

Check against delivery

**Statement by REEM ALSALEM
SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN AND GIRLS,
ITS CAUSES AND CONSEQUENCES**

53RD session of the Human Rights Council

22 June 2023

Geneva

*Mr. President,
Distinguished members of the Human Rights Council,
Excellencies, Ladies and Gentlemen*

It is both an honour and a pleasure for me to address the Human Rights Council today in my capacity as Special Rapporteur on violence against women and girls.

Since assuming my mandate two years ago, I have made every effort to carry out the duties entrusted to me by this Council in accordance with five basic principles of work:

First, by emphasizing the intersectional nature of violence against women and girls, irrespective of who they are.

Discrimination based on sex and gender of women and girls, intersects with other inequalities, and leads to them experiencing unique forms of violence. I have therefore worked very closely with other thematic and country mandates in an attempt to highlight these intersectional realities and experiences.

Second, by addressing the multiple facets and forms of violence experienced by women and girls. I have therefore deliberately attempted to engage on these, not only in terms of the different manifestations of violence against women and girls, but also by taking a balanced geographical approach, without singling out any specific region or country.

I apply the same approach when identifying countries I am interested in visiting. In this respect, it was very important for me to complete the country visit to Libya despite the series of obstacles I encountered whilst there, in order to shed light on the alarming situation faced by women and girls in the country, including Libyan nationals and non-nationals alike.

Third, in addition to the long-standing issues that the mandate deals with, I have tried to address -what I like to call- “emerging issues” in relation to violence against women and girls- i.e., new ways in which violence against women and girls is being manifested, and how emerging global issues are impacting on women and girls and to what extent such issues are exacerbating violence against them.

Fourth- By connecting the dots; and assisting States and other relevant stakeholders to consider the bigger picture between seemingly unrelated manifestations of violence against women.

For example, what are the similarities between women’s inability to protest for their most basic rights because they are women in several countries including Afghanistan, and women’s inability to articulate their needs based on their biological sex in several countries in the Global North. Both face serious threats to their basic right to freedom of expression and belief and face unprecedented reprisals for doing so.

Another example, is how the erosion of key normative international and regional frameworks may weaken a country’s efforts and wrongly convey a message that it is not as committed as it was to fight violence against women and girls and to respond to the needs of its victims.

This was one of the key elements I considered during my official visit to Türkiye last year, and the key findings and recommendations are highlighted in my country report on Türkiye. In this respect, I wish to take this opportunity to thank the government of Türkiye, for accepting my visit request and for the excellent support provided by the Government and other stakeholders throughout the visit.

Fifth: By taking a principled and coherent approach to all issues I have addressed during my tenure as mandate holder, even when it has come at a high price for me personally, as I have found myself vilified and attacked for carrying out my work as an independent and impartial expert.

Addressing the tension of rights between different rights holders is a complex but necessary exercise, and something that I believe we should not shy away from as mandate holders, and indeed we should actively contribute to such conversations with State and non-State actors with the aim of balancing competing rights that fall within the ambit of our mandate.

It is with these principles in mind that I chose to dedicate my thematic report to the Council on the issue of child custody and its nexus with violence against women and children. The focus of this report lies at the intersection between the following:

Within the context of child custody cases there exists multi-layered violence that has yet to enter the collective conscience of the international community; it is perpetuated primarily against a group of women, namely mothers – a group of women whose concerns this Council does not address as often as it perhaps should.

Women belonging to specific minority groups, including indigenous women, migrant women, women with disabilities, among others, are at particular risk of such violence.

I can understand if you were surprised by some of the findings in the report, as I was, since I started receiving the many testimonies and reports from mothers, academics, and experts from all over the globe regarding this problematic approach of invoking accusations of parental alienation in custody cases.

The most troubling part of the testimonies received highlight a deliberate decision by Courts to allow a child to be returned to an abusive parent, even where there is credible evidence of abuse, and only because contact with that parent was considered more important than any other consideration.

How is this possible?

How can practices such as these be taking place day in and day out right under our noses?

How can family courts be the scene of such egregious forms of violence against mothers and children with total impunity? How can they result in such a perpetual state of suffering and result in such colossal miscarriages of justice in places that are meant to be guided by the principles of ensuring justice and protecting victims?

The short answer is that structural and deeply embedded gender bias is rampant in family courts that in the vast majority of cases, works against mothers leading them to lose partial or full custody of their children no matter what they do, throwing them into a spiral of agony, despair and suffering at losing contact with their children or seeing their children remain trapped in situations of insecurity and violence, including psychological and physical violence.

The pervasiveness of negative gender bias should not come as a surprise. Just a few weeks ago, UNDP released the latest Gender Social Norms Index, which shows that almost 9 out of 10 men and women hold biases against women.

The other factor that is clearly at play, is the continued failure of the judiciary, as well as family and child experts to identify, and take into consideration already existing realities of domestic violence against women and children, including coercive control.

Otherwise, courts would see the accusation that are levied against a parent, usually against the mothers for what it is: That they are alienating their children from the other parent. Courts would see these accusations as a deliberate tactic to divert attention from the harmful dynamics that are at play in the household and as a continuum of the violence mothers and/or children are already suffering.

The other main failure is that child custody processes continue to lack child sensitive approaches that center the best interest of children in its truest meaning.

Finally, decisions made by family court judges and experts do not lend themselves easily for collation and analysis.

Many of them are off limit for researchers and policy makers, making it difficult to detect risk-infected trends.

Yet despite these challenges and limitations, I argue in the report that there are many actions that States can take now to reverse the long-lasting harm done to individuals, families and societies, including by improving the access of women and children to justice, leaving aside unconfirmed and unfounded frameworks and concepts that are misogynistic at their core, improving the collection of relevant data, to putting aside revising the Hague Convention on the Civil Aspects of International Child Abduction to be able to deal with cases of women and children that are fleeing abusive situations in the context of child custody disputes for their safety.

I urge States to act if they want to protect not only individuals, but also families from lasting harm, even if these families do not fall within the romanticized notion of an ideal family structure whereby a child is in contact with both parents, and irrespective of the best interest of the child or other considerations.

Thank you.