

## **Report of the Special Rapporteur on violence against women, A/HRC/17/26, 2 May 2011**

### *II. MULTIPLE AND INTERSECTING FORMS OF DISCRIMINATION AND VIOLENCE AGAINST WOMEN*

#### B. Forms, causes and consequences

21. It has been acknowledged that violence results from a complex interplay of individual, family, community and social factors, and that, even though all women are at risk of violence in every society in the world, not all women are equally vulnerable to acts and structures of violence. Representing both the universality and the particularity of women's risk of violence requires the social location and bodily attributes of individuals and groups to be explicitly accounted for.

22. Social location refers to the different positions occupied by individual women that give rise to intra-gender differences among women. Factors such as geographic location, level of education, employment situation, household size, marital relationships, and access to political and civic participation, all impact women's vulnerability to violence. Further contributory factors for risk of violence include individual aspects of women's bodily attributes such as race, skin colour, intellectual and physical abilities, age, language skills and fluency, ethnic identity and sexual orientation.

23. Also, one has to situate the experience of the abuse within the given cultural context of each woman's location and her understanding of the impact of the abuse on her life. Not all women experience similar acts of violence similarly; therefore it is necessary to consider how a woman's response to any act of violence will be impacted by services and assistance that are offered to remedy harmful consequences.

#### 3. Consequences

40. It is undisputed that inequality and discrimination, including intersecting forms of discrimination, causes violence against women. Such violence cuts across gender, race, class, geographical location, religion or belief, educational attainment, ability and sexuality. Examples of inequality and discrimination can also be noted in patriarchy and ideologies of male supremacy and female subordination. Feminists have traditionally argued that in societies where there is more gender equity, less violence against women is found. But recent studies have reconsidered this point in light of research which documents high levels of violence against women in societies with greater parity in pay, access to Government and business participation, education and health care.

47. Women who are lacking social and cultural capital, due to their minority or immigration status, language barriers, religious or ethnic affiliation, sexual orientation and/or gender identity or educational attainment, are also at greater risk of long-term health consequences. They may be denied proper health or medical services, they may fear the consequences of asking for medical assistance, they may receive improper or low quality care, or they may live in places where no health services are available. Women who suffer from cognitive and/or physical disabilities are further negatively impacted since the stigma of disability is persistent in most countries, and they therefore may not be viewed as requiring care, or may live in places where no specialized care is available.

#### C. The holistic approach to recognizing women's rights to be free from discrimination and violence

51. Adopting a holistic approach to recognizing the human right of all women to be free from violence and discrimination addresses two approaches to analyzing violence against women. First, violence against women constitutes discrimination against women if it has the purpose or effect of targeting women because they are women; second, violence also constitutes discrimination when it is perpetrated with the purpose or effect of targeting identifiable subgroups of women, because their personhood is defined in terms of both their femaleness and other factors such as race, colour, national origin, citizenship, ethnicity, ability, religion/culture, socio-economic, marital, sexual orientation, refugee, or any other status.

58. Research demonstrates the utility of an approach that accounts for additional aspects of personhood, such as nationality, disability, indigenous belonging, sexual orientation, and socio-economic class, to predetermine the likelihood and extent to which women will experience multiple forms and various levels of violence. In adopting a more comprehensive approach, a picture of the different ways in which intersectional and multiple forms of discrimination operate in the context of violence against women emerges. It reflects the type of systematic, comprehensive, multisectoral and sustained approach needed to develop national strategies, concrete programmes and actions aimed at eliminating all forms of violence against women.

#### 1. Human rights as universal, interdependent and indivisible

59. Human rights are universal in the sense that everyone is entitled to have their rights respected, protected and fulfilled no matter who they are or where they reside. Universality renders geographic location and social position impermissible bases on which to deny human rights, including the right to be free from violence. The “gendered theorization of human rights,” incorporates “an intersectional approach to race, class, gender, sexuality and nation” where “no one right can be easily broken down into a singular issue, as rights are always already constituted through the social structural relations of multiple positionalities.”

#### 3. Structural and institutional discrimination and inequalities

67. The existence of structural and institutional inequalities is the result of various aspects and factors related to discrimination. Discrimination based on race, ethnicity, national origin, ability, socio-economic class, sexual orientation, gender identity, religion, culture, tradition and other realities often intensifies acts of violence against women. The acknowledgement of structural aspects and factors of discrimination is necessary for achieving non-discrimination and equality.

#### 4. Social and/or economic hierarchies among women and between women and men

73. Material reality is linked to economic and social security and is crucial for both protecting and preventing violence against women. Material reality, such as educational attainment, housing, and access to land, water, food and work, all play a role in how and to what extent women experience violence. Not only does violence against women disproportionately target the most vulnerable women in society in terms of race, ethnic origin, nationality, disability and sexual orientation, but the conditions in which women live can also position them as being especially receptive to gender-based violence.

#### D. Some critical aspects to consider when adopting a holistic approach

##### 1. The right to an adequate standard of living

87. The right to security and bodily integrity per se is essential for the enjoyment of other human rights. All people, regardless of citizenship, gender, race, ethnicity, national origin, and/or sexuality, have the right to bodily integrity within which health and the environment play important roles.

#### E. Conclusions and recommendations

104. Situating violence against women as a problem that cuts across political, civil, economic, social and cultural rights compels us to recognize the universality of violence. This report argues that individual women's productive and reproductive activities in all sectors is impacted by forms of interpersonal and structural violence which intersect with various factors such as immigration, trade and economic policy, social and economic development, civil and political development, sexual orientation, ability, legal protection, conflict, security concerns, and so on.