

# **Council Holds Interactive Dialogue With Experts On Freedom Of Opinion And Expression And On Violence Against Women**

June 3, 2013

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The Human Rights Council today held a clustered interactive dialogue with the Special Rapporteurs on freedom of opinion and expression and on violence against women. It also concluded its dialogue with the Special Rapporteur in the field of cultural rights and the Working Group on the issue of discrimination against women in law and in practice.

Frank La Rue, Special Rapporteur on the right to freedom of opinion and expression, introducing his report, stressed the serious risks that the new means and modalities of communications surveillance posed to human rights, particularly on the right to freedom of opinion and expression. National laws regulating what could constitute the necessary legitimate and proportionate State involvement in communications surveillance were often clearly inadequate or simply did not exist. The issue was becoming further complex as communication data flowed and was stored beyond national borders. States were called upon to urgently revise national laws and be more transparent about the use and scope of communications surveillance techniques and power. The report also addressed the Special Rapporteur's visit to Honduras.

Rachida Manjoo, Special Rapporteur on violence against women, its causes and consequences, introducing her report, said its starting point was the conceptual evolution of the doctrine of State responsibility as regards to its obligation to protect individuals within their borders from human rights violations. Due diligence served as an accountability tool and this was important when States failed to act or allowed human rights violations to occur through omission. Human rights due diligence required constant investigation and evaluation to assess whether universally accepted human rights principles applied in a State's behaviour and its monitoring of third-party behaviour. The report of the Special Rapporteur also provided an

account of her country visits to the Solomon Islands, Papua New Guinea, Bosnia and Herzegovina and Croatia.

In the general discussion that followed, speakers noted that freedom of expression and the right to privacy were essential for democracy to work and this applied to new surveillance technologies. Speakers expressed concern about the censorship and surveillance of human rights defenders and journalists. Examining the responsibilities of States in protecting the right to freedom of opinion and expression was complex and was not without controversy. Any intrusion into the private sphere had to be proportional and where necessary accompanied by judicial authorization.

Speakers also noted that violence against women was far from extinct and a phenomenon which unfortunately persisted in many parts of the world. Violence against women was a complex issue and required a holistic, systematic and comprehensive response. Speakers also agreed that due diligence could serve as a tool for right holders to hold States accountable and that it could assist in analyzing actions and omissions of States.

Speaking in the discussion were Canada, Pakistan on behalf of the Organization for Islamic Cooperation, United States, Algeria on behalf of the Arab Group, European Union, Egypt, Gabon on behalf of the African Group, South Africa, Brazil on behalf of the Group of Latin American and Caribbean Countries, Austria, Qatar, Tunisia, Slovenia, Singapore, Germany, Romania, Ethiopia, Ecuador, Maldives, Malaysia, Switzerland, Sierra Leone, Finland, Spain, China, Montenegro, Cuba, Norway, New Zealand, Botswana, Indonesia, Thailand, Japan, Algeria, Saudi Arabia, Belarus, Morocco, Paraguay, Nepal, Syria, United Kingdom, Venezuela, Lebanon, Togo, India, Czech Republic, Poland, Philippines, Denmark, Colombia, France, Sri Lanka, Sweden, Argentina, Serbia, Estonia, Slovakia, Bolivia, Netherlands, Iraq, Australia, Organisation Internationale de la francophonie, Former Yugoslav Republic of Macedonia and Djibouti.

The following non-governmental organizations also took the floor: Centre for Reproductive Rights, Verein Sudwind Entwicklungspolitik, COC Netherlands, Society for Law and Justice, European Centre for Law and Justice, Aliran Kesedaran Negara National Consciousness Movement, France Libertés Danielle Miterrand, Permanent Assembly for Human Rights, Asia Forum for Human Rights and Development, Freedom House and Cairo Institute for Human Rights Studies.

Honduras, Bosnia and Herzegovina, Croatia and Solomon Islands spoke as concerned countries.

Earlier this morning the Council concluded its interactive dialogue with the Special Rapporteur in the field of cultural rights and with the Working Group on discrimination against women in law and practice.

In the discussion, some speakers noted that while agreeing that artistic expression was important, artists must not be allowed to abuse these rights and use them as a platform to destabilize society. Reasonable restrictions should be placed on the rights to free expression insofar as they could conflict with other rights.

On discrimination against women in law and practice, speakers noted the importance of the participation of women in political and public life. The political and economic empowerment of women was an important prerequisite not only for equality and stability in society but also for sustainable development worldwide.

Farida Shaheed, Special Rapporteur in the field of cultural rights, in concluding remarks, said that reaching a consensus on what was art was almost impossible and thus a definition was unhelpful and the Special Rapporteur did not attempt one in her report; all definitions were subjective. However the right to artistic freedom itself was definable and protectable through human rights instruments. The issue was not how art could promote human rights but how artistic expression could be protected. It was a right that did not conflict with others in the way that some States had claimed.

Kamala Chandrakirana, Chairperson of the Working Group on the issue of discrimination against women in law and in practice, in concluding remarks, expressed her appreciation for the renewal of the mandate. Ms. Chandrakirana was aware of the possibility that the mandate might overlap with other mandates and clarified that the Working Group worked to ensure complementarity. The Working Group was focusing, among other things, on good practices, which many delegations brought up in their questions. Concerning the principle of cultural diversity, Ms. Chandrakirana stressed the importance of applying cultural diversity in the case of women worldwide.

Speaking in the discussion were India, Iran, Algeria, Egypt, Mexico, Belgium, Morocco, China, Australia, Latvia, Sierra Leone, United Arab Emirates, Paraguay, Libya, Kuwait, Uruguay on behalf of the Group of Latin American and Caribbean Countries and Togo.

The following non-governmental organizations also took the floor : Article 19- The International Centre Against Censorship, Asian Indigenous and Tribal Peoples Network, COC Netherlands, International Service for Human Rights, Indian Council of South America, World Barua Organization, World Organization for Women, International Humanist and Ethical Union, and Freemuse World Forum on Music and Censorship.

Ms. Shaheed and Ms. Chandrakirana presented their reports on Friday, 31 May, and a summary of their remarks and the beginning of the interactive dialogue with them can be found in [HRC/13/66](#).

At 4 p.m., the Human Rights Council will hear the introduction of the thematic reports of the Secretary-General and the High Commissioner for Human Rights and will then hold a general debate on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

### **Interactive Dialogue with Special Rapporteur on Cultural Rights and Working Group on Discrimination against Women in Law and in Practice**

India agreed that women's participation in political life was vital and it had legislation in place to ensure it. India asked the Working Group how technology could be better used to close the "knowledge gap" with respect to women's participation. Turning to the Special Rapporteur's report on artistic expression, while agreeing that artistic expression was important, artists must not be allowed to abuse these rights and use them as a platform to destabilize society.

Iran said that there seemed to be a fallacious linkage being made in the international community between encouraging the participation of women in public and political life and concepts of multiculturalism and respect for minority rights. However, Iran did respect women's participation, particularly in judicial roles; there were 520 female investigating judges and a mandatory female presence in family courts in Iran

Algeria said that artistic rights fell into the area of the right to free expression and thanked the Special Rapporteur for her contribution but warned against creating special rights for artists. Most of the recommendations of the Working Group with regard to women's participation in politics already formed the core of Algeria's institutional and legislative policy framework.

Egypt said it attached importance to the participation of women in political and public life. The challenge ahead was how to transform the positive developments to enhance the role of women in the decision-making process. Egypt agreed that the power of art was an important tool that could contribute to the further promotion and protection of human rights. Nonetheless, it recognised that there were some limitations and commended the balanced approach of the Special Rapporteur.

Mexico said that it was pleased to see indications of structural causes of discrimination against women in the report. Political transition was also a good opportunity to try and shore up the achievements of women and promote their participation in decision-making. However, it was concerned that such situations could also exacerbate the discrimination that could be faced by women. Affirmative action measures should be applied on a case by case and on-going basis.

Belgium said that the recommendations contained in the Working Group's report were particularly useful. Belgium agreed that the political will of a new Government was the essential element to guarantee the fundamental rights of women. Belgium was fully committed to the representation of women not only in terms of quotas but also in terms of the qualitative contributions that they could make. Belgium was finalising its second national plan of action on women, peace and security, which had the participation of women as one of its primary goals.

Morocco said that the Working Group's roadmap to greater participation of women in public and political life was well-noted and Morocco had taken a number of legislative and institutional steps to increase women's participation at various levels throughout its political structures. The encouragement of cultural expression was important for functioning democracies.

China said the Special Rapporteur's report was welcome but it should be pointed out that certain artistic expressions could be offensive to some cultural groups and there should be reasonable restrictions placed on the rights to free expression insofar as they could conflict with other rights. China supported the Working Group's focus on improving the participation of women in public life and noted a steady increase in the representation of women in China's political bodies to around 24 percent on the national level.

Australia said that the sharing of good practice was important in the effort to increase women's participation in public and political life and Australia had enacted anti-discrimination laws that better met the needs of modern families. Commitments had been undertaken domestically and internationally to increase women's participation and Australia asked for examples of good practice in this area.

Latvia said that women's political and economic empowerment were an important prerequisite not only for equality and stability in society but also for sustainable development worldwide. The effective political participation of women required improvement in a number of areas, including unimpeded access to quality education. Moreover, access to information and communication technologies could provide access to all levels of the community. Latvia encouraged the Working Group to continue research on the subject.

Sierra Leone said that women in Sierra Leone had been part of the political sphere as voters, members of political parties, candidates and legislators. During the 1991-2002 civil war women created an independent voice which articulated a female perspective on fundamental issues. Prejudice on the role of women in society and lack of education were some of the obstacles which impeded women's participation in decision making in Sierra Leone. Parliament was currently considering a new Gender Equality Bill.

United Arab Emirates said that the political rights of women could not be carried out without the enjoyment of other rights such as access to education. Better representation of women in the Government was also important and could improve family rights too. The United Arab Emirates believed that women played an important role in society and there was no discrimination between men and women in the country, including in terms of participation in political life. A global policy was needed to empower women further.

Paraguay said that the empowerment of women played a fundamental role in the development of Paraguay's policies. The implementation of constitutional rules and legislation was today supported by the fact that in 2012 the women's secretariat had become a women's ministry, which governed the national policies, programmes and equality opportunities throughout the country. Paraguay was concerned that women's full participation in public life was hampered for different reasons in different countries.

Libya said that it felt that any strategy or roadmap aimed at expanding the participation of women could not be limited to provisional or short term means, but had to be based on a global vision of women and on a number of practical measures. Libya shared the view that stereotypes continued to have a negative impact on the participation of women in public and political life. Sensitizing campaigns had to be launched in this regard and the media and modern technology had to be mobilized.

Kuwait said that Kuwait was one of the pioneering countries in the field of gender equality through its laws and legislation that protected women's rights. The constitution ensured equality between citizens in human dignity and in front of the law through rights and duties, without any discrimination based on gender or race.

Kuwait wanted to establish an environment that enabled women to flourish in all aspects of society. Laws had been set up from the sixties towards this aim.

Uruguay, speaking on behalf of the Group of Latin American and Caribbean Countries, said that their region was enriched by cultural diversity. The Group agreed that the protection of cultural rights was the responsibility of the State and asked for examples of good practice. Turning to the report of the Working Group, Uruguay said that the Group of Latin American and Caribbean Countries region had always been in the vanguard of women's representation yet there was always more that could be done. Violence against women was a structural barrier to greater representation, and the Group asked the Working Group to share good practice.

Togo said that violence against women was a key concern which it had addressed with groundbreaking efforts to end female genital mutilation in Togo, which was down to 2 percent in 2012. There was a national strategy in place to tackle the scourge of gender-based violence and centres been set

up with a full range of services provided to its victims. Togo was convinced that the fight against gender-based violence was a long term commitment

Article 19, the International Centre Against Censorship said that art was explicitly protected under the right to free expression in international human rights instruments and laws, especially Article 19 of the Universal Declaration of Human Rights. However this was being neglected in China and Russia among other places. Russia's recent non-governmental organization law was a particularly striking example.

Asian Indigenous and Tribal Peoples Network said that eight Special Procedure mandate-holders, including the Special Rapporteur on cultural rights, had conveyed an urgent action appeal to China, where many Tibetan intellectuals, artists, and teachers had been arrested for exercising their right to freedom of expression and participation in cultural life.

COC Netherlands said that many States regulated the expression of artistic content which focused on various aspects of sexuality, including artistic work which addressed the lives of lesbian, gay, bisexual and transgender people and also depictions of women's sexuality. Nobody should be detained or harassed for engaging in work addressing or depicting sexuality.

International Service for Human Rights said that women human rights defenders worked at local and global levels across the world to advance human rights and were committed to raising and sustaining attention on human rights issues commonly ignored. States should publicly recognize the crucial and legitimate role played by women human rights defenders.

Indian Council of South America reminded that violence against women came in many forms, including by the forces of colonisation and occupation of peoples, including indigenous peoples. Cultural rights and the rights of women were inextricably linked to their right to self determination which, it was reminded, was also an important right.

World Barua Organization drew the immediate attention of the Council towards discrimination against women in India. Untouchable women frequently faced discrimination at almost every level. Some were even exposed to some forms of forced prostitution. This widespread discrimination had also been acknowledged by the United Nations Special Procedures.



Worldwide Organization for Women affirmed that in order for the full participation of women in political and public life to be meaningful, it had to be on an equal footing with that of men. The Working Group was encouraged to provide specific recommendations to States on enforcing quotas and ensuring that these did not become glass-ceilings in practice.

International Humanist and Ethical Union said that the Convention on the Elimination of Discrimination Against Women had been ratified by 187 States but the list of abusive practices against women and girls such as honour killings, forced feeding and female genital mutilation continued under the fig leaf of cultural values. States had to work harder to stick to their obligations and end such practices carried out in the name of culture.

Freemuse said that for more than 14 years it had documented persecution of musicians and composers. The Special Rapporteur's report should be an eye-opener for the international community, and Freemuse listed a number of alleged examples. The relevant United Nations bodies might consider a one-stop entry point for reporting violations of artistic freedom.

### **Concluding Remarks by the Special Rapporteur on Cultural Rights and the Working Group on Discrimination against Women in Law and in Practice**

FARIDA SHAHEED, Special Rapporteur in the field of cultural rights, said she acknowledged the comments regarding the Russian Federation and was happy to continue the discussion. Reaching a consensus on what was art was almost impossible and thus a definition was unhelpful and the Special Rapporteur did not attempt one in her report; all definitions were subjective. However the right to artistic freedom itself was definable and protectable through human rights instruments. Ms. Shaheed thanked Austria for pointing out the importance of ensuring there was a space for artistic expression that went beyond mere rights to freedom of speech and that States had a greater responsibility toward fostering artistic creativity. The issue was not how art could promote human rights but how artistic expression could be protected. It was a right that did not conflict with others in the way that some States claimed. Artists were often a barometer of social change and, while special rights for them were not being proposed, like journalists and human rights defenders, artists deserved special attention in the rights debate.

KAMALA CHANDRAKIRANA, Chairperson of the Working Group on the issue of discrimination against women in law and in practice, thanked the delegates from the Republic of Moldova and Tunisia for their cooperation, and said that the Working Group looked forward to the legislative reform in the Republic of Moldova and the application of the principle of parity in the upcoming October elections in Tunisia. She also expressed her appreciation for the renewal of the mandate, which would allow the Working Group to focus on health and safety too. Regarding the point raised by Pakistan, she said that she was aware of the possibility that the Working Group's mandate might overlap with other mandates, and clarified that the Working Group worked to ensure complementarity. Cooperation with regional mechanisms such as the recently established regional human rights bodies would be strengthened. The Working Group was focusing, among other things, on good practices, which many delegations brought up in their questions. At the next meeting specific examples of good practices would be given and the points raised by delegations would be addressed. Concerning the principle of cultural diversity, Ms. Chandrakirana stressed the importance of applying cultural diversity in the case of women worldwide.

### **Documentation**

The Council has before it the **report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression** ([A/HRC/23/40](#)); an addendum to the report **concerning the Special Rapporteur's mission to Honduras** ([A/HRC/23/40/Add.1](#)); and an addendum to the report **concerning the comments by Honduras on the report of the Special Rapporteur** ([A/HRC/23/40/Add.3](#)).

The Council has before it the **report of the Special Rapporteur on violence against women, its causes and consequences** ([A/HRC/23/49](#)); an addendum to the report **concerning the Special Rapporteur's mission to the Solomon Islands** ([A/HRC/23/49/Add.1](#)); an addendum to the report **concerning the Special Rapporteur's mission to Papua New Guinea** ([A/HRC/23/49/Add.2](#)); an addendum to the report **concerning the Special Rapporteur's mission to Bosnia and Herzegovina** ([A/HRC/23/49/Add.3](#)); an addendum to the report **concerning the Special Rapporteur's mission to Croatia** ([A/HRC/23/49/Add.4](#)); and an addendum to the report **concerning consultations** ([A/HRC/23/49/Add.5](#)).

## **Presentation of Reports by Special Rapporteurs on the Right to Freedom of Opinion and Expression and on Violence against Women**

FRANK LA RUE, Special Rapporteur on the right to freedom of opinion and expression, introducing the report, said that it focused on the serious risks that the new means and modalities of communications surveillance posed to human rights, particularly on the right to freedom of opinion and expression. As these technologies had evolved, so had the means in which States sought to monitor all forms of private communications. At both the international and national levels privacy was recognised as a fundamental right, and often understood as an essential requirement for the fulfillment of the right to freedom of opinion and expression. Human rights mechanisms had also been slow to assess the human rights implications of the monumental changes to information and communications technologies experienced in recent decades, which had irreversibly affected the world's understanding of the private and public spheres. States could achieve almost complete control of tele- and online communications. National laws regulating what could constitute the necessary legitimate and proportionate State involvement in communications surveillance were often clearly inadequate or simply did not exist.

Vague and unspecified notions of national security had also become an acceptable justification for the interception of and access to multiple forms of communications in many countries. The issue was becoming further complex as communication data flowed and was stored beyond national borders. States were not the only actors in this process. The private sector also played a key role in facilitating the surveillance of individuals in a number of ways. In the most serious circumstance, the private sector had been complicit in developing and commercializing technologies that enabled mass or invasive surveillance in contravention of existing legal standards. States were called upon to urgently revise national laws that regulated communications surveillance. States were also called upon to refrain from compelling the identification of users as a precondition for access to communications, and they should be more transparent about the use and scope of communications' surveillance techniques and power.

On a visit to Honduras, one of the main problems observed concerned violence against journalists. The very high number of murders of journalists in Honduras was a matter of serious concern. Honduras was congratulated for its initiative of presenting a draft bill to establish a journalist protection

mechanism. It was clear that the absence of justice constituted impunity, and this was one reason why this violence was on-going in Honduras and in other countries. It was recommended that a persons' protection unit be established within the police force.

The Rabat Plan of Action was unique as it was a product of the synergy among several human rights mechanisms, treaty bodies and Special Procedures, and Mr. La Rue looked forward to observing the implementation of the plan and to continue the fruitful debate marked by its development.

RASHIDA MANJOO, Special Rapporteur on violence against women, its causes and its consequences, said her thematic report focused on the issue of State responsibility for ending violence against women. Its starting point was the conceptual evolution of the doctrine of State responsibility as regards to its obligation to protect individuals within their borders from human rights violations. Due diligence served as an accountability tool and this was important when States failed to act or allowed human rights violations to occur through omission; rights-holders did not always find it easy to assess responsibility for rights abuses when it was a result of something a State did not do rather than something it did. The report was evidence-based but the response rate for calls for information to States and civil society was low and the mandate did not have many resources or the power to oblige States to respond. It was clear that human rights due diligence required constant investigation and evaluation to assess whether universally accepted human rights principles applied in a State's behaviour and its monitoring of third-party behaviour. There was a need for a framework in which to discuss States' responsibility to act with due diligence.

With respect to her country visit to the Solomon Islands, the Special Rapporteur noted that while some legislative progress had been made, violence against women, particularly in the family, was in evidence. Structural obstacles that limited women's access to justice included a centralized system, the low prosecution rate, financial constraints and others. There was a huge discrepancy between the capital city and regional areas. In the latter there was often recourse to traditional justice which was often not in the interests of women who had been victims of violence. As for her visit to Papua New Guinea, she noted that economic growth had not had a positive impact on the prevention of violence against women or the

improvement in victims' recourse to justice. There were many legal and resource-based barriers to improving the situation and a number of recommendations were made.

On her visit to Bosnia and Herzegovina, the Special Rapporteur said the Government, while recognizing the importance of legislative protection of women's human rights, was hampered by a weak, decentralized enforcement regime. Despite recognizing that domestic violence was a widespread problem, often attributed to the after-effects of war in the region, data was limited and this did not help inform progressive measures. As for her visit to Croatia, the Government had striven to develop relevant policies and plug legal gaps in anticipation of its accession to the European Union. However there were a number of areas in which the rights of victims did not get the attention they deserved, and recommendations were made.

The structural strengthening of the rights of women, the key precondition to eliminating violence against them, must be central to the post-2015 development agenda and the Special Rapporteur called on all States to keep this topic uppermost on their minds during forthcoming deliberations.

### **Statements by Concerned Countries**

Honduras, speaking as a concerned country, said that it had undertaken reform of the legislative framework for telecommunications. The aim was the democratization of the broadcasting frequencies, so that minority groups could freely express their opinions. In addition, slander and defamation were being criminalized and the penal code was being reformed in that respect. Several plans of action were being set up to protect fundamental human rights and covered at least 10 vulnerable groups. Honduras was fully committed to protecting the security of all its citizens, including law enforcement officials, human rights defenders and journalists, and a new law was being passed to ensure that.

Bosnia and Herzegovina, speaking as a concerned country, said that it recognized the importance of upholding the rights of women and for that reason it had recently ratified a number of relevant international instruments. The country had made significant steps forward in the protection of women, and a new strategy was being developed to tackle issues of domestic violence and violence against women. Furthermore, concrete steps had been taken to deal with all other issues arising from incidents of domestic

violence. The conclusions and recommendations made by the Special Rapporteur would be used as benchmarks in the country's efforts to promote and protect women's rights.

Croatia, speaking as a concerned country, welcomed the Special Rapporteur's call for a systematic and holistic multi-sectoral approach to effectively combat domestic violence. It strongly condemned all forms of violence against women and exercised a zero-policy towards domestic violence. Preventive measures and efforts to end impunity remained one of Croatia's utmost priorities. A Mental Health Care Strategy had been created with the aim to increase accessibility to quality treatment, rehabilitation and social inclusion. It was pointed out that the new Criminal Code came into force in January 2013 and one of the tasks had been to find a solution to process domestic violence and to resolve the overlapping between misdemeanor and criminal offences.

Solomon Islands, speaking as a concerned country, asked the Secretariat if they could kindly give notice more in advance. A detailed report would be presented and submitted to the Office of the Rapporteur in the coming days. Challenges had been highlighted in addressing domestic violence and the Solomon Islands appreciated the recommendations made in the report. It was underscored that as a small island developing State and least developed country with resource constraints, addressing some of these issues presented huge challenges, especially in achieving targeted measures. As the report highlighted, the Solomon Islands was committed to tackling the issues of women's rights and domestic violence against them and it looked to its partners to assist them in addressing this.

### **Interactive Dialogue on the Right to Freedom of Opinion and Expression and on Violence against Women**

Canada said States must work in close collaboration with civil society in order to combat violence against women and welcomed the Special Rapporteur's report. What had worked at the State level and what good practice could the Special Rapporteur share with the Council?

Pakistan, speaking on behalf of the Organization of Islamic Cooperation, said that most Internet service providers and communication service providers were owned by a few corporations in the western world. Their ability to hold data was worrying and the Organization asked the Special

Rapporteur to comment on this. The Organization of Islamic Cooperation welcomed the report on violence against women.

United States said that privacy rights were key in the debate over communications technology; however illegitimate surveillance by States was a violation of rights. In contrast, security policy sometimes necessitated the interception of communications, although the United States had measures in place to ensure this was legal. In turning to the report on violence against women, the United States supported the report and said it had a vast slate of laws protecting women, including women from minority groups.

European Union said that in a democracy it was the citizens, who should monitor, observe and judge the actions of the Government, not the other way around, otherwise democracy would be at risk. The European Union was alarmed about the censorship and surveillance of human rights defenders, and stressed that the surveillance of communication must only occur in exceptional circumstances and under the supervision of an independent judiciary. Violence against women was far from extinct and remained a matter of concern.

Egypt said that freedom of expression and the right to privacy were essential for democracy to work. The same principle applied to the use of new technologies, to which citizens must have free access. Surveillance should only occur in the most exceptional of circumstances, such as incitement to racism and religious hatred. Could the Special Rapporteur explain how the level of surveillance differed in developed and developing countries, given the technological gap between those?

Gabon, speaking on behalf of the African Group, said that violence against women was a phenomenon which unfortunately persisted in many parts of the world, including Africa. The implementation of the principle of “reasonable diligence” seemed to be difficult, given that there were many multi-faceted criteria for determining the phenomenon. Africa’s commitment to carry on combating all forms of violence against women was enshrined in the Addis Ababa Declaration which was adopted earlier this year.

South Africa said that it believed that the visit of the Special Rapporteur on violence against women would be an opportunity for further dialogue on how to give momentum to efforts and achievements thus far. It reiterated its

commitment to the protection of women and girls from violence and discrimination. South Africa looked forward to recommendations on how to ensure that the existing frameworks were best utilized and how to bridge the gap between the lack of resources and States fulfilling their requirements.

Brazil, speaking on behalf of the Group of Latin American and Caribbean Countries, highlighted the relevance of the fact that the report had focused on the responsibility of the State to eliminate violence against women. The Group restated the principles of equality and non discrimination and attached particular importance to equality between men and women as regards their rights. It was important to discuss the impact of new forms of communications and the impact these had on human rights and the Group welcomed the observation that privacy and freedom of expression were interrelated and interdependent.

Austria said that an environment where surveillance was widespread and unlimited could not sustain the presumption of protection of sources and would hence hinder journalists to provide society with information. On the recommendation for the establishment of an independent oversight mechanism, how could such a mechanism be constructed? Austria was actively promoting women's rights at all levels and underlined the importance of this year's twentieth anniversary of the Vienna World Conference, its Declaration and Programme of Action.

Qatar agreed with the fact that new technologies had led to progress in communication and the flow of information, and economic growth. Nobody should be excluded from the benefits of the information society. Qatar's constitution established the right to opinion and no interference was allowed except by a judicial order. Every country counted with specific religious and cultural characteristics which should be respected. Qatar reiterated the importance of basing the information society on human rights.

Tunisia said that the report of the Special Rapporteur presented a holistic approach to questions about privacy and States' surveillance mechanisms, including recommendations which would be vital for countries when reviewing their mechanisms and guaranteeing human rights. Tunisia had recently revised its legislation to guarantee freedom of expression, including related to the Internet. Tunisia had also addressed all forms of violence against women, including the need to provide compensation to victims, and



agreed with the Special Rapporteur on the different responsibilities of the States to combat this challenge.

Slovenia said that the report highlighted that the foundation for dealing with violence against women was laid down by the general principles that defined the nature of human rights. Violence against women was a complex issue that should be addressed in relation to other issues. Slovenia requested examples of good practice in awareness raising or training of professionals that put elimination and prevention of violence against women in the wider context of human rights.

Singapore said that the Women's Charter of Singapore provided a robust legal framework for the protection of women from violence and exploitation. The regular, reliable and vigorous enforcement of penalties for violence against women reinforced society's strong rejection of such crimes. In addition to legal recourse available to all victims of domestic violence, non-legal interventions were of equal importance in meeting the needs of victims of domestic violence. Singapore had one of the lowest rates of lifetime violence victimization.

Germany said that it worked actively to safeguard respect for the freedom of expression and speech, the right for free access to information, and the freedom of the individual and the media. It was unfortunate that the criminalization of journalists seriously restricted their fundamental freedoms in many States, such as Azerbaijan, Kazakhstan, Tajikistan and Uzbekistan. Journalists were also intimidated in Russia, Albania, and Turkey and the situation of media freedom in Belarus was deteriorating.

Romania said that States' obligations in the human rights field implied both individual and systemic due diligence obligations. Romania was constantly making efforts to improve the delivery of results by addressing gaps which related to the two types of obligations. In 2012 Romania adopted a four-year National Strategy on Preventing and Combating Domestic Violence. The Ministry of Labour, Family, Social Protection and Elderly had set up a permanent working sub-group on domestic violence.

Ethiopia said that the part of the report on State responsibility for eliminating violence against women was informative. It helped to highlight the obligation of States to take measures to protect women from violence. At the same time, Ethiopia cautioned that such high level scrutiny might

detract from the immediate focus this matter required. The section on existing normative standards or regional standards and analysis of information received provided a good basis for continued debate to measure progress and obstacles.

Ecuador said that freedom of expression and access to information were key elements to guarantee the democratic participation of citizens. Ecuador was concerned about the inappropriate use of new information technologies, under the heading of national security protection, which violated the right to privacy and limited access to means of communication. It encouraged the generalized participation of citizens through the strengthening of community means of communication.

Maldives said that in reality, examining the responsibilities of States in protecting the right to freedom of opinion and expression was complex and not without controversy. However, it did believe that any intrusion into the private sphere had to be proportional and where necessary accompanied by judicial authorization. While States did have a responsibility to protect the rights of all women from gender discrimination and violence, the standard of due diligence as an effective tool had to be employed in a more robust and universal manner.

Malaysia believed that in ensuring the promotion and protection of the right to freedom of opinion and expression, attention should be placed on the importance of the responsible exercise of such rights. Malaysia's legislation guaranteed no censorship of the Internet, but this did not mean that any person may disseminate illegal content and laws prohibiting the dissemination of certain materials would continue to apply. Malaysia also reiterated its strong commitment to preventing and eliminating all forms of violence against women and girls.

Switzerland said that adequate legal protection was necessary to ensure that journalists, human rights defenders and others did not become victims of arbitrary surveillance by States. Concerning the issue of violence against women, Switzerland said that the fight against impunity was a key element and international standards were often not adequately reflected in domestic legislation.

Sierra Leone, in relation to the issue of violence against women, said that there had been significant progress at the level of policy and legislation,

including the adoption of three Gender Acts in 2007. In 2012 these had been complemented by the Sexual Offences Act, creating a much more robust legal framework within which sexually based violence and other crimes could be vigorously prosecuted. However, violence against women remained a pervasive problem in Sierra Leone and the first step in promoting these laws would be their dissemination.

Finland said that the report clearly showed that the world was still far from having totally eliminated violence against women, despite numerous international instruments and decades of work on the issue. It was a worldwide problem and required a holistic, systematic and comprehensive response. The due diligence principle was key in holding States accountable for ending violence against women. Finland was currently implementing a five-year action plan to reduce violence against women, which took a broad and comprehensive approach to the problem.

Spain said that it completely shared the report's integral approach to combating violence against women. Spain had legislation that dealt with the issue of violence against women in a global and integral fashion to ensure the complementary between all the relevant mechanisms in this field. Spain felt uneasy at the clear shortcomings in the way judicial authorities were tackling the issue of violence against women and was particularly concerned about impunity.

China said that its internet association had published a number of self regulatory rules whereby providers were to protect the users' privacy. China had always attached great importance to protecting women's rights and was opposed to violence against women. A guide to marriage cases regarding domestic violence had been developed and reforms had also been made to laws on marriage. In the majority of public and security organs, there were hotline numbers that could be used and special medical centres had been set up to receive and assist victims.

Montenegro recognized that if States overreached in their surveillance methods and maintained weak legal safeguards, such actions could become disproportionate to the threat and infringe on people's privacy. Montenegro asked the Special Rapporteur to elaborate on existing collaborative efforts or legislative initiatives to introduce a set of international principles on State surveillance of communications. Montenegro recognised combating violence against women as a priority human rights issue and asked for the

Special Rapporteur's views on steps for advancing the global campaign on violence against women within the United Nations.

Cuba said freedom of expression should respect the laws of each country and some minimum norms of social coexistence, and some restrictions in the interests of public order were required. Cuba noted that the Special Rapporteur called on journalists and media to fulfil their responsibility in an objective and impartial manner. The main emphasis on the report on violence against women had to do with States' actions, and Cuba asked the Special Rapporteur about actions that could be taken from non-State actors.

Norway said privacy and freedom of expression were interlinked and interdependent. The report of the Special Rapporteur indicated that in most States the legal standards were inexistent or inadequate to address modern information technologies. Norway asked the Special Rapporteur to elaborate on measures that could be taken and how could States strike a balance between the complexity of communication technologies and the need to protect the right to freedom of expression. States must act with due diligence to protect women from violence, lack of accountability stood as a great challenge and impunity must end.

New Zealand said that the Pacific as a region faced real challenges, particularly in the area of violence against women. Women in the Solomon Islands and in Papua New Guinea faced multiple forms of discrimination and New Zealand was committed to assisting both of these countries. New Zealand recognised the positive steps taken by both Governments and it was encouraging to see that progress had been made since the visit of the Special Rapporteur. However, it was clear that many challenges remained.

Botswana said it continued to monitor developments on new methods and technologies with a view to enhance State security. At the same time Botswana remained mindful that it should remain in line with human rights norms and standards. It could not agree more that due diligence served as a tool for right holders to hold States accountable and assisted in analyzing actions and omissions of States. Botswana had to deal with the growing problem of violence against women and girls and it restated its resolve to fight gender based violence and violence against women.

Indonesia shared the concerns noted by the Special Rapporteur on the various aspects of surveillance and enquired what the Special Rapporteur's

view was on how people could participate in efforts to maintain public order and national security in the context of the debate between freedom of opinion and expression and the issue of surveillance. What kind of role could regional human rights mechanisms play in supporting States to deal with the issue of due diligence in eliminating violence against women?

Thailand agreed that States were responsible for protecting individuals through legislative and administrative measures. Women with disabilities faced special challenges and should be given particular attention. Women's vulnerability and social perception were important causes of violence and women's capacity should be strengthened by encouraging greater participation for girls and women in education. Thailand reaffirmed its strong commitment to eliminating discriminating attitudes and to the promotion of equality between men and women.

Japan welcomed the efforts of the Special Rapporteur on violence against women as this issue required the collective efforts of the international community. The current Government's strategy sought to take into account women's strengths and to participate in international efforts. Japan implemented an annual campaign and conducted awareness-raising programmes for educators. Female police officers and a hotline were available.

Algeria said that Algeria believed that the right to privacy constituted an integral part of the right to freedom of expression and restrictions which could impede the enjoyment of this right should be established in the law and authorised by judicial authority, including with consideration for proportionality and a human rights dimension. Violence against women was a problem faced in most countries and States had the primary responsibility to combat violence against women, however the application of the concept of due diligence required an in-depth study.

Saudi Arabia said the Special Rapporteur's report into violence against women noted the State's responsibility toward prevention of this; Saudi Arabia, as well as adhering to the tenets of Sharia law in this respect, had signed up to the Convention on the Elimination of Discrimination against Women some years ago and had taken other ameliorating measures to tackle gender-based violence.

Belarus said that the accent of the Special Rapporteur's report on electronic surveillance was tilted in favour of Western, developed countries. Was the Special Rapporteur monitoring reports from the United States that there had been illegal wiretapping of Associated Press journalists? Belarus cited a list of other reported violations, including a case in the Netherlands which Belarus said had upheld the right of a paedophile website to exist on grounds of freedom of expression; did the Special Rapporteur agree with this?

Belgium, concerning the report of the Special Rapporteur on freedom of expression and its insights into new technology, said Belgium had a commission looking into this very issue. The right to privacy buttressed the right of freedom of expression and Belgium recognized this. As for the report of the Special Rapporteur on violence against women, Belgium called on countries which had not invited the Special Rapporteur to visit them upon her request to respond positively to this.

Morocco noted that States had obligations to establish a holistic approach and framework to combat the phenomenon of violence against women and Morocco had taken specific measures to eradicate such violence, including the adoption of a plan of action, mechanisms for strengthening protection in law, efforts to detect weaknesses in legislation, and the requirement for doctors to denounce incidents of violence. Concerning the issue of privacy, Morocco noted that the advancement of technology made it possible to monitor communications in an unprecedented way.

Paraguay agreed that despite real development in dealing with violence against women, this remained an endemic challenge in many countries. Paraguay had a framework made up of a number of instruments; however, awareness of such instruments and the confidence of victims were also necessary in order to ensure effective actions. Paraguay supported the proposal of identifying specific topics for debates to follow in order to address the causes and sources of this scourge.

Nepal took note of the Special Rapporteur's focus on States' responsibility for eliminating violence against women and the need to create a framework for discussing such responsibility to act with due diligence at the individual and systemic levels. Nepal had undertaken a wide range of measures at different levels, including the establishment of a Gender Empowerment Coordination Unit at the Office of the Prime Minister, and it was also in the

process of drafting a bill on the establishment of a fast track court mechanism for criminal cases involving women.

Syria said it had established systems and campaigns to combat domestic violence against women. The picture was however currently distorted by the war being waged in Syria by Al Qaida and other terrorists who were targeting women for especially violent acts. Syria called on foreign powers to stop funding the terrorists and reminded the Council of the suffering it said was being meted out to women, including in the Golan Heights.

United Kingdom said it supported the current high thresholds controlling the State from monitoring private communications and data; it shared the Special Rapporteur's concerns about the abuse of monitoring to spy on dissidents. The United Kingdom shared the concerns of the Special Rapporteur on violence against women and said the United Kingdom's Foreign Minister was leading an international campaign about this.

Venezuela said that acts of omission by States that enabled violence against women could be highlighted by due diligence as the Special Rapporteur wrote in her report and Venezuela agreed with this. Venezuela had developed laws to protect women, their property and the enjoyment of their rights that included real sanctions and had real results. The special offence of "femicide" was being considered under Venezuelan law.

Lebanon noted the recommendation in the Special Rapporteur's report concerning the need to promote international understanding on the protection of the right to privacy and asked him to elaborate on his suggestion regarding best practice on the forms and limits of restrictions on modern digital communication in line with the protection of the relevant rights. It was regrettable that the lack of accountability for cases of violence against women had become the norm; what role could human rights education play in addressing the issue of violence against women.

Togo said that in accordance with its Constitution there were several measures protecting the press and limitations on publications could only be imposed by legal decisions. The press code had been revised in 2000, 2002, and 2004; and the latest revision had decriminalised press offences. Togo also had an independent institution to regulate audiovisual broadcasting, independent of authorities and political groups. Every year the State also provided assistance to private media.

India said that, as recent events of horrific acts of violence in India and other parts of the world had illustrated, the main problem concerning violence against women remained the lack of effective implementation of existing instruments. India had announced budgetary allocations to ensure the dignity and safety of women. Concerning, surveillance and freedom of expression, India pointed out that any measures initiated in this regard in India had been preceded by deliberations at the highest level and respect for due process of law.

Czech Republic attached great importance to the right to privacy in the electronic communications sphere; inadequate protection of this right could lead to self-censorship that could undermine the right to freedom of expression online. Could the Special Rapporteur elaborate on more concrete measures that might facilitate a deeper understanding of the protection of the right to privacy in this context?

Poland shared the Special Rapporteur's concern about the lack of national laws regarding the necessary level of State involvement in electronic communication and was concerned about the surveillance of journalists, human rights defenders and other civil society actors. Turning to the Special Rapporteur on violence against women, Poland agreed on the need for due diligence in combating the structural context of domestic and other gender-based violence.

Philippines said communication surveillance was a threat to the rights of privacy and expression and there had to be a solid legal framework underpinning any State actions in this matter. The Philippines endorsed the mandate of the Special Rapporteur for violence against women and welcomed the conceptual content of her report.

Denmark said the report on the right to freedom of opinion and expression explored the possibilities of striking the right balance respecting the right to privacy and the right to freedom of opinion or expression. Could the Special Rapporteur elaborate on the need to regulate the provision of communication data by the private sector to the State to protect individual human rights. Concerning the report on violence against women, could the Special Rapporteur elaborate on how comprehensive sexuality education could be incorporated into curricula as a means of combating violence against women and girls?



Colombia said Colombia aimed at ensuring the full upholding of rights, taking into account the situation of women and in particular women in vulnerable situations. Colombia had implemented public policies and legislation in this regard, including the creation of a registry for victims and other legislative measures to ensure the protection of women victims of violence and their children. The Government had also engaged in dialogue and collaborated with civil society.

France supported the view of the Special Rapporteur concerning States' responsibility for due diligence with regard to instances of violence against women. The General Assembly had adopted a resolution on this topic and France also noted the conclusions of the Committee on the Status on Women. Concerning surveillance and communications, France believed that rights guaranteed offline should also be guaranteed online; and asked the Special Rapporteur about measures to promote awareness concerning the dangers related to the need to protect privacy.

Sri Lanka recognised the primary role of the State in eliminating violence against women and backed the content of the Special Rapporteur's report with respect to due diligence. Sri Lanka had a slate of laws and several institutions to deal with gender-based violence and exercised a zero-tolerance approach. Civil society was active in this area in Sri Lanka. The protection of internally displaced women was a priority.

Sweden said that the engagement of the Special Rapporteur on the issue of freedom of expression with human rights and the internet and communications technology was groundbreaking. Sweden clarified a point of misunderstanding in Mr. La Rue's report and explained how its intelligence law worked. It looked forward to a correction being made in the written report.

Argentina, with respect to the Special Rapporteur's report on violence against women, said it had a legal framework that protected women and ameliorated violence against them. Argentina added that in 2012, "femicide" was included in the penal code as an aggravating factor and new sanctions were codified against men who married their victims as a form of evading justice.

Serbia said that it was regrettable that violence against women occurred in many countries today, regardless of the socio-economic conditions prevailing in each country. Serbia made efforts to protect women; it also provided support to victims and punished perpetrators of violence. To that end several measures had been adopted, including organizing training courses for officials from the police and social security services, among others. Despite encouraging results, efforts should continue.

Estonia said that freedom of opinion and expression had to be applied regardless of the medium used to convey the message. Supporting the freedom of expression online was just as important as all other activities relating to the protection and promotion of human rights. Estonia generally agreed with the Special Rapporteur's report, although it found that it was somewhat too absolute regarding issues relating to privacy. How could international organizations monitor and evaluate the protection of privacy of internet users?

Slovakia said that while the internet had significantly expanded the possibilities of individuals to exercise their right to freedom of expression through greater social interaction, at the same time new human rights challenges had also emerged. The rights which persons enjoyed offline must also be protected online. Also, the rights of those subjected to surveillance should be duly preserved with a possibility to seek redress. What measures should be taken to strengthen protection at the international level?

Bolivia said violence against women was unacceptable and since its new constitution was enacted all State bodies had set aside resources to tackle it. A number of laws had been passed for the prevention and elimination of violence against women.

Netherlands said that communications were evolving and the ability of States to monitor communications was also evolving; however the legal framework was lagging. There was a public debate in the Netherlands about this and a commission was currently considering the big issues. Could the Special Rapporteur share any examples of best practice with the Council?

Australia said the same human rights had to be protected online as well as "offline"; such freedoms could only be restricted under exceptional circumstances, and Australia welcomed the report of the Special Rapporteur on freedom of expression. Turning to Ms. Manjoo's report, Australia said it

had a zero-tolerance approach to violence against women and a raft of measures in place to prevent and deal with it. Could the Special Rapporteur point to any examples of best practice in this matter?

Iraq said that its constitution guaranteed the right to freedom of opinion and expression, including through electronic media, and that divulgence of correspondence was not possible without a judicial decision. Iraq worked to ensure respect for international norms and standards, which had been violated for over three decades before 2003. Was there a special mechanism recommended by the Special Rapporteur which took into account security concerns without compromising the right to freedom of expression?

Organisation Internationale de la Francophonie said that it agreed with the Special Rapporteur who recommended that an effective and global network for the protection of women be set up and that cases of violence against women, which violated one of their fundamental rights, be investigated. The situation was particularly serious in armed conflict zones, for example in Mali. The Ministers and Heads of State of the Organization had recently adopted a specific plan of action to tackle violence against women and girls.

Former Yugoslav Republic of Macedonia said that it hoped that the recommendations in the report of the Special Rapporteur on violence against women would be applied worldwide. Increasing the number of awareness-raising campaigns and of training programmes was very important. The relationship between the perpetrator and victim in the period immediately after the violent crime was an important issue. The Former Yugoslav Republic of Macedonia was looking forward to the Special Rapporteur's visit to the country.

Djibouti said in welcoming the Special Rapporteur's report into violence against women that Djibouti had put in place a number of legislative and institutional measures to prevent violence against women and it fully supported the Special Rapporteur's mandate.

Centre for Reproductive Rights and Sexual Rights Initiative, in a joint statement, said that reproductive rights violations, often committed by non-State actors, constituted a form of torture and the risk of this type of rights abuse could only increase with the privatization of health care.

Südwind said there were Governments that took no notice of their obligations under international law with regard to violence against women and cited the penal code in Iran as a gross offender. Iran was also manipulating the Internet to suppress dissent; what was Mr. La Rue doing about this?

COC Netherlands said that Algeria and Egypt were in violation of the right to freedom of opinion and expression in not allowing such freedom on religion or sexual orientation. Freedom of expression and assembly had also been repressed because the message conveyed did not please the authorities.

Society for Threatened Peoples said that curbs on communication could have an impact on the preservation of minorities' culture. China had recently adopted laws that required internet, mobile and landline users to identify themselves. Did the Special Rapporteur plan to undertake further research of such laws on minorities?

European Centre for Law and Justice said that there was a strong correlation between blasphemy law and the restriction of numerous human rights. The asserted goal of blasphemy law was backfiring, promoting a culture of violence rather than respect, peace or the free flow of ideas.

Alivan Kesedaran Negara National Consciousness Movement said that new laws introduced in Malaysia in 2011 significantly restricted the right to freedom of expression of journalists and electronic websites, while civil society and student activists had been arrested because they had encouraged the public to protest.

France Libertés said that it remained concerned about frequently occurring cases of interference with privacy. Many national legal frameworks were deficient and did not prevent the violation of people's right to freedom of expression. Journalists were at risk of being subjected to harsh punishments for retaliation, and media were subject to harassment.

Permanent Assembly for Human Rights said that human rights were routinely violated in the case of imprisoned women, many of whom were in prison for minor offences. Also, no child should end up or be brought up in prison just because the mother was in prison. What measures should the State undertake to prevent prison officers from using violence against women?

Asia Forum for Human Rights and Development said that the Special Rapporteur had to make it clear that States in Asia, including that of Malaysia, must not use national security measures to crackdown on the communications of human rights defenders, journalists and others.

Freedom House said that the explosion in global information sharing came with a connected threat of social control in countries like China, Iran and Viet Nam. The Human Rights Council should lead the way to protect human rights online.

Arab Group for Human Rights Studies said that in Egypt many restrictive laws dated from the Mubarak era and were still being used to curtail freedom of expression. It cited numerous examples and additionally listed a sequence of cases of violence against women in Egypt.

### **Concluding Remarks**

FRANK LA RUE, Special Rapporteur on the right to freedom of opinion and expression, in concluding remarks, said that the report had to be seen as a follow-up to the 2011 report on freedom of expression and the internet and the intention was to show that they did not need new human rights standards for the internet. New technologies brought new challenges but the standards remained the same. Anonymity was one of the issues being analysed from a national security point of view but Mr. La Rue believed that it was important to protect this rather than to curtail it. The issue of the freedom with which the world used the internet was very much linked to the protection of the work of human rights defenders, linked to the protection of the press, and very much linked to transparency and combating corruption. All these issues were possible only if the international community protected this flow of ideas over the internet, especially for journalists. There were limitations but only as an exceptional rule, when there could be serious harm to national security or the exercise of the rights of others, and these had to be established by law, with a very clear and immediate possibility of harm, to protect the right or several rights of others and be proportional in that respect. Some countries had two forms of supervision, judiciary and also legislature, and the more the better. It would be ideal if every Council Member State would present their practices and regulations. There had to be a concerted effort to guarantee access to the internet, including for the poorest, and the internet could not be the privilege of a select few. It was

not the regulation of the State that could regulate the language, decency, morality or religion over the internet. The idea of creating a culture of peace was important but this did not come about by the regulation of the State; this came from the way they built a society.

RASHIDA MANJOO, Special Rapporteur on violence against women, its causes and consequences, in concluding remarks, said that she was pleased with the openness with which States had addressed the serious issue of violence against women, and stressed that a holistic approach to the matter as a citizenship issue was crucial. A holistic response required acknowledging that violence against women seriously affected all the rights of women and girls all around the world. Ms. Manjoo stressed that accountability should become the norm worldwide instead of impunity. Violence against women in conflict situations was still part of the general phenomenon of violence against women, except that in those cases the results were exacerbated by the conflict situation. Ms. Manjoo highlighted the importance of setting up mechanisms at the national and regional level which would monitor compliance and offer technical assistance and cooperation. Regarding the questions about due diligence, Ms. Manjoo said that regardless of the standards which had been set by United Nations agencies and other bodies, the most important thing was for States to ensure that they met their due diligence obligations. She also pointed out that there was no legally binding instrument which provided for the monitoring of regulation, so an open discussion on the subject was necessary. Regarding violence against women in custodial settings, that was an issue which she would be examining in her next report.