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Joint Committee on Human Rights

Oral evidence: [Violence against women and girls](#), HC 1044

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Members present: Dr Hywel Francis (Chair); Baroness Berridge; Baroness Buscombe; Baroness Kennedy of the Shaws; Baroness Lister of Burtersett; Baroness O'Loan; and Mr Virendra Sharma

Questions 1-19

Witness: **Rashida Manjoo**, UN Special Rapporteur on violence against women, its causes and consequences gave evidence.

Q1 The Chair: Good morning and welcome to this, the very first evidence session on our inquiry into violence against women and girls. For the record, could you introduce yourself and your colleague, please?

Rashida Manjoo: Thank you very much. My name is Rashida Manjoo. I am the UN Special Rapporteur on Violence against Women, its Causes and Consequences. My assistant Birgit is employed by the High Commissioner for Human Rights in Geneva and she is supporting me on this mission. Thank you.

The Chair: Thank you very much, and once again welcome. We are aware that you are unable to answer specific questions, and we will try to avoid some areas, as you are in the early part of your inquiry. We very much look forward to hearing what you have to say. Could I begin by asking a very broad question about what you consider to be the three most significant human rights issues in relation to violence against women and girls?

Rashida Manjoo: Thank you very much, first for making the time to meet me this early in the mission. It is very helpful for me to understand how the oversight function of Parliament has played out in terms of violence against women and to engage with you. The first, most significant aspect that I have identified, particularly in my latest report to the Human Rights Council, is that, instead of accountability being the norm for violations of women's human rights broadly, and particularly violence against women, impunity is the norm, which means that the criminal justice system in most instances is failing women and girls across the world. The second issue is that the approach of the empowerment of women and girls so that it forms part of a holistic response to violence against women is missing, due to policies and practices that have moved to mainstreaming of gender and to neutrality. Neutrality means that we treat everyone equally instead of recognising that,

when it comes to violations of women's human rights, special measures—affirmative action measures as well as addressing systemic structural causes of violence against women—have to be addressed. The goal should be substantive equality and not formal equality. Unfortunately, many countries have moved from specificity to mainstreaming and now to neutrality when it comes to gender equality and women's human rights.

The third aspect that I have identified as challenging globally is the lack of substantive, cohesive transformation of societies. When I talk about the transformation of societies as a response, it is part of a package—part of a holistic response—including the criminal justice aspect, the social services aspect and the attempts at transformation of society through educative and other measures.

Q2 Baroness Kennedy of The Shaws: It is very welcome to have you here and we are very glad that you have given your time to us. We wanted to ask you a little about the special rapporteur's role, because that may be something that some people have never come across before. What are special rapporteurs at the UN supposed to do? What is their purpose?

Rashida Manjoo: First of all, we are independent experts appointed by the Human Rights Council in Geneva—previously the Commission on Human Rights. There are about 50 mandate-holders within the system; we are either special rapporteurs, independent experts or part of a working group. Mine is a thematic mandate—violence against women, its causes and consequences—and we have four broad functions: to seek and receive information on violence against women, its causes and consequences; to recommend measures, ways and means at the national, regional and international levels and transmit urgent communications to government on violations that have occurred or are about to occur; to undertake fact-finding missions at the invitation of a Government, as I am doing in the UK at the moment; and to submit annual thematic reports. The goal of the annual thematic reports is to push the conceptual understandings of the issue that a mandate-holder who has a thematic focus works on. I submit an annual thematic report to the Human Rights Council in June every year and to the General Assembly in October each year. Those four broad measures are what is expected of us in the resolution that creates the mandates.

We are not NGOs; we are not employees of the United Nations; and we do not work for any Government. We are independent experts. We do not get paid for what we do for the UN and we do our work within the notion of independence, but within the framework of international human rights law in particular for my mandate.

Q3 Baroness Kennedy of The Shaws: We will come to the money bit and the problems that arise out of that in a minute, but I just wanted to ask you about how it linked to CEDAW and, to follow on from that, whether you think the individual petitioning to CEDAW is working and how the use of that individual petitioning could be improved—so, the link of you to CEDAW and then how CEDAW could be used more effectively by women.

Rashida Manjoo: CEDAW is the Convention on the Elimination of All Forms of Discrimination against Women, and it has a monitoring body—a treaty body. The CEDAW committee is an independent monitoring body. The difference with the special procedures mandate-holders—the system under which I fall—is that we can investigate any issue globally; the Government of the country in which the violation has occurred or is about to occur does not have to be a party to the treaty. That is a huge benefit, particularly

for individual and collective victims of violence, because the country does not have to be a party to the treaty for a mandate-holder to investigate an issue.

The second huge advantage is that an individual whose human rights have been violated does not have to exhaust their domestic remedies. That is a huge aspect that is beneficial to civil society. Unfortunately, the cases that go to the treaty body have these two restrictions: that the country has to be a party to the treaty and that you have to have exhausted your domestic remedies. The cases that come to us have the advantage that the individual petitioner does not have to do that.

With all due respect, I do not want to speak on behalf of CEDAW, but one of the challenges that CEDAW faces is the fact that the convention does not have an article on violence against women. There is an article on trafficking but not on violence against women broadly. The committee has had to employ an interpretive guidance using the framework of CEDAW and has come up with two interpretive general recommendations, 12 and 19, to address this normative gap in the convention, and through using the optional protocol for individual complaints. The challenge for all treaty bodies, including special procedures mandate-holders, is the lack of sufficient resources to be able both to undertake individual complaints and to look at systemic patterns and push conceptual boundaries on an issue.

The jurisprudence of CEDAW on violence against women has been strong. As I said, the limitation is that there is no legally binding article in CEDAW, so CEDAW has had to use Article 2, Article 16, and Article 5 on stereotyping to be able to justify its jurisprudence through using other interpretations. In my mandate as an independent expert, I have found that there is a normative gap that we need to be discussing globally, particularly in light of more specificity in the regional human rights systems. It took a while for the CEDAW committee to have the optional protocol so that they could address individual complaints; it has been a hard-fought battle. However, the challenges of insufficient resources to be able to use that is one aspect for the committee; and the aspect for activists and advocates at the country level is that there is not necessarily sufficient information on how to use the system. There are different regions where it is much stronger and more petitions come through, but there are parts of the world where the treaty body—both the monitoring system and the individual complaints system—is not used sufficiently. It could be to do with lack of knowledge.

Baroness Lister of Burtersett: In which areas is it being used more strongly?

Rashida Manjoo: There is an NGO whose work is dedicated to promoting CEDAW in its monitoring function as well as its individual complaints function in the Asia-Pacific region, and it is training people around the world. It trains activists in how to develop a shadow report, how to come and present to the committee and, after your country has been examined, how to continue with the follow-up work. I am not sure that we have that in every part of the world. I know in Africa it is much weaker; we do not have that.

Q4 Baroness O'Loan: I wanted to go back to the issue of resources, which you have raised repeatedly. I wondered if you could explain to us, as a special rapporteur, what resources are available to you. You have already told us you do this in a voluntary capacity and your assistant is loaned from the UN. What resources do you have? Do you have research resources? Do you have secretarial resources? Do you have administrative resources?

Rashida Manjoo: This is an issue that has been raised within the UN as well. The secretariat is the Office of the High Commissioner for Human Rights, and we have an assistant there, but we do not have research support, so many of us who are attached to universities draw on our students and our colleagues to assist with that.

In terms of programmatic activities, last year I was trying to get information from Governments through a questionnaire process, but also to get information from civil society through a regional consultation process: information on how both state and non-state actors understood state responsibility to act with due diligence; what it meant to them within the human rights framework; how it was being implemented; and what the challenges were. The challenge for me was that there was no funding to have these regional consultations. It is easy enough to send a note verbale to Governments to get information. The response rate was pretty low from the state sector. I had 40 responses from 193 countries globally, and not having sufficient resources for somebody in Geneva to be analysing the responses of states was a challenge.

Secondly, the regional consultations require funding, because I live in South Africa, to fly to different regions. Fortunately, through DfID, I was able to conduct one consultation for the Middle East/North Africa region. It was a small amount of money and we had a small group of people, but it was a MENA region consultation and, in this time of transition, it was a good region to target. UN Women then came on board and funded a workshop for the Pacific in Fiji and one for the former eastern European/Balkan countries in Slovakia.

Baroness Kennedy of The Shaws: But you really have to scratch around trying to piece together some bits of money.

Rashida Manjoo: There is not a budget to do programmatic work. I am one of the mandate-holders who writes their own thematic reports, which means I rely on universities and—particularly in the US—I call on friends and colleagues to get their students to do the research. The other challenge, on a very practical level, is that of travelling for reporting. Yes, the secretariat, which is the high commissioner's office, tries to assist mandate-holders to get us to Geneva and to New York by the most direct route; however, with the cutbacks in funding there are mandate-holders who could do a 12-hour trip but have to do a 36-hour trip to go half way round the world on the cheapest airline to get to where they are going. That is highly problematic. I find, as I get older, that it is much harder to sit in Dubai for 16 hours at an airport. This is the other practical challenge that we face as mandate-holders.

Q5 Baroness Buscombe: I notice that the UN Convention on the Elimination of All Forms of Discrimination against Women was introduced in 1979. Given that, and given that you have been in the role now nearly five years, are you more or less frustrated than when you began in that role?

Rashida Manjoo: I am more frustrated. In terms of the communications that I send to Governments—my reports on country missions as well as my thematic reports—I have to rely on general recommendations, which I, as a lawyer, know are not legally binding on member states. I have to rely on a declaration on the elimination of violence against women that I know is a declaration and is not legally binding. It has been frustrating using soft law for accountability and oversight. It is a 1979 convention. In the regions, in 1994, when the declaration came out, we had the inter-American system having a specific

instrument on violence against women: the Belém do Pará. We had the African protocol on the rights of women, which is not specific to violence against women but has stronger provisions than CEDAW does on violence against women. Being in the African context, the African protocol focuses more on violence against women in conflict situations, which is the lived reality on the continent.

The latest convention is the Istanbul convention, which is not in effect as yet; I think your Government is working towards ratification. I will be very frank: my concern is that the Council of Europe convention is being touted as the international convention on violence against women, because we do not have anything at the UN level. My concern is linked to the fact that then globally we will have to look to Strasbourg on violence against women and not the United Nations. I have no problem with the normative aspects, because it is the best we have, considering where we have come from. The challenge is to have a regional instrument serving as the international treaty on violence against women. It is one thing to adopt a standard and grow the standard. On the Istanbul convention, Europeans were consulted and the European context was taken into account, so it does not necessarily reflect the rest of the world.

That is a challenge and a deep concern that I have, and it is one of the issues I have raised in the past 18 months, both at the UN level and in my discussions globally, particularly with academics and activists. Usually, a declaration in time becomes a convention—a legally binding instrument. The declaration turned 20 years old in December of last year, but there is no talk. Is this because, again, this is about women? Last year—I am not sure if any of you were there—the focus for two weeks at the Commission on the Status of Women in New York was violence against women. What came through clearly from every Government in the world was that violence against women and girls is the most pervasive human rights violation we face globally, whether in times of peace, conflict or post-conflict transition. If it is the most pervasive human rights violation that we are facing, why is it not acceptable to talk about a specific legally binding instrument at the international level? That is my concern and my frustration for the next 18 months.

Q6 Mr Sharma: I know your brief is to talk to any government agencies. In your brief, do you have any communication with the voluntary sector? We have many groups here who actively work with women when violence cases come through. Do you have any brief on that? If you have, have you made any contacts with voluntary organisations?

Rashida Manjoo: For my mandate in particular and most other mandates, a crucial part is to hear the other side and to get a sense of the lived reality. My practice in the past almost five years has been to spend the mornings of missions speaking to government authorities and visiting government institutions—prisons, detention centres and refugee camps, if they are relevant—and to spend the afternoons meeting civil society in particular and individual victims of violence, either in shelters or in other places, so that I can hear that side of what the laws, policies and programmes are, what the implementation success or challenge is, and where the gaps are. The recommendations in my report need to be based on what the reality is and where the gaps are that I, as an independent expert outside of UK, am seeing. Just listening to Governments would prove to be unhelpful in that respect.

I would also like to stress that when I conduct a mission, my goal is not to judge a country. My goal is to enter into a dialogue with the country so that the report can be used by the state in terms of its recommendations of an outsider looking into your world for two

weeks, but also used by civil society as an accountability tool to hold Government accountable. That is part of citizenship responsibility. I am the outsider coming in for a very short time; I cannot enforce my recommendations with the Government. My report is a public document, but I stress in my civil society meetings that, “you have to see the report as an accountability mechanism that you could use to hold your Government accountable”.

Again, the weakness in the human rights system is that the special procedures system is not understood. The previous Secretary-General called us the jewel in the crown of the human rights system because of our power to intervene and our capacity to do this, and it is underutilised. One of the things I do is to make sure that civil society understands that it is wonderful to engage with me while I am on the mission, but it is even more important to engage with the report post the mission.

The other thing that I have started building into every country that I go to is to try to give a talk at a university so that faculty, students and the general public in a country or in a region—and I am doing that in Scotland tomorrow evening—get to understand in a more nuanced way what the mandate is and what I am doing in a country, as opposed to just hearing something on the day that I do the press conference, which is the day that I am leaving the country, because then the nuances are lost of exactly what the mission was, and in some countries the press conference becomes very sensationalised as opposed to a more nuanced: “This person was here”. I am not an international NGO; I am part of a UN system that wants to enter into dialogue so that we can change the reality on the ground as opposed to just naming and shaming. This is not about naming and shaming.

Mr Sharma: I raised this question because there is an organisation in my constituency that is internationally known: Southall Black Sisters. Have you met them?

Rashida Manjoo: Yes, I met them on Monday.

Mr Sharma: You met them.

Rashida Manjoo: Yes.

Mr Sharma: Thank you.

Baroness O'Loan: Have you made any communications to the United Kingdom regarding alleged cases of violence against women?

Rashida Manjoo: I have, but I am not at liberty to share that information as yet.

Q7 Baroness Lister of Burtersett: There are three areas I should like to ask you about in relation to the issues of special interest, and then I know colleagues wish to come in on some of the others. First, you mentioned in your opening remarks the systemic structural causes, and I wonder if you could say a bit more about your perception of what these systemic structural causes are. I know it is a big question.

Rashida Manjoo: I have a whole report dedicated to the issue. My 2011 report to the Human Rights Council addressed multiple and intersecting forms of discrimination and the nexus with violence against women. It ranges from race to ethnicity, religion, poverty, lack of opportunities, parallel legal systems in some instances that violate the rights of

women, sexual orientation, gender identity, and geographic location—“Do I live in an urban area or do I live in a rural area, and how does that impact in terms of resources, services, et cetera?”. These are the systemic structural causes. When we pass a law, the law is ahistorical in terms of the application to an individual. We want to know what happened to you now; we do not want to know where you come from or what the constraints are or whether you can go back home. If my country provides shelter for three weeks, what happens to you after three weeks is not the responsibility of the state, generally, if we think about laws and policies the way they are framed currently.

However, if we think of a holistic response, we have to understand that that individual whose rights have been violated because of violence within the home or the community or by the state comes with multiple identities and multiple inequalities and discriminations; it is not just about the interpersonal violence or the communal violence that she was subjected to. The holistic response would demand that a state, in its response to an incident—a violation—would look holistically at the individual and would look at the system. Last year in my report, I argued that under international human rights law, states have a responsibility to act with due diligence in terms of protection, prevention, punishment and the provision of remedies. In each of these sectors, the state needs to look at its response to the individual. It is a twin-track obligation. It is a due diligence obligation to the individual who has been harmed, but there is an obligation of the state to have a functioning, responsive system. A functioning, responsive system for protection, prevention and punishment means you have to look at the individual holistically. You have to look at the circumstances that have led to this and the potential of—I am just giving an example—“If we give her three weeks of shelter, what happens after that if we do not address her socioeconomic needs, her housing needs, her therapeutic needs in terms of counselling, or her legal needs?”. I am linking that to what I am hearing about the drastic change in the legal aid system here. There is no legal safety net, there is no social safety net, and we provide a criminal-justice or a civil-justice response without thinking holistically of the individual or looking at it through the systemic level. This is one individual who may have sought assistance, but, on a systemic level, there are many more. That is the challenge: recognising violence against women and girls as a systemic problem. It is the most pervasive human rights violation, but not in our responses. Looking at it through a holistic lens, that is a failure of state responsibility.

Q8 Baroness Lister of Burtersett: You talked about prevention. Where would be the key areas to try to prevent violence against women?

Rashida Manjoo: Education plays a huge role. People, as citizens, knowing their rights and knowing where they can turn to, and having a system that will respond when an individual or a group of people turns to the system, is part and parcel of prevention. Prevention is also about taking each incident seriously enough and not mediating matters out of the system, either in the welfare system or in the legal system. That is part of prevention. My 2012 report looks at gender-related killings of women, showing that the killing of a woman is the ultimate act of violence because the system has failed her at every level and so she ends up dead. It is not a new act; it is a continuum of violence. Prevention would include a responsive system—a system that educates and a system that supports the people who want to break the silence and walk out of abusive relationships, or break the silence on violence either in state institutions or in the community. That is part of prevention.

Q9 Baroness Lister of Burtersett: You mentioned poverty. Women's poverty is a particular concern of mine. As you know, the Istanbul convention broadens out the definition to include economic violence and economic harm. Could you reflect a bit on that—how the economic figures in violence against women?

Rashida Manjoo: At the bottom end of the scale, when we think of economic violence, it is someone who is not allowed even to go out to work—or it goes prior to that, where she has not been given the opportunity to be educated, to develop skills and to become an economically active member of society, so it starts off further down the line. If someone, either in a relationship, in a family setting or in an intimate-partner relationship, is not allowed to go to work, that is economic violence. If someone goes out to work but her salary is confiscated, and she is subjected to restrictions on any autonomy or choice on how that money is spent, that is economic violence. When a state cuts back on welfare benefits knowing that this family and this individual is dependent, that is economic violence from the level of the state. Where, despite financial crises and austerity measures, there is a cut-back in social services at the state level that impacts the individual—but, more importantly, for a dependent individual to have austerity measures having this impact—that is economic abuse, in my view. That is the state failing in its responsibility to indigent people. Cutting back on legal aid is also a form of abuse by the state, because it precludes poor women, indigent women and black and minority ethnic women from accessing the justice system, and it is forcing them to remain in abusive communities, families, et cetera.

Q10 Baroness Lister of Burtersett: I know you have talked about intersecting forms of discrimination. Could you just say something specifically about disabled women and their vulnerability to violence?

Rashida Manjoo: My 2012 report to the General Assembly looks at the issue of violence against women with disabilities. These are issues I have covered. With the Convention on the Rights of Persons with Disabilities, we have moved away from the welfare approach to persons with disabilities to a more mainstreaming approach. We understand disability is not only about access to buildings, et cetera; it is about access to opportunities. It is about seeing people in their full human potential and not using the disability as the barrier to seeing them as human beings with rights. It is about understanding that disabilities vary and we cannot have a “one size fits all” approach to persons with disabilities, because their disabilities vary.

There is the issue of autonomy and bodily integrity for women in particular. I am hearing in different countries the challenges of sexual violence and other forms of violence against women and girls with disabilities. It does not matter if the disability is physical or mental; they are seen as easy prey. That is something that my report highlights. There is the issue of lack of opportunities for economic empowerment of persons with disabilities. Some countries have labour laws that specifically ask you to have targets for persons with disabilities. I think that if research was done, we would see that in the private sector—I am not sure about the state sector—there are choices being made about which kinds of disability are acceptable for your work premises. That is a subject that needs to be explored.

There is a special rapporteur on disabilities. That does not fall into the special procedures system; it falls into a different system: the Economic and Social Council. There are

discussions going on about moving it to the human rights system so that we constantly globally send a message that the issue of disabilities is a human rights issue; it is not a welfare or social issue. It is a human rights issue.

The Chair: We need to make progress now. I have a list of questions, but I think Baroness Buscombe wants to ask a brief question and then Baroness Berridge.

Q11 Baroness Buscombe: Yes. If I could first say that we have had some cutbacks in legal aid here, but it is important to state that we have retained some important safety nets for some of the situations that you have highlighted. I would also question, in your example about failure of the state, where the pressure is to change culture—which is sometimes a religious situation—where the state then simply picks up the problem by paying out benefits. It is not getting to the heart of the problem, in my view, which is cultural. My question really is: what do we do about violence encountered by women facing new vulnerabilities as a result of increased transnational processes, such as immigrant women, asylum seekers and refugees? There is a problem in a country like ours, where most people have very little idea about what is going on behind closed doors, which is so often excused on the basis of religion or culture. Frankly, for years we have been terrified of speaking out because we have been frightened of being accused of being racist or politically incorrect, when the people suffering the most behind those closed doors are women.

Rashida Manjoo: Under international human rights law, the UK, like many countries in the world, has due diligence obligations to protect, to prevent, to punish and to provide effective remedies. My 2010 report looks at the due diligence obligation of remedies, and it goes broader than just compensation or a legal response to violence. The state-responsibility principle and the fact that Governments voluntarily sign and ratify international instruments mean that the subjectivity and the sensitivity around religion culture has to be taken into account but you should not allow the violations to occur, because you have a responsibility to protect, to prevent and to punish as a state. Being sensitive to difference and to multiculturalism is not the same thing as condoning acts that are justified in the name of culture, religion or tradition. That is where sensitivities are taken into account but might be interpreted as relativism—that, “you are different and we understand, and we are going to let you have your parallel legal system”, or, “your community way of resolving dispute”.

Ultimately, a citizen, to exercise human rights, has to have the backing of the state in terms of protection, prevention and punishment. It is part of democracy and it is part of citizenship rights that I am entitled to exercise all my human rights in an effective way, knowing that the state is protecting that and that there are not interest groups arguing that they are different and should be treated differently. We are sensitive but we are not tolerant of practices that violate the rights of an individual—because ultimately, human rights law is about the individual. It is about the protection of the individual; it is not about protecting collectives. Protecting collective identity, yes; that is a social process that goes on, but legally a state has an obligation to an individual.

That does not mean that there are not challenges in multicultural contexts. There are challenges, but if there is a zero tolerance to human rights violations that are justified on the basis of culture, tradition and religion, that is a state responsibility to be addressed and

the state cannot abdicate that responsibility to other interest groups within communities. The state can engage, but ultimately the state is responsible.

Q12 Baroness Berridge: May I just ask you more specifically about your mission here? We are thankful we have caught you at the beginning of your process. Just dealing in more specifics from the question before, I do not know if you have seen our call for evidence. We have specifically tried to ask for evidence from NGOs and other relevant people within religious contexts to come forward to provide us with the information about what is happening in that context. In the UK we have some very good NGOs, but quite a lot of the issues we have faced in relation to parallel legal systems and those cultural pressures have been played out in our media context, which can be quite blunt and quite divisive in terms of community relations. My question to you is: will your mission here be part of helping us to look at what is going on? The issue is not just multiculturalism. Sometimes the argument of religious freedom is used and, in my view, potentially abused to justify these situations and we are, I have to say, sometimes struggling to find a balanced view on what is going on and what the state then needs to respond to because of all the difficult, controversial contexts we are trying to delve into. Will it be part of your mission?

Rashida Manjoo: Yes, because I am hearing both sides. Yes, some of these issues have arisen in some of the consultations—the sensitivities or using religious freedom—but every right has limitations. My advice to the Government is that your responsibility emanates from your national level laws, your constitutions and your international law obligations, so ultimately, taking into account arguments on religious freedom et cetera, the state's responsibility is to the individual to protect, prevent and punish. The state is responsible. I would encourage members of this Committee to look at my 2013 report on state responsibility. Ultimately, if we move away from our obligation to act with due diligence, we are then denying the exercise of rights by—I do not like the term “vulnerable”, but unfortunately that is a term—marginalised vulnerable members of communities.

Q13 Baroness Berridge: One of the issues for us is about finding out reliably what is actually going on. Will that be part of the dialogue and the information that we really do need more neutrally? You are more neutral to our context.

Rashida Manjoo: I am receiving reports and submissions in writing, because I do want the report to be accurate and to reflect that. The limitation is that my report to the Human Rights Council is 10,700 words, which means I have to synthesise, but you are probably getting the same submissions that I would be getting. Maybe the follow-through is that, with the permission of the providers of those reports—if they would like me to share them—I can make sure that from Geneva we can make copies and send those to you.

Baroness Berridge: Thank you.

Baroness Kennedy of The Shaws: That would be very helpful. Picking up on that last thing, it is not any different from the problems that we have had traditionally here with the common law, which was that when it came to offences against women—sexual offences and so on—there was a requirement for corroboration. It was just rather interesting that it was in relation to sexual offences and so forth, where it was mostly women who were at the receiving end, that such standards were expected. We have dealt with that by removing that requirement, but we do know that in some of the alternative legal systems—whether it is

Sharia law or sometimes even within the Beth Din—there are evaluations of women’s evidence that are to a different standard; a woman’s evidence might be worth half the value of that of a man, or some such thing. Have you written on this? Have you tried to counter the problems that emanate from those positions?

Rashida Manjoo: I think that if we did research on access to justice for women in every country in the world using the formal legal system, we would find the same problem in comments by judges, by prosecutors and by the police: the judging of women as lesser human beings; the perception that women lie, including about rape; the comments around how you were dressed. Yesterday I had a meeting with the legal profession and I was given the transcript of a case of a transgender person who needed to be placed in detention. Some of the comments by the judge in that case were quite revealing. We do not have to target any particular system; we have to look holistically at all legal systems and how women are perceived in the legal systems.

I also did a report last year for the General Assembly on women in custodial centres—immigration detention centres and prisons. In the pathways into detention for women, the nexus with violence is absolutely clear. Women experience more violence—physical, sexual and psychological—in detention centres and prisons than men do. They are denied basic amenities, including sanitary pads, soap, et cetera, because there is this constant negotiation: “You are the weaker sex and we are in power; we have authority”. The patriarchy is alive and well in our institutions, whether it is the courts or our facilities—prisons, et cetera. We should look at the issue broadly through the lens of access to justice in all its permutations, whether it is parallel legal systems, whether it is community systems, whether it is religious systems or whether it is our formal legal systems, and look at whether substantive access to justice is a reality for women in any of these forums.

Q14 Baroness Kennedy of The Shaws: I am a practising lawyer, and the field that you are operating in is my field. One of the things that is often not understood is that treating as equal those who are unequal only creates further inequality. This business of neutrality—the idea that we have neutral law—does not deliver for women in many circumstances. That is one of the underlying problems in all of this, yet there is a resistance from certain quarters to take steps to do things that are particularly addressing the disadvantage that women historically have had. That, it seems to me, is one of the greatest hurdles that we have to deal with: the notion that neutral law will solve everything. Neutral law does not.

Rashida Manjoo: Neutrality is actually violating international law. It is one aspect of the report that I am writing currently for the Human Rights Council on the challenges we continue to face. Moving to neutrality is a challenge.

Q15 Mr Sharma: Can you outline the focus of your next thematic report?

Rashida Manjoo: My mandate turned 20 years old in March; the Declaration on the Elimination of Violence against Women turned 20 in December. One of the things that I decided to do was a 20-year reflection, not on what my mandate has done but looking holistically at the United Nations system and violence against women. The report to the Human Rights Council looks at 20 years of developments within the human rights system. It looks at the resolutions and the declarations—the soft-law developments—but also acknowledges that it has pushed the conceptual boundaries of our understanding. There are still parts of the world that I go to where I say “violence against women” and they

begin talking about domestic violence as if that is the only manifestation of violence globally. It is doing a 20-year reflection on developments within the UN and identifying continuing challenges. Currently, while I write, I have about eight challenges that I have identified. I am sure there are more.

My report to the General Assembly this year in October will focus on the normative developments within the regional human rights systems in terms of violence against women and how far ahead those are, and again identifying that there is a normative gap at the international level on violence against women. I will be highlighting that to the General Assembly this year.

The Chair: You said “regional human rights systems”.

Rashida Manjoo: Yes. The inter-American, the European and the African systems.

The Chairman: I see. I thought you meant the devolved UK systems.

Rashida Manjoo: No, “regional” as in global.

The Chair: Indeed.

Q16 Baroness O’Loan: I just want to follow up on the outline that you have given us of your report to the United Nations. One of the big problems in conflict zones across the world is the activities of personnel brought in by the United Nations. I wondered whether that would form any part of your submissions. I have encountered such problems, for example, in south-east Asia and Africa and places such as that, and I wondered whether you had encountered them.

Rashida Manjoo: The mandate has always looked at violations by UN peacekeeping forces in our country mission reports and in the earlier thematic reports on violence against women in conflict situations, and I have not shied away from the question of accountability of peacekeepers. Unfortunately, within the UN system, because of state sovereignty—it is not a UN problem but a state sovereignty issue—the view is that members of peacekeeping forces ought to be sanctioned by their Governments. There is that challenge to accountability at the national level of peacekeepers who commit violations in a third country; there is a gap. My hope is that not only is the UK focus on sexual violence in conflict just focusing on victims but looking more broadly on perpetrators, including peacekeeping forces.

On my mission to Somalia, there were allegations of sexual violence by peacekeepers. Unfortunately, it is testimony by an individual and it is the same problem that we face, because one cannot assess how systematic the problem is and who the individuals are. In Somalia, in the peacekeeping force of the African Union, there was a gender person who was educating but also was open for women in the community, particularly in the refugee camp, to come forward. But we have seen, whether it is in conflict or in times of so-called peace, that breaking the silence is hard. When you are in a conflict zone, living in a refugee camp, how do you break the silence? It was easier in the Somalia context for some authorities to say to me that the perpetrators were actually men from within the refugee camp, and the women were arguing otherwise: that it was people coming in from the outside to the refugee camp.

Q17 Baroness Buscombe: You said at the beginning that the criminal justice system is failing women and children across the world. I have been a lawyer for many years, and the older I get, and the more I think about this and the more I am reading around the subject, I am feeling that, at a domestic level at least, maybe our criminal justice system just is not equipped to deal with this issue properly. We ask so much of our system, and particularly the police, for example, and the different agencies involved in this. In an ideal world, do you think we and other countries should be rethinking how we approach some of these issues—that maybe the block to this is in part the way our criminal justice system is structured—coupled with some honest and open discussions about different cultures and some different issues, or practices, that people now feel are just not acceptable?

Rashida Manjoo: The short answer would be no. We need to rethink the functioning of the system, not the use of the system. In every country in the world, we can see the dissonance between the kind of resources we put into courts to deal with corporate matters, tax matters and other issues, and the resources and the kind of personnel that go into family court matters. Just thinking through family courts, there is no incentive for a magistrate or a judge to be doing family-court work unless they are personally passionately invested in the issue. It is seen as punishment in some places. Police who are allocated domestic violence work see it as punishment. We do not have a system that values these cases and such crimes. Moving it away means that we are going to go back 50 years to making invisible and privatising any matters that have to do with women, so I do not agree. We need to rethink how we resource and value the cases that impact women and children.

The Chair: Mr Sharma.

Baroness Kennedy of The Shaws: May I come in?

The Chair: No.

Baroness Kennedy of The Shaws: I was going to follow up, you see; it is exactly linked to that.

The Chair: Yes, but when people say short questions, they will be short and I will be stopping people.

Baroness Kennedy of The Shaws: I am happy to be stopped, but it is really important, because it actually follows on.

The Chair: Baroness Kennedy, briefly.

Rashida Manjoo: Sorry, just a reminder: I have a meeting with the Ministry of Justice at 11 am.

Baroness Kennedy of The Shaws: Right, so you are going to go, too. Does the business of downgrading those areas like criminal work and family work, and not having them paid out of a proper system that is funded, help with the business of giving status and valuing this area? Does it help?

Rashida Manjoo: No, it does not help when you devalue, because again you send a message to society that issues that impact women and children are not that important.

Baroness Buscombe: I think some of us women have in the past thought maybe we should be doing other things, because we want to become more equal. Therefore, that has led to more neutrality, which has had the obverse perverse effect.

The Chair: Ignore that question. Mr Sharma.

Baroness Buscombe: It was not a question.

Q18 Mr Sharma: Very briefly—you may not be able to answer straight away but I am sure you will—you mentioned America, you mentioned Africa and you mentioned Europe. You did not mention the Indian subcontinent. Why?

Rashida Manjoo: Do you mean in terms of the regional frameworks?

Mr Sharma: Yes.

Rashida Manjoo: Because the Asian region does not have a human rights system for the whole region. There is the ASEAN system, which is specific. They do not have the kind of legislative binding legal instrument within the ASEAN system as yet. The same is applicable to the Arab region. There is a charter on human rights for the Arab region, but we do not see the kind of specificity that we see in the other three systems, because they are formalised. The institutions exist, the commissions exist and the courts exist in all three systems; they do not exist in the Asian and the Arab systems.

Q19 The Chair: The last question is my question, and it will be brief. You have mentioned several times the Istanbul convention. The Prime Minister, in answer to a question that I asked him at the end of last year, indicated that this Government would be signing it very soon and he was waiting for the Royal Assent of the Anti-social Behaviour, Crime and Policing Bill, which received Royal Assent a few weeks ago. Have you had any indication that this will happen? I am saying this in order that it is on the record now that I am asking this question. You are going to the Ministry of Justice shortly. Do you have any observations on that?

Rashida Manjoo: Your Government has signed the Istanbul convention; it has not ratified it.

The Chair: Ratified; I beg your pardon.

Rashida Manjoo: The ratification process requires a review of your laws, policies and systems before the ratification instrument can be deposited. I think the process now is gearing up to make sure that you are complying with the framework of the Istanbul convention. I am not sure of the timeframe.

The Chair: Okay. Thank you very much for coming along today. It has been most helpful to us.

