carta of Women* (Republic Act No. 9710 of Philippines) and the CEDAW Convention.

4.1.2 | Assisting survivors

With the aim of assisting women before, during and after surviving gender-based violence, the **NHRIs of Afghanistan, Burundi, Colombia, Cameroon, New Zealand and Oman** provide legal services to victims/survivors of gender-based violence, which include giving free legal consultations, accompanying victims/survivors and providing judicial representation. The **NHRIs of Armenia, Oman and Portugal** launched hotlines to receive complaints on human rights matters including those related to incidents of gender-based violence against women.

With financial support from the European Commission, the **NHRI of Armenia** undertook a project aimed at providing the staff of the NHRI with special guidelines and booklets on how to properly and comprehensively respond to complaints about domestic violence. The **NHRI of Nigeria** has a Public Interest Litigation Unit in charge of assisting victims/survivors of human rights violations, which may also refer cases to the Attorney General for prosecution.

The **NHRI of Kenya** documented how sexual violence was utilized as a weapon during and after the 2017 general elections. The report "Silhouettes of Brutality"⁵³ demonstrates how gang rape was sys-

⁵² Today: European Network of NHRIs (ENNHRI).

⁵³ Kenya National Commission on Human Rights, "Silhouettes of Brutality, an Account of Sexual Violence During and After the 2017 General Election" (2018), online: http://www.knchr.org/Portals/0/KNCHR_Silhouettes_of_Brutality.pdf.

tematically used and proposed necessary policies to prevent, protect and respond to sexual violence as well as to secure the electoral process. The report also contains recommendations on how to hold perpetrators of these violations accountable. The **NHRI of Kenya** continues its work with the victims/survivors of sexual violence in the context of the 2017 general elections by seeking reparations (legal, medical, psychological) in court, with the help of other stakeholders.

4.2 | Access to social services

The right to a life free from violence is interlinked with other human rights, such as the right to health.⁵⁴ The violation of women's sexual and reproductive health and rights is a form of gender-based violence and, depending on the gravity of the violation, it can be categorized as cruel, inhuman and degrading treatment or even as torture.⁵⁵ Health and social services must therefore be an integral part of any program to prevent and overcome gender-based violence⁵⁶ as well as in the provision of reparations for victims/survivors of gender-based violence.⁵⁷

4.2.1 | Helping women overcome social, political and economic barriers

In the *Amman Declaration and Programme of Action*, NHRIs emphasized the impact of patriarchal structures, austerity measures and macroeconomic decisions on public services, and especially how they reduce access to essential services for women, like health care and social security.⁵⁸ This affects the availability and quality of health care services for women that have experienced violence. In addition, lack of social security contributes to women's poverty and thus dependence on a violent partner, thus exposing them more to domestic violence. Also, the *Amman Declaration* NHRIs called for a re-

view of all national laws and administrative regulations relating to sexual and reproductive rights with a view to removing any barriers to access to health care.⁵⁹ Therefore, NHRIs committed to advising States on how to adapt and improve their legal instruments, policies, and administrative practices in this area.

To help women overcome social, political and economic barriers, some NHRIs have analyzed the impact of economic measures taken by State authorities on women and their access to health and social protection. In its annual report 2015, the **NHRI of Serbia** assessed the availability of health care protection in view of budgetary saving measures implemented by the State. It also monitors the effects of a moratorium on new hirings in the public sector, which has led to an acute lack of human resources in the health care sector. The NHRI works to demonstrate that this austerity policy directly affects the availability of services and assistance for women and children victims/survivors of violence. It also advocates for the inclusion of concrete protection measures for women and marginalized groups who are victims/survivors of violence in the *Law on Social Protection*.

With the same concern of measuring the impacts of austerity measures on women, the **NHRI of Great Britain**, between 2010 and 2017, analyzed certain changes in tax and welfare policies and how they affected women. In so doing, it took an intersectional approach by exposing how these measures disproportionately impacted women from different ethnic origins, from minorities, with disabilities and single-parent women. The NHRI then made recommendations to the government explaining the necessity of ensuring an adequate standard of living for women and how it is interlinked with social care and services. The NHRI also conducted a study on the impact of changes in public budgets and

⁵⁴ General Recommendation No. 35, *supra* note 12, at para 15.

⁵⁵ *Ibid*, at para 18.

⁵⁶ *Amman Declaration*, *supra* note 13, at p 7.

⁵⁷ General Recommendation No. 35, *supra* note 12, at para 33.

⁵⁸ *Amman Declaration*, *supra* note 13, at p 2.

⁵⁹ *Ibid*, at p 8.

spending,⁶⁰ which led to the Special Rapporteur on Extreme Poverty and the UN Independent Expert on foreign debt and human rights⁶¹ visiting Great Britain.

Other NHRIs have given priority to the empowerment of women by working on overcoming economic barriers they face. The **NHRI of Argentina** worked in favor of women experiencing financial difficulties, especially women who are heads of a household with young children. The NHRI contacted service providers to make sure that the families were not cut off any services and that they offered a payment plan to them. Recognizing the importance of the private sector in overcoming economic barriers for women, the **NHRI of Georgia**, in collaboration with UN Women, launched “A Joint Action for Women’s Economic Empowerment”⁶² in 2017. The goal of this initiative is to strengthen the engagement of the private sector in the realization of the SDGs in Georgia through the inclusion and empowerment of women and the development of a better understanding of the gender dimension within the job market by 2019. In the same vein, the **NHRI of Oman** advises the government on the facilities and services it should offer to small and medium businesses owned by women to ensure appropriate support and empowerment to these women. The NHRI also monitors job advertisements to prevent gender-based discrimination and ensure equality in the employment process and works on improving the social security system to give priority services and allocations for widowed and divorced women.

4.2.2 | Access to health care for women victims/survivors of gender-based violence

The World Health Organization stresses the importance of a gender-sensitive health response for women victims/survivors of gender-based violence.⁶³

In order to properly respond to the needs of women victims/survivors of gender-based violence, sexual, mental, reproductive and emergency health services should be available at every level of health-care delivery and health-care services should always be organized around women’s needs and perspectives.⁶⁴

There are different ways in which NHRIs work to evaluate if proper health care is offered to women victims/survivors of sexual and gender-based violence in their country. The **NHRI of South Africa** dedicated a chapter of its annual report of 2018 on gender-based violence to women’s experiences in trying to have access to adequate reproductive and sexual health care and identified it as a priority issue for its work. It also conducted national inquiries and research on the lack of access to housing, water, sanitation, health care, other basic services, education and a clean environment, as well as on the slow realization of social and economic rights for certain marginalized groups, including women.

The **NHRI of Poland**, in 2017, undertook several initiatives regarding the reproductive rights of women and girls in general. For instance, the NHRI intervened concerning the Ministry of Health’s decision to cut financial support for the in vitro fertilization program and limit access to oral contraception and various types of pain relief services (epidural). In addition, the NHRI challenged a legislative provision concerning fertility treatment before the Constitutional Court. The provision provided that,

⁶⁰ Equality and Human Rights Commission, “The cumulative impact on living standards of public spending changes” (2018), online: <https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-living-standards-public-spending-changes>.

⁶¹ The full title is *Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*.

⁶² UN Women, “A Joint Action for Women’s Economic Empowerment in Georgia” (2018), online: www2.unwomen.org/-/media/field-office/georgia/attachments/publications/2018/jawe_eng.pdf.

⁶³ World Health Organization, “Strengthening health systems to respond to women subjected to intimate partner violence or sexual violence, A manual for health managers” (2017), online: <http://apps.who.int/iris/bitstream/handle/10665/259489/9789241513005-eng.pdf>, at p 8.

⁶⁴ *Ibid*, at pp 1 and 8; World Health Organization, “Sexual and reproductive health”, online: <https://www.who.int/reproductivehealth/topics/violence/vaw-health-systems-manual/en/>.

after being stored for 20 years, fertilized eggs can be transferred to other patients, even against the will of genetic donors. The Court found the provision to be unconstitutional.

The **NHRI of Azerbaijan** developed training sessions for women on reproductive health, informing them on subjects like contraception, family planning, HIV/AIDS and on the negative impacts of early marriages and early motherhood on women and girls' health. Special health training sessions to raise awareness and prevent sexual diseases were also offered in schools, boarding schools and orphanages for teenagers.

The **NHRI of Burundi** also worked on ensuring access to health care for women by participating in the creation of the "Green Line", a free national hotline that disseminates information on medical, social and judicial services.

4.2.3 | Shelters and special services for women

The World Health Organisation (WHO) emphasizes the need for safe accommodation, like shelters, as part of essential social services for women victims/survivors of gender-based violence and their children and a prevention method for intimate and gender-based violence against women.⁶⁵ The CEDAW Committee insists on the importance of social, welfare and institutional personnel being adequately trained on gender-based violence when working with women in care homes, asylum centers or prisons.⁶⁶

While it is the State's responsibility to provide shelters for women and girls who are victims/survivors of gender-based violence, many NHRI work to ensure access to facilities, inspect the living conditions or generally offer help to residents, as shown in the following examples:

- The **NHRI of Albania** is mandated to inspect residential centers and public shelters reserved for women and children. During these inspections, information on medical, social and legal services is being disseminated to victims/survivors of gender-based violence.
- The **NHRI of Venezuela** inspects health centers in order to verify that appropriate sexual and reproductive health services are available to women and it and offers training for employees. When necessary, the NHRI makes recommendations to the responsible authority on how the services could be improved.
- The Policy Advisory Section of the **NHRI of the Philippines** issued position papers in favor of amending the current *Rape Victim Assistance and Protection Act*. The proposed amendments aim to establish shelters that will serve as temporary refuge to street children, abandoned children, women and children who are victims/survivors of physical and sexual abuse, homeless women and children and those displaced by armed conflict.

4.3 | Women human rights defenders

Women human rights defenders are defined as "both female human rights defenders, and any other human rights defenders who work in the defence of women's rights or on gender issues".⁶⁷ While women human rights defenders face the same risks as their male counterparts, they are particularly at risk of suffering certain forms of violence and other violations of their rights specifically because they are women.⁶⁸ Many NHRIs worldwide monitor the situation of human rights defenders. This monitoring is one of the ways in which NHRIs fulfil their

⁶⁵ World Health Organization, Regional Office for South-East Asia, "Violence against women", online: http://www.searo.who.int/entity/gender/topics/violenceagainst_women/en/.

⁶⁶ *General Recommendation No. 35*, *supra* note 12 at para 30 (e).

⁶⁷ United Nations Human Rights, "Women human rights defenders", online: <https://www.ohchr.org/en/issues/women/wrgs/pages/hrdefenders.aspx>.

⁶⁸ GANHRI, "The Marrakech Declaration - Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: The role of national human rights institutions" (12 October 2018), online: https://nhri.ohchr.org/EN/ICC/InternationalConference/13IC/Background%20Information/Marrakech%20Declaration_ENG_%2012102018%20-%20FINAL.pdf.

mandate to promote and protect human rights and contribute to maintaining the necessary space for civil society to operate. Some respondent NHRIs mentioned that they conduct surveys and case-studies in order to monitor the situation of human rights defenders, including women human rights defenders, in their respective countries. For example, the **NHRI of South Africa** produced a report on the status of human rights defenders, one chapter of which concerns the unique experience of women human rights defenders and includes several recommendations to public and private bodies on how to better protect women human rights defenders in the country.

The **NHRI of Kenya** also conducted a study to examine the situation of women and other vulnerable human rights defenders in 2017. According to this study, women human rights defenders, due to their work, face numerous harms and forms of violence, such as domestic violence, sexual and gender-based violence, physical assault, arbitrary arrest, death threats and sexual assault. In order to address this issue and provide better protection for them, the NHRI made several recommendations to stakeholders, such as the establishment of a more specific protection mechanism, the involvement of human right defenders in this process, a guarantee of impartial investigation of violations committed against these defenders and the provision of training for officers in legal institutions on various issues related to human rights defenders. The **NHRI of Georgia** specifically studied the situation of women human rights defenders and LGBT+ human rights defenders, looking at several cases of violations against their rights. The results were presented by the NHRI in the annual parliamentary report.

4.4 | Other specific issues

4.4.1 | Sexual harassment in the workplace

The elimination of gender-based violence also encompasses the elimination of sexual harassment in the workplace. The *Amman Declaration and Pro-*

gramme of Action set forth the need to NHRIs to help states “develop programmes to prevent and combat sexual harassment, and measures to protect women from sexual harassment and other forms of gender-based violence in the workplace [...]”.⁶⁹ Several NHRIs have adopted projects to provide information, monitor the implementation of measures, and assist in developing a comprehensive legislative framework on this issue.

The **NHRI of Latvia** developed a booklet for employers and employees, called “Unwanted Sexual Behavior in the Workplace”.⁷⁰ The booklet addresses the issue of sexual harassment by providing definitions and relevant examples of its possible manifestations. The **NHRI of India** organized one-day workshops on sexual harassment in the workplace for state officials and issued recommendations including an action plan that focuses on conducting awareness programs in schools and colleges, in the workplace (through videos on sexual harassment to promote appropriate behavior) and in various media outlets, including radio, television, social media and newspapers. The **NHRI of Mongolia** monitored the implementation of measures to ensure a workplace free of harassment. The NHRI reports that it systematically verifies if public bodies and entities have an internal mechanism to prevent and address sexual harassment in the workplace. If not, it recommends the inclusion of such a mechanism. The **NHRI of Afghanistan** carried out research on sexual harassment in universities and published its findings along with recommendations in a report which was distributed to the universities.

Other NHRIs have addressed the effectiveness of legal protections against sexual harassment. The **NHRI of Serbia** proposed the inclusion of sexual harassment as a criminal offense in the *Criminal Code* which was successfully adopted. Similarly, the **NHRI of New Zealand** will be commenting on the government’s draft action plan to combat sexual harassment in the workplace, due in March 2019. Based on their association with UN Women’s Empowerment Principles Committee which, in 2018,

⁶⁹ Amman Declaration, *supra* note 13, at p 7.

⁷⁰ Latvijas Republikas Tiesībsargs, “Nevelama Seksuāla Rakstura Ricība Darba Vidē: Informācija darba devējiem un darba ņēmējiem” (2018), online: http://www.tiesibsargs.lv/uploads/content/legacy/nevelama_seksuāla_rakstura_riciba_web_1531743161.pdf.

the NHRI organized speaking events for businesses on how to combat sexual harassment in the workplace. The **NHRI of Mexico** made recommendations to the Ministries of Health and Public Service to better identify cases of sexual harassment in those areas of work. Regarding cases of sexual harassment, the **NHRI of Poland** mentioned that it is currently monitoring two criminal proceedings regarding sexual harassment in the Polish Cycling Federation and in the Academic Theater in Warsaw.

4.4.2 | Harmful practices

In some States, traditional attitudes perpetuated by culture and traditions can contribute to the violation of women's rights by subordinating them to men or by justifying gender-based violence.⁷¹ They are prejudicial for women and children's physical and psychological well-being.⁷² Such practices include but are not limited to female infanticide, child marriage, dowry-related violence, maltreatment of widows and female genital mutilation/cutting.⁷³ States need to condemn gender-based violence and cannot disclaim their obligations from invoking traditional practices.⁷⁴

Several NHRIs report that they work on the elimination of child and forced marriage. According to the UN Human Rights Council, early marriage is a denial of women's dignity, affects them physically and psychologically in addition to the other negative consequences as social outcomes and poor health.⁷⁵ The **NHRI of Mexico** focuses on changing harmful practices like child marriage by conducting educational programs. In 2017, the NHRI issued a statement in which it affirmed that education is the key to change discrimination and violence against women. The **NHRI of Oman** has con-

ducted awareness campaigns on child marriage and forced marriage in order to educate girls on their rights, on the legal minimum age of marriage in the State's laws and how to report violations of their rights related to this issue. It also monitors cases on child and forced marriage by collaborating with other government bodies, such as the Ministry of Social Development.

Banning early and forced marriage is a priority for the **NHRI of the Philippines**, who, in partnership with the Philippine Legislator's Committee on Population and Development (PLPCD), contributed to the drafting of bills on this issue. A proposal from the **NHRI of Georgia** led to the registration of marriage between persons under the age of 18 being banned in January 2017.

The **NHRI of Afghanistan** works on the elimination of child marriage as well as on the practice of *Baad*.⁷⁶ It does so by holding conferences to explain that these actions are violations of women's rights and by addressing these issues in its reports. For example, in its 2012 biannual report, the NHRI discussed these issues by providing data, facts and testimonies of victims/survivors.⁷⁷ The **NHRI of Cameroon** targets the practice of dowry. In partnership with UN Women, it conducted a study on women's civil and political rights in Cameroon. This study highlighted different types of violence by region, the actions of victims/survivors regarding the reported violence, discrimination against women, marriage and dowry.

Another harmful practice and a violation of women's fundamental human rights is female genital mutilation (FGM).⁷⁸ In this regard, the **NHRI of Nigeria** published a manual which sets out a human rights

⁷¹ General Recommendation No. 19, *supra* note 11, at para 11.

⁷² General Recommendation No. 14: *Female circumcision*, Committee on the Elimination of Discrimination against Women, 9th Sess, Contained in A/45/38 (1990).

⁷³ *In-depth study on all forms of violence against women: Report of the Secretary-General*, UN General Assembly, 61st Sess, UN Doc A/61/122/Add.1 (2006), at para 118.

⁷⁴ *Report on the fifty-seventh session (4–15 March 2013)*, *supra* note 25, at Chapter I A para 14.

⁷⁵ *Preventing and eliminating child, early and forced marriage: Report of the Office of the United Nations High Commissioner for Human Rights*, UN Human Rights Council, 26th Sess, UN Doc A/HRC/26/22 (2014), at paras 21 and 23.

⁷⁶ The NHRI defines *Baad* as a traditional method of settlement and compensation whereby a female from the perpetrator's family is given to the victim's family as a servant or a bride.

⁷⁷ Afghanistan Independent Human Rights Commission, "Violence Against Women In Afghanistan, Biannual report 1391" (2012), online: https://www.aihrc.org.af/media/files/VAW_Final_Draft-20.12.pdf.

⁷⁸ General Recommendation No. 19, *supra* note 11, at para 20.

framework for reporting FGM, for example by integrating its “FGM Indicators Manual” in Nigeria’s Human Rights Treaty Reporting Mechanism. The NHRI also trained relevant stakeholders on this framework, which was done with the involvement of local and traditional leaders. In 2011, the **NHRI of Serbia** proposed an amendment to the Criminal Code in order to introduce female genital mutilation as a criminal offense. The amendment was adopted in 2016. In its annual report, the NHRI also criticized the insufficiency of the State’s measures for the suppression of early child marriage and forced marriage.

4.4.3 | Gender-based violence during armed conflict

Gender-based violence can be exacerbated in the context of armed conflict⁷⁹ and impunity for crimes committed is frequent.⁸⁰ The importance of addressing sexual and gender-based violence and ensuring accountability for violations during armed conflict are also highlighted by the CSW⁸¹ and by NHRIs in the *Amman Declaration and Programme of Action*⁸² as well as the UN Security Council.⁸³

In that vein, NHRIs have focused their actions on documenting the occurrence of gender-based violence during and after conflict and on providing services after conflict. The **NHRI of Georgia** conducted focus groups in conflict-affected zones, some of which were specifically addressed to women and dealt with the higher risk of becoming victims of violence in some areas of the country. In its work with victims/survivors of armed conflict, the **NHRI of Azerbaijan** regularly visits affected regions and meets with women and girls who suffered from the war, including refugee and internally displaced women, women heads of families,

young widows, orphans of war and women who suffered from natural and man-made disasters.

Other NHRIs work on the prevention of and protection from gender-based violence during times of armed conflict. The **NHRI of Mongolia** published a training manual on armed forces and human rights based on the OSCE “Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel”.⁸⁴ The manual includes sections on sexual harassment and sexual violence against women members of the army. This initiative was also accompanied by a three-day training, in April 2018, on gender-based violence, domestic violence and torture with members of the Mongolian Army in the capital and regional provinces. Likewise, the **NHRI of Nigeria** offers training on human rights and gender-based violence for security personnel in internally displaced persons’ camps and host communities in the North East of Nigeria. The **NHRI of Germany** advised the Ministry for Economic Cooperation and Development on its implication in the peace-building process in Colombia. Putting forward a human rights-based approach, the NHRI called upon appropriate support and services to be offered to victims/survivors of gender-based violence.

4.4.4 | Implementing the Women, Peace and Security Resolutions of the UN Security Council

Gender-based violence against women does not stop with the end of a conflict. As the CSW and the UN Security Council emphasized, prevention of and response to all forms of violence against women and girls, must be prioritized and effectively addressed.⁸⁵ Recognizing the intrinsic link between gender-based violence against women and women’s oppression, both bodies call for strengthening

⁷⁹ *Prevention of violence against women and girls, supra* note 33, at p 22.

⁸⁰ *Declaration on the Elimination of Violence against Women*, UN General Assembly, 85th Plenary Meeting, UN Doc A/RES/48/104 (1993), at art. 2 (a).

⁸¹ *Report on the fifty-seventh session (4–15 March 2013)*, *supra* note 25, at Chapter I A para 34 (l).

⁸² *Amman Declaration*, *supra* note 13, at p 7.

⁸³ *Resolution 1888 (2009)*, UN Security Council, 6195th Meeting, UN Doc S/RES/1888 (2009), at para 8 (b).

⁸⁴ Organization for Security and Co-operation in Europe, “Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel” 2008, online: <https://www.osce.org/odihr/31393>.

⁸⁵ *Report on the fifty-seventh session (4–15 March 2013)*, *supra* note 25, at Chapter I A para 34 (l). *Resolution 1820 (2008)*, UN Security Council, 5916th Meeting, UN Doc S/RES/1820 (2008), at para 1.

women's participation in conflict resolution and peacebuilding processes and post-conflict decision-making.⁸⁶

In this vein, the **NHRI of Nigeria** worked with the National Agency for the Prohibition of Trafficking in Persons, the Federation of Female Lawyers, a non-governmental organization, and the Legal Aid Council to design the National Action Plan for the Implementation of UNSCR 1325 and other Related Resolutions on Women, Peace and Security. The **NHRI of Afghanistan** advocates for a meaningful participation of women and more specifically of victims/survivors of armed conflict to ensure sustainable peace in the country.

4.4.5 | Internally displaced, refugee and migrant women

Refugee and internally displaced women often face an increased risk of sexual and gender-based violence.⁸⁷ The **NHRI of Nigeria** developed a referral pathway with different NGOs in order to facilitate access to free medical care from government health facilities for women in this particular situation. The NHRI also monitors and investigates, through its local facilities, reported cases of gender-based violence in various refugee and displaced people's camps. The **NHRI of Tanzania** litigated a case of forced displacement on behalf of the Bugurumi people, claiming compensation for the demolition of the community's houses.

NHRIs were also active during the so-called migrant crisis in Europe. For example, the **NHRI of Serbia** monitored the work of the authorities during those times when refugees came into the country in larger numbers. It also worked towards the implementation of a national policy, namely the "Standard Operative Procedure", which aims to strengthen the prevention and protection of refugees and migrants from gender-based violence. A delegation of the **NHRI of Greece** conducted visits to different refugee camps in 2016 in order to assess the living conditions.

Several NHRIs work on the issue of trafficking:

- The **NHRI of Portugal** worked towards the prevention of trafficking of women. It intervened in the case of a stateless refugee girl who had a higher risk of being trafficked. The NHRI assisted her with the necessary administrative work towards the acquisition of the Portuguese nationality.
- The **NHRI of Ecuador** is a member of the *Inter-Agency Coordination Group against Trafficking in Persons (ICAT)* which monitors the compliance of states with their international obligations regarding trafficking of persons.
- The **NHRI of Venezuela** developed a training manual for members of its staff who work specifically on human trafficking. In addition, it works on the implementation of the "National Ombudsman Plan for the Training of Officials of the Justice System" which aims to raise awareness amongst key stakeholders, such as ministerial staff, about the issue of trafficking.
- The **NHRI of Bolivia** is part of the *Plurinational Council to Combat Trafficking in Persons* for which it annually conducts prevention activities on the causes and consequences of trafficking, as well as against sexual exploitation of women and girls.

Other NHRIs have carried out more general work concerning the sexual exploitation of migrant women in their respective countries. The **NHRI of New Zealand** is a member of the Ethnic Minority Women's Rights Alliance of Aotearoa with which it advocates for the rights of migrant and refugee women affected by violence, particularly foreign female sex workers without status who are at risk of being exploited. Finally, the **NHRIs of Slovakia** and **Nepal** both conducted training activities on the issue of sexual exploitation.

⁸⁶ Report on the fifty-seventh session (4-15 March 2013), *supra* note 25, at Chapter I A para 34 (l). Resolution 1325 (2000), UN Security Council, 4213th Meeting, UN Doc S/RES/1325 (2000), at para 2.

⁸⁷ Report of the Special Rapporteur on the human rights of internally displaced persons, UN Human Rights Council, 23rd Sess, UN Doc A/HRC/23/44 (2013), at para 22.

5 | Conclusion

The present report shows the multitude of activities which NHRIs pursue in order to address gender-based violence against women. The examples and case studies showcase the different strategies used to reach victims and protect women from gender-based violence.

These strategies help women to understand and assert their rights and support them through judicial and non-judicial mechanisms, thereby contributing to their empowerment. The work of NHRIs in this respect can not only help states in fulfilling their obligations in order to realize the human rights of all women and girls and make sure that they live in a life without violence, but also to implement Goal

5 of the SDGs and thus to realize the aim of the SDGs to leave no one behind. As a consequence, the work of NHRIs on promoting and protecting women's rights, particularly with regards to gender-based violence, is directly relevant to the review theme of CSW63. GANHRI and its members are looking forward to increasing their engagement with the CSW in this regard.

6 | Annexes

6.1 | Data tables

Table 1 Survey respondents per region, name and accreditation status

Africa (8 respondents)

Country	Name	Status
Algeria	The National Human Rights Council of Algeria	B
Burundi	Commission nationale indépendante des droits de l'homme	B
Comoros	Commission Nationale des Droits de l'Homme et des Liberté des Comores	No status
Côte d'Ivoire	Commisson nationale des droits de l'homme	B
Kenya	National Commission on Human Rights	A
Nigeria	National Human Rights Commission	A
South Africa	Human Rights Commission	A
Tanzania	Commission for Human Rights and Good Governance	A

Americas (6 respondents)

Country	Name	Status
Argentina	Defensoría del Pueblo	A
Bolivia	Defensor del Pueblo	A
Colombia	Defensoría del Pueblo	A
Ecuador	Defensor del Pueblo	A
Mexico	Comisión Nacional de los Derechos Humanos	A
Venezuela	Defensoría del Pueblo	B

Asia Pacific (10 respondents)

Country	Name	Status
Afghanistan	Independent Human Rights Commission	A
Bahrain	National Institution for Human Rights	B
India	National Human Rights Commission	A
Mongolia	National Human Rights Commission	A
Myanmar	Myanmar National Human Rights Commission	B
Nepal	National Human Rights Commission	A
New Zealand	Human Rights Commission	A
Oman	National Human Rights Commission	B
Philippines	Commission on Human Rights	A
Samoa	Office of the Ombudsman	A

Europe (17 respondents)

Country	Name	Status
Albania	People's Advocate	A
Armenia	Human Rights Defender	A
Azerbaijan	Human Rights Commissioner (Ombudsman)	B
Bosnia and Herzegovina	Institute of Human Rights Ombudsmen	A
Cyprus	Commissioner for Administration and Human Rights	B
Finland	Finnish National Human Rights Institution	A
Georgia	Office of the Public Defender of Georgia	A
Germany	German Institute for Human Rights	A
Great Britain	Equality and Human Rights Commission	A
Greece	National Commission for Human Rights	A
Latvia	Ombudsman of the Republic of Latvia	A
Norway	Norwegian National Human Rights Institution	A
Poland	The Commissioner for Human Rights	A
Portugal	Provedor de Justiça	A
Romania	Romanian Institute for Human Rights	No status
Serbia	Protector of Citizens	A
Slovakia	National Centre for Human Rights	B

Table 2 **GANHRI accreditation of survey participants and all NHRIs, in numbers**

GANHRI accreditation status ⁸⁸	Survey respondents	Total number of GANHRI members
A Status	29	79
B Status	10	33
No Status	2	-
Total	41	112

⁸⁸ Accreditation status per December 2018, <https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20%2826%20December%202018.pdf> (accessed 15.01.2019).

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