

Under embargo until 8 March, 2002

Joint Declaration of the Special Rapporteurs on Women's Rights

(8 March 2002) The UN Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteurs on women's rights of the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights met for the first time on 28 February and 1 March 2002, in Montreal, at a meeting organized by Rights & Democracy. The Special Rapporteurs issued the following joint declaration:

Recalling that women's rights are human rights, we, the Special Rapporteurs, reaffirm our commitment to international standards of women's rights contained in, *inter alia*:

- * the Universal Declaration of Human Rights;
- * the International Covenant on Civil and Political Rights;
- * the International Covenant on Economic, Social and Cultural Rights;
- * the UN Declaration on the Elimination of Violence against Women;
- * the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;
- * the Rome Statute of the International Criminal Court;
- * the American Convention on Human Rights and its Additional Protocol in the Area of Economic, Social and Cultural Rights;
- * the American Declaration of the Rights and Duties of Man;
- * the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para);
- * the African Charter on Human and Peoples' Rights, and
- * the 1996 Grand Baie Declaration and Plan of Action on human rights.

We affirm that these international and regional instruments provide comprehensive protection against gender-based violence and discrimination against women. We call on all states that have not yet done so to ratify the relevant treaties and to ensure compliance with international norms.

We emphasize that violence against women is understood as violence perpetrated by any person within the home and the family, and within the community, as well as that perpetrated or condoned by the state, including during armed conflict. Violence against women is a manifestation of discrimination based on gender. We reaffirm that the right of every woman to be free from violence includes the right to be free from such discrimination and to enjoy equal protection under the law.

We recognize the diversity among women and the right of people in community and with other members of their group to enjoy their own culture. We recognize the particularities in the different regions regarding the application of women's rights. However, states must not invoke any custom, tradition or religious consideration to avoid their obligations with respect to the elimination of violence and discrimination against women. All women have the right to live in freedom, equality and dignity.

Violence against women and girls is perpetrated in every country in the world. This occurs in situations of peace and conflict. However, the state agents and private actors responsible are not held to account. This climate of impunity encourages the persistence of such violations. We urge states to take immediate action to end such impunity and to bring perpetrators to justice.

We reiterate that international standards of human rights protect women from violence and discrimination by private non-state actors. States have a duty to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. States are held to a due diligence standard to prevent, prosecute and punish those who commit violence against women and to take measures to permanently eradicate violence against women in their societies.

While the international and regional communities have established standards to prevent, punish and eradicate violence and discrimination against women, many states have yet to take the steps necessary to implement these standards in domestic legislation and practices. We urge states to take appropriate action to bring their laws and practices into conformity with these standards.

We highlight the fact that women who have been subjected to violence and discrimination generally lack access to effective judicial protection and remedies. Strategies must be implemented that involve law reform and, in particular, reform of the criminal justice system. Training is required for policy makers, police, judges, and prosecutors. There must also be provision of legal, medical and psychological counselling and adequate social services for the victims. States should use the education system and awareness-raising campaigns aimed at the general public to assist them in implementing international standards at the national level.

In light of these shared concerns we undertake to coordinate our efforts to achieve greater effectiveness in our work through: (a) exchange of information, including on laws and cases, as well as mission-related information; (b) sharing ideas and strategies on how to approach emerging issues and the violation of women's rights; (c) harmonizing our recommendations to states; (d) communicating regularly with regional and international NGOs, women's organizations and other representatives of civil society for whom the promotion and protection of women's human rights are central objectives. We undertake to keep each other informed of the latest developments.

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