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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Equality Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Legal Review and Reforms Needed to End Sexual Violence

Equality Now, an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, commends the Human Rights Council for having emphasized in its Resolution 32/19 of July 2016 that all forms of violence against women and girls are a violation of their human rights, rooted in “structural inequality”. We especially commend the Human Rights Council for having reiterated the need to “intensify efforts at all levels to prevent and eliminate” such violence, and strongly support its call to States to take effective action to prevent violence against women and girls, including “using all appropriate means of a legal...nature to provide access to justice, health care and support services....”

As such, we call upon all governments to comprehensively review and amend as necessary, in consultation with survivors and women’s rights organizations, all of their laws, policies and procedures relating to rape and sexual assault, ultimately transforming them into instruments that:

- prevent sexual violence;
- provide better access to justice for victims (including specialised services); and
- effectively punish sexual violence crimes.

We congratulate those countries who have already revised, repealed or added laws to effectively prevent and punish sexual assault. For example, in January 2014, the Moroccan government amended article 475 of its Penal Code, a law that was used to exempt rapists from punishment if they married their victim, although a comprehensive review is still needed to remove all remaining sex discrimination in the law. We commend the government of Malta, who, in addition to working to overturn a discriminatory law allowing a perpetrator to escape punishment upon marriage to a victim, recently announced it would review *all* its legislation to eliminate any remaining sex discriminatory provisions.

Several international and regional human rights instruments provide that every woman and girl has the right to be free from gender-based violence everywhere and place obligations on State parties to prevent and punish such violence. In addition, conducting an examination of national legislation and reform related to rape and sexual assault would be in line with the 2030 Agenda for Sustainable Development (Agenda 2030) adopted in September 2015 by the UN General Assembly. This includes under Goal 5 to “eliminate all forms of violence against all women and girls in the public and private spheres” (Target 5.2) and “adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels” (Target 5.c), and Target 10.3, which calls on all governments to “[e]nsure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws....”

Regrettably, despite these international mandates to end gender-based violence, rape and sexual abuse are everyday violent occurrences around the world, affecting close to a billion women and girls over their lifetimes. In Equality Now’s recent report, *The World’s Shame: The Global Rape Epidemic. How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence*, a sampling of 82 jurisdictions from around the globe shows that laws on sexual violence are insufficient, inconsistent, not systematically enforced and, sometimes, promote violence. The consequences of these weaknesses in the rule of law are devastating – sexual violence does incredible physical, psychological and consequential harm, preventing women and girls from realising their full potential. Legal equality, on the other hand, is the first step to gender equality from which everyone benefits.

Together with our membership base the Equality Action Network, which is comprised of individuals and organizations in over 190 countries, we look forward to sustained attention to this issue by the Human Rights Council and its mechanisms until Member States take effective action to prevent sexual violence against women and girls, including through a comprehensive review and necessary reforms of all laws, policies and procedures relating to rape and sexual assault.