



# General Assembly

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### International cooperation on access to justice for survivors of sexual violence

**Argentina, Austria, Belgium, Bolivia (Plurinational State of), Botswana, Bulgaria, Cabo Verde, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Morocco, Myanmar, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Rwanda, Sierra Leone, Slovakia, Slovenia, South Sudan, Spain, Sweden, Ukraine, Uruguay and Vanuatu: draft resolution**

### International cooperation for access to justice, remedies and assistance for survivors of sexual violence

*The General Assembly,*

*Recalling* its resolution [60/147](#) of 16 December 2005, its resolutions [61/143](#) of 19 December 2006, [62/133](#) of 18 December 2007, [63/155](#) of 18 December 2008, [64/137](#) of 18 December 2009, [65/187](#) of 21 December 2010 and [67/144](#) of 20 December 2012 and all its previous resolutions on the elimination of violence against women, as well as its resolutions [69/147](#) of 18 December 2014, [71/170](#) of 19 December 2016, [73/148](#) of 17 December 2018 and [75/161](#) of 16 December 2020 on the intensification of efforts to eliminate all forms of violence against women and girls, and all other relevant resolutions,

*Reaffirming* the Universal Declaration of Human Rights,<sup>1</sup> the International Covenant on Civil and Political Rights,<sup>2</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>3</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>4</sup> the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,<sup>5</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>6</sup>

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\* Reissued for technical reasons on 1 September 2022.

<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> See resolution [2200 A \(XXI\)](#), annex.

<sup>3</sup> *Ibid.*

<sup>4</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

<sup>5</sup> *Ibid.*, vols. 1249 and 2131, No. 20378.

<sup>6</sup> *Ibid.*, vol. 1465, No. 24841.



the Convention on the Rights of the Child and the Optional Protocols thereto,<sup>7</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>8</sup> the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto<sup>9</sup> and other relevant international human rights instruments, and the obligation of all States to promote, protect and respect all human rights and fundamental freedoms,

*Reaffirming also* the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>10</sup> the Declaration on the Elimination of Violence against Women,<sup>11</sup> the Vienna Declaration and Programme of Action,<sup>12</sup> the Beijing Declaration and Platform for Action,<sup>13</sup> the Programme of Action of the International Conference on Population and Development,<sup>14</sup> the outcome documents of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”,<sup>15</sup> and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,<sup>16</sup>

*Recalling* all other relevant resolutions of the General Assembly, relevant resolutions of the Security Council, especially those on women and peace and security following its establishment of that agenda in its resolution [1325 \(2000\)](#) of 31 October 2000, on youth, peace and security and on children and armed conflict, relevant resolutions of the Economic and Social Council, of the Human Rights Council and of the Commission on the Status of Women, all previous agreed conclusions adopted by the Commission, and relevant resolutions and processes of specialized agencies of the United Nations system on the elimination of all forms of violence against women and girls, and taking note of the reports of the Secretary-General requested in these resolutions,

*Reaffirming* the 2030 Agenda for Sustainable Development<sup>17</sup> to build peaceful, just and inclusive societies which are free from fear and violence, where there can be no sustainable development without peace and no peace without sustainable development, and to protect human rights and promote gender equality and the empowerment of women and girls, envisaging a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination, of respect for race, ethnicity and cultural diversity, and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity, and underscoring the particular significance of the 2030 Agenda for victims and survivors of sexual and gender-based violence, in the public and private spheres, online and offline, including trafficking and sexual exploitation and abuse as well as sexual harassment, in need of protection, redress and empowerment,

*Welcoming* efforts on the empowerment of all women and girls, and noting all international, regional and national initiatives in this regard, including those aimed at safeguarding the rights and promoting the participation of all women and girls and

<sup>7</sup> Ibid., vols. 1577, 2171, 2173 and 2983, No. 27531.

<sup>8</sup> Ibid., vol. 2220, No. 39481.

<sup>9</sup> Ibid., vols. 2515 and 2518, No. 44910.

<sup>10</sup> Resolution [40/34](#), annex.

<sup>11</sup> Resolution [48/104](#).

<sup>12</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>13</sup> *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

<sup>14</sup> *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

<sup>15</sup> Resolution [S-23/2](#), annex, and resolution [S-23/3](#), annex.

<sup>16</sup> Resolution [61/295](#), annex.

<sup>17</sup> Resolution [70/1](#).

those convened in cooperation with United Nations entities, in partnership with civil society,

*Noting* that sexual and gender-based violence disproportionately affects women and girls, while recognizing that men and boys can also be subjected to such violence, and recognizing that, notwithstanding women's and girls' vital role as agents of change, their poverty and lack of empowerment, as well as their marginalization resulting from their exclusion from social, environmental and economic policies and from the benefits of quality education and sustainable development, can place them at increased risk of such violence, and that such violence impedes social and economic progress and therefore the sustainable development of communities and States, as well as the achievement of the 2030 Agenda and other internationally agreed development goals,

*Recognizing* the particular risk of sexual and gender-based violence faced by all those who suffer multiple and intersecting forms of discrimination,

*Recalling* the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,<sup>18</sup> noting in this regard the undertakings of its Chief Prosecutor to strengthen efforts to combat impunity for sexual and gender-based violence, and recalling the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

*Stressing* the contribution of the ad hoc international criminal tribunals and the International Criminal Court to ending impunity by ensuring accountability,

*Recognizing* that sexual violence in conflict occurs on a continuum of interrelated and recurring forms of violence against women and girls, and that conflict also exacerbates the frequency and brutality of other forms of gender-based violence,

*Stressing* the necessity for all States and non-State parties to conflicts to comply fully with their obligations under applicable international law, including the prohibition on all forms of sexual violence,

*Recalling* the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against civilians, and in this regard noting with concern that only limited numbers of perpetrators of sexual violence have been brought to justice, while recognizing that in conflict and in post-conflict situations national justice systems may be significantly weakened,

*Commending* the continuing efforts of Member States to end impunity by ensuring accountability and punishing the perpetrators of sexual and gender-based crimes under national and international law, and stressing the need for the perpetrators of those crimes to be held accountable by national justice systems or, where applicable, international justice,

*Deeply concerned* about sexual and gender-based violence in all its different forms and manifestations worldwide, which is underrecognized and underreported, particularly at the community level, owing to social stigma and inadequate reporting and response services, as well as its pervasiveness, which reflects discriminatory norms that reinforce stereotypes and gender inequality and the corresponding impunity and lack of accountability, reiterating the need to intensify efforts to prevent and eliminate all forms of sexual and gender-based violence, in all regions of the

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<sup>18</sup> United Nations, *Treaty Series*, vol. 2187, No. 38544.

world, and emphasizing that such violence violates, and impairs the full enjoyment of, all human rights of victims and survivors,

*Gravely concerned* that domestic violence, including intimate partner violence, remains the most prevalent and least visible form of violence against women of all social strata across the world, and emphasizing that such violence is a violation, abuse or impairment of the enjoyment of their human rights and fundamental freedoms and, as such, is unacceptable,

*Deeply concerned* that, despite repeated condemnation of all forms of sexual and gender-based violence in vulnerable situations, such as in conflict and post-conflict situations, humanitarian settings, as well as during and in the aftermath of disaster, pandemic and epidemic situations, including the process of recovery from the coronavirus disease (COVID-19) pandemic, such acts of violence in all its forms, with increased use of technology-facilitated violence and extending to stalking and threats of violence, including verbal or non-verbal conduct of a sexual nature, continue to occur and can even increase, and reiterating the need to ensure full access to non-discriminatory, confidential and comprehensive specialized services, including psychosocial health, including sexual and reproductive health-care services, legal and livelihood support and services to victims and survivors, as well as to justice, redress and just and effective remedies and assistance for the victims and survivors of all forms of such violence,

*Stressing* that States have the obligation, at all levels, to promote, protect and respect all human rights and fundamental freedoms for all, including all women and girls, and must exercise due diligence to prevent, investigate, prosecute and hold to account the perpetrators of all forms of violence, eliminate impunity and provide for effective access to appropriate remedies and reparations on a national basis for victims and survivors, and should ensure the protection of victims and survivors, including adequate enforcement of civil remedies, orders of protection and criminal sanctions, and the provision of shelters, psychosocial services, counselling, health services, including sexual and reproductive health-care services, and other types of support services, in order to avoid revictimization, to promote an empowering environment, and that to do so contributes to the enjoyment of human rights and fundamental freedoms by all victims and survivors of such violence,

*Emphasizing* that advancing gender equality and women's political, social and economic empowerment is critical to the prevention of and response to sexual and gender-based violence in conflict and post-conflict situations, and that the safety and empowerment of all women and girls are important for their full, equal and meaningful participation in peace processes, preventing conflicts and rebuilding societies, and that, therefore, women's protection and participation are inextricably linked and mutually reinforcing, as reflected in relevant resolutions on women and peace and security,

*Recognizing* that the disproportionate impact of sexual violence in armed conflict and post-conflict situations on women and girls is exacerbated by discrimination against women and girls and by the underrepresentation of women in decision-making and leadership roles, the impact of discriminatory laws, the gender-biased enforcement and application of existing laws, harmful social norms and practices, structural inequalities, discriminatory views on women or gender roles in society, and lack of availability of services for victims and survivors, and affirming the importance of promoting gender equality by addressing these and other root causes of sexual violence against all women and girls as part of conflict prevention, conflict resolution and peacebuilding,

*Deeply concerned* about the cases in which the victims and survivors do not have adequate and consistent access to justice remedies, including relief and

reparations, and assistance programmes, and recognizing the ongoing need for a comprehensive whole-of-system response, including greater cooperation, coherence, coordination and complementarity among sustainable development, disaster risk reduction, humanitarian action and sustaining peace,

*Recognizing* the need to promote the full, equal and meaningful participation of victims and survivors of sexual and gender-based violence in the development and evaluation of policies, regulations and legislation designed to provide access to justice, remedies and assistance for them,

*Recognizing also* the major contributions of civil society organizations, especially women's, young women's, girls', youth-led, grass-roots and community-based organizations, rural, indigenous and feminist groups, women human rights defenders, women journalists and media professionals and trade unions, as well as the importance of having an open, inclusive and transparent engagement with civil society in supporting the implementation of measures to provide access to justice, remedies and assistance for victims and survivors of sexual and gender-based violence,

1. *Condemns* all forms of sexual and gender-based violence, and urges Member States to provide victims and survivors of sexual violence with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies, reparations and assistance for the harm that they have suffered and inform them of their rights in seeking redress through such mechanisms, as well as to consider measures to enable secure reporting and alleviate burdens while in pursuit of justice, remedies, reparations and assistance;

2. *Urges* States to take effective action, through their national legal systems and in line with international law, to provide access to justice, remedies and assistance for victims and survivors of sexual and gender-based violence, including by:

(a) Providing relevant, comprehensive, gender-responsive legal protection, in full respect of human rights and centred on such victims and survivors, to support and assist all victims and survivors of such violence, including victim and witness protection from reprisals for bringing complaints or giving evidence, paying particular attention to women and girls facing multiple and intersecting forms of discrimination;

(b) Ensuring for all victims and survivors timely and unimpeded access to justice and to effective legal assistance so that they can make informed decisions regarding, inter alia, legal proceedings, providing procedural accommodation for those with disabilities, so that all cases of violence are brought to justice, including the cases related to victims and survivors, and also ensuring that all victims and survivors have access to just and effective remedies for the harm that they have suffered, including through the adoption of national legislation where necessary;

(c) Improving legal infrastructure and mainstreaming age- and gender-responsive and disability-inclusive training into justice systems to ensure equality before the law and equal protection of all victims and survivors with disabilities by the law;

(d) Establishing comprehensive, timely, coordinated, interdisciplinary, accessible and sustained multisectoral services, programmes and responses centred on victims and survivors that respect all human rights and take into account gender perspectives for all victims and survivors of such violence, that are adequately resourced, that are, when possible, in a language that they understand and in which they can communicate and that include effective and coordinated action by, as appropriate, relevant stakeholders, such as the police and the justice sector, as well as providers of legal aid services, health services, including sexual and reproductive

health-care services, shelters, medical and psychological assistance, counselling services and protection, and, in cases of child victims and survivors, ensuring that such services, programmes and responses take into account the best interests of the child;

(e) Responding to all forms of violence, through multisectoral and coordinated approaches to investigate, prosecute and punish the perpetrators of such violence and end impunity, and to provide protection and equal access to appropriate remedies and redress and to comprehensive social, health and legal services for all victims and survivors to support their full recovery and reintegration into society, including by providing access to psychosocial support and rehabilitation as well as affordable housing and employment;

(f) Establishing and/or strengthening, including by investing in capacity-building, court, judicial system, law enforcement, health and social workers' and counsellors' and other practitioners' response protocols and procedures to ensure that all appropriate actions are coordinated and taken to protect and respond to the needs of all victims and survivors of such violence, to identify acts of violence and to prevent their recurrence or further acts of violence and physical and psychological harm, ensuring that services are gender-responsive and centred on the needs of victims and survivors, including by providing access to appropriate health-care providers, for both physical and psychological support, police officers and counsellors if requested, and ensuring and maintaining the privacy of victims and survivors and the confidentiality of their reporting;

(g) Developing targeted and effective awareness to prevent impunity regarding all forms of such violence and avoid marginalization and stigmatization of survivors, children born of sexual violence and their families, and providing victims and survivors with information on access to justice, remedies, reparations and assistance, including through building relevant institutions and capacities as well as promoting partnerships with civil society organizations;

(h) Enhancing the resilience of individuals and communities to provide a safe environment for the victims and survivors of such violence and, in particular, those in vulnerable situations, such as in conflict and post-conflict situations, in humanitarian settings, as well as in post-disaster, post-pandemic and post-epidemic situations, including in the process of recovery from the COVID-19 pandemic;

(i) Addressing the structural and underlying causes of such violence through enhanced prevention measures, capacity-building of relevant authorities, research and strengthened coordination, monitoring and evaluation conducted with victims and survivors by, inter alia, encouraging awareness-raising activities, including through designing and implementing appropriate domestic policies that are aimed at transforming discriminatory social attitudes and social and cultural patterns of conduct that condone such violence with a view to preventing and eliminating, in all public and private spheres, including online spaces, discrimination, gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations, as well as publicizing the societal and economic costs of violence, and working with local communities;

(j) Implementing response plans, policies and initiatives, with civil society organizations as relevant, in response to the COVID-19 pandemic to prevent all forms of violence, including sexual and gender-based violence, and facilitate reporting thereon, and to ensure that all persons can lead lives free from violence, coercion, stigma and discrimination, including through the use of digital technologies, media, helplines or the mobilization of grocery stores, pharmacies, hotels and other service providers to help victims and survivors to find safe spaces and seek support;

(k) Ensuring the full, equal and meaningful participation of victims and survivors, including children as appropriate, taking into account their diverse situations and conditions, in the development, implementation, monitoring and evaluation of policies, programmes and other initiatives in the justice sector and aimed at preventing and responding to such violence, including in decision-making processes;

(l) Ensuring full, equal and meaningful participation and leadership of all women and youth in decision-making in the executive, legislative and judicial branches of government and the public sector in the development, implementation and evaluation of all policies, regulations and legislation designed to ensure access to justice, remedies and reparations for victims and survivors of such violence;

(m) Acknowledging the need for public-private partnerships to prevent and detect trafficking in persons, recognizing the important role played by financial institutions;

(n) Enhancing international cooperation in the field of criminal justice, including by affording one another the widest measure of assistance in the investigation and prosecution of crimes of sexual violence through, inter alia, mutual legal assistance, in line with Member States' obligation under international law;

(o) Providing adequate resources for access to justice, remedies and assistance for victims and survivors of such violence;

3. *Calls upon* the United Nations system and other international and regional organizations, within their respective mandates, and encourages civil society organizations to support the efforts of the Member States:

(a) To promote access to justice, remedies, reparations and assistance for victims and survivors of sexual and gender-based violence in humanitarian settings caused by ongoing conflict and post-conflict situations, as well as during and in the aftermath of disaster, pandemic and epidemic situations, including the process of recovery from the COVID-19 pandemic, in line with applicable international law, focusing on the most vulnerable, including refugees, internally displaced persons and those affected by conflicts;

(b) To build institutions and capacities to provide access to justice, remedies, reparations and assistance for all victims and survivors of sexual and gender-based violence, including in the law enforcement sector to collect, preserve and use forensic and digital evidence, in collaboration with medical personnel;

(c) To promote gender equality, tackle hate speech, misogyny and victim blaming, both online and offline, including through education and the implementation of accurate, evidence-based prevention programmes at all levels of society, both in and out of school, to protect the dignity and human rights of victims and survivors of sexual and gender-based violence so that they are able to access assistance without hesitation or threats;

(d) To strengthen policies that offer access to justice, remedies and assistance to male victims and survivors and that challenge cultural assumptions about male invulnerability to sexual and gender-based violence in order to ensure the protection of all men and boys who are victims and survivors of such violence;

4. *Also calls upon* the United Nations system and other international and regional organizations, within their respective mandates, and encourages civil society organizations:

(a) To enhance international and regional cooperation with a view to supporting the development of strategies for combating sexual and gender-based

violence and exchanging experiences and best practices, as well as financing programmes relating to the rights of victims and survivors of sexual and gender-based violence;

(b) To raise awareness of the rights of victims and survivors of sexual and gender-based violence;

(c) To promote an integrated and multi-stakeholder approach with civil society organizations, the private sector and all relevant stakeholders in addressing the rights and needs of survivors of sexual violence, including with the lessons learned from successful initiatives;

5. *Stresses* that adequate resources should be assigned to the United Nations system for the promotion of gender equality, the empowerment of women and the human rights of women and girls and to efforts throughout the United Nations system to prevent and eliminate all forms of violence, calls upon the United Nations system to make the necessary support and resources available, and takes note with appreciation in this regard of the contribution of Member States;

6. *Urges* States to ensure the promotion and protection of the human rights of all women and their sexual and reproductive health, and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and the strengthening of health systems that make universally accessible and available quality, comprehensive sexual and reproductive health-care services, commodities, information and education, including safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, recognizing that human rights include the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

7. *Requests* the Secretary-General to report on the implementation of the present resolution by Member States and the United Nations system to the General Assembly at its seventy-ninth session within existing resources;

8. *Decides* to continue its consideration of access to justice, remedies and assistance for victims and survivors of sexual violence at its seventy-ninth session under the item entitled "International cooperation on access to justice for survivors of sexual violence".