



## Economic and Social Council

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### **Commission on Crime Prevention and Criminal Justice**

#### **Seventeenth session**

Vienna, 14-18 April 2008

Agenda item 3

#### **Thematic discussion on aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice**

#### **Bolivia, Namibia, Philippines and Thailand: revised draft resolution**

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

#### **Strengthening crime prevention and criminal justice responses to violence against women and girls**

*The Economic and Social Council,*

*Reaffirming* the Declaration on the Elimination of Violence against Women<sup>1</sup> and the Beijing Declaration and Platform for Action<sup>2</sup> adopted by the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls, and reaffirming also the international commitments in the areas of social development and gender equality and justice and the advancement of women assumed at the International Conference on Population and Development, held in Cairo from 5 to 13 September 1994, as well as the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender, equality, development and peace for the twenty-first

<sup>1</sup> General Assembly resolution 48/104.

<sup>2</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.



century”,<sup>3</sup> and the declaration adopted at the forty-ninth session of the Commission on the Status of Women,<sup>4</sup>

*Stressing* that all forms of violence against women and girls constitute not only a violation of the human rights and fundamental freedoms of women but also have serious socio-economic consequences that hinder the achievement of gender equality and development,

*Recognizing* that effective and integrated criminal justice responses to all forms of violence against women and girls require close cooperation between all key stakeholders, including law enforcement officials, prosecutors, victim advocates, medical professionals, forensic scientists and others,

[*Recalling* all previous [relevant] resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights, the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice on the elimination of all forms of violence against women and girls, as well as Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,]

*Recalling* the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,<sup>5</sup>

*Reaffirming* General Assembly resolution 52/86 of 12 December 1997, on crime prevention and criminal justice measures to eliminate violence against women, in which the Assembly adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

[*Mindful* that the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice were developed ten years ago and should be reviewed, in a manner consistent with the legal systems of Member States, in order to reflect current developments and research, taking into account, inter alia, new approaches and prevention tools and good practices,]

[*Recalling* Security Council resolution 1325 (2000) of 31 October 2000, on women, peace and security, in which the Council recognized the serious impact of armed conflict and the resulting violence directed against women and girls in such situations,]

*Recalling* the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>6</sup> adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in which Governments emphasized the importance of promoting the interests of victims of crime, including by taking into account their gender,

[*Welcoming* the in-depth study on all forms of violence against women requested by the General Assembly in its resolution 58/185 of 22 December 2003,

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<sup>3</sup> General Assembly resolution S-23/2, annex, and resolution S-23/3, annex.

<sup>4</sup> See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. 1, sect. A; see also Economic and Social Council decision 2005/232.

<sup>5</sup> United Nations, *Treaty Series*, vol. 2187, No. 38544.

<sup>6</sup> General Assembly resolution 60/177, annex.

and welcoming also the invitation extended by the Assembly in its resolution 61/143 of 19 December 2006 to the Economic and Social Council and its functional commissions to discuss, by 2008, the question of violence against women in all its forms and manifestations and to set priorities for addressing that issue in their future efforts and work programmes,]

*Emphasizing* the need for valid, accurate and comparable data on violence against women and girls at the local, national and international levels in order to strengthen advocacy efforts and guide the design of effective crime prevention and criminal justice responses to such crime,

*Looking forward* to the publication by the United Nations Office on Drugs and Crime of its handbook on women in prison, which may prove to be a useful tool in promoting best practices and raising awareness of that issue,

*Welcoming* the efforts and important contributions at the local, national, regional and international levels towards the elimination of all forms of violence against women and girls, including the valuable contribution made by non-governmental organizations, organizations seeking women's equality and community agencies,

*Welcoming also* the work of the Committee on the Elimination of Discrimination against Women and the work of the Special Rapporteur on violence against women, its causes and consequences, as well as the recent renewal by the Human Rights Council of the mandate of the Special Rapporteur,

[1. *Strongly condemns* all forms of violence against women and girls, including violence against female migrant workers;]

[1. *Strongly condemns* all acts of violence against women and girls, whether those acts are perpetrated by the State, by private persons or by non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State;]

2. *Stresses* that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women or girls;

[3. *Calls upon* Member States to prevent and criminalize violence against women and to punish perpetrators of such violence according to national and international legal obligations and to provide female victims of violence with access to justice and effective remedies for the harm suffered;]

4. *Stresses* that States have an obligation to promote and protect all human rights and fundamental freedoms for all, including women and girls, and must exercise due diligence in preventing and investigating violence against women and girls and in punishing the perpetrators of such violence in order to eliminate impunity and to provide protection to the victims and that failure to do so violates and impairs or nullifies the enjoyment by women and girls of their human rights and fundamental freedoms;

5. *Urges* Member States to end impunity for violence against women by prosecuting and punishing all perpetrators, by ensuring that women have equal protection under the law and equal access to justice and by holding up to public scrutiny and eliminating those attitudes that foster, justify or tolerate violence;

6. *Also urges* Member States to enhance their mechanisms and procedures for protecting female victims of violence, both women and girls, in the criminal justice system, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>7</sup> and to provide in that regard specialized counselling and assistance;

7. *Further urges* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices relating to crime prevention and criminal justice matters, in a manner consistent with their legal systems, to determine if they are adequate to combat violence against women and girls or if they have a negative impact on women and girls and, if they have such an impact, to modify them in order to ensure that women and girls are treated fairly;

8. *Further urges* Member States to advance effective crime prevention and criminal justice strategies that address violence against women and girls, including the prevention of revictimization, inter alia, by removing barriers that prevent victims from seeking safety and by including barriers related to custody of children, access to shelter and availability of legal assistance;

9. *Further urges* Member States to develop and implement crime prevention policies and programmes to promote the safety of women and girls in the home and in society in general in a manner that reflects the realities of their lives and addresses their distinct needs, taking into account, inter alia, the Guidelines for the Prevention of Crime<sup>8</sup> and the important contribution of education and awareness initiatives to promoting the safety of women and girls;

[10. *Strongly encourages* Member States to integrate a gender equality perspective into the development and implementation of all [relevant] policies and programmes in the field of crime prevention and criminal justice in order to assist in the elimination of violence against women and girls;]

11. *Urges* Member States to be guided by the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice<sup>9</sup> in developing and undertaking strategies and practical measures to eliminate violence against women and girls and in promoting gender equality within the criminal justice system;

12. *Also urges* Member States to take into account the special needs and vulnerabilities of women and girls within the criminal justice system, especially those in detention, pregnant female inmates and children born to women and girls in detention, including, inter alia, through the development of policies and programmes to address such needs, taking into account relevant international norms and standards;

[13. *Further urges* Member States to assist female victims of violence when the facts evidence a legitimate self-defence response to violence or threats of violence made against them and to ensure that those women have access to adequate legal representation;]

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<sup>7</sup> General Assembly resolution 40/34, annex.

<sup>8</sup> Economic and Social Council resolution 2002/13, annex.

<sup>9</sup> General Assembly resolution 52/86, annex.

14. *Invites* Member States to establish a multidisciplinary, coordinated response to sexual assault, including specially trained police, prosecutors, forensic examiners and victim support services, to contribute to the well-being of the victim, to increase the likelihood of the successful apprehension, prosecution and conviction of the offender and to prevent revictimization;

15. *Urges* Member States to develop policies to work with offenders within the relevant legal systems for the purpose of preventing repeated offences;

16. *Also urges* Member States and invites the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to continue offering training and capacity-building, in particular for practitioners of crime prevention and criminal justice and victim support services, in the area of violence against women and girls and to make available and disseminate information on successful practices, such as intervention models and preventive programmes;

[17. *Requests* the United Nations Office on Drugs and Crime and invites Member States and other donors to provide extrabudgetary contributions for such purposes in accordance with the rules and procedures of the United Nations, to convene an intergovernmental group of experts with equitable geographical representation, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to review and update, as appropriate, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice in order to reflect current developments and research, taking into account, inter alia, new approaches, prevention tools and the outcome of the deliberations of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, [in consultation with the Special Rapporteur on violence against women, its causes and consequences,] and to make recommendations on addressing violence against women and girls, to be considered by the Commission at its nineteenth session;]

[17. *Requests* the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts with equitable geographical representation, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and the Special Rapporteur on violence against women, its causes and consequences, to review and update, as appropriate, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, taking into account current developments, research, tools and the outcome of the deliberations of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, and to make recommendations on addressing violence against women and girls, to be considered by the Commission at its nineteenth session, and invites Member States and other donors to provide extrabudgetary contributions for such purposes in accordance with the rules and procedures of the United Nations;]

18. *Welcomes* the offer of the Government of Thailand to act as host to the meeting of the intergovernmental group of experts, to be held in 2008;

[19. *Requests* the United Nations Office on Drugs and Crime and invites Member States and other donors to provide extrabudgetary contributions for such purposes in accordance with the rules and procedures of the United Nations, and invites the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network to consider providing assistance, upon request, to

Member States in the area of crime prevention and criminal justice responses to violence against women and girls, [including to combat international organized crime and trafficking in human beings, especially women and children,] in cooperation with other relevant entities of the United Nations system, and to integrate the elimination of violence against women and girls into their training and technical efforts, including their crime prevention activities, as well as to actively mainstream gender in their regular programmes of technical assistance;]

20. *Encourages* Member States to design and support programmes to empower women, both politically and economically, to assist in preventing violence against women and girls, in particular through their participation in decision-making processes;

21. *Calls upon* Member States to collect and analyse comprehensive data and to disseminate aggregate findings on violence against women and girls in order to strengthen advocacy efforts and guide the design of effective crime prevention and criminal justice responses to such crime;

22. *Requests* the United Nations Office on Drugs and Crime to develop tools and materials for justice in matters involving girl victims and girls in conflict with the law and to provide technical assistance, within its mandate, to Member States, upon request, to address the special needs of such girls, and invites Member States and other donors to provide extrabudgetary contributions for such purposes in accordance with the rules and procedures of the United Nations;

[23. *Requests* Member States to integrate a gender perspective into the preparations for and the deliberations and outcome of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice;]

24. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its nineteenth session on the implementation of the present resolution.