



# General Assembly

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## Human Rights Council

### Seventeenth session

Agenda item 3

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

Albania\*, Armenia\*, Australia\*, Austria\*, Belgium, Benin\*, Bolivia (Plurinational State of)\*, Bosnia and Herzegovina\*, Cambodia\*, Canada\*, Chile, Colombia\*, Costa Rica\*, Croatia\*, Cyprus\*, Czech Republic\*, Denmark\*, Ecuador, Estonia\*, Finland\*, France, Germany\*, Greece\*, Guatemala, Honduras\*, Hungary, Italy\*, Jordan, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*, Mexico, Montenegro\*, Netherlands\*, New Zealand\*, Norway, Panama\*, Peru\*, Poland, Portugal\*, Republic of Moldova, Romania\*, Serbia\*, Slovakia, Slovenia\*, Spain, Sweden\*, Switzerland, Thailand, the former Yugoslav Republic of Macedonia\*, Ukraine, Uruguay, Viet Nam\*: draft resolution

### 17/... Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection

*The Human Rights Council,*

*Reaffirming and building upon* Human Rights Council resolution 14/12 of 18 June 2010,

*Reaffirming* its resolutions and those of the Commission on Human Rights on the elimination of all forms of violence against women, and recalling the relevant resolutions of the Commission on the Status of Women, of the General Assembly, and of the Security Council, in particular its resolutions 1325 (2000) of 31 October 2000, 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009 and 1960 (2010) of 16 December 2010,

*Reaffirming also* the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Cairo Programme of Action and the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”,

*Welcoming* the steps taken by the United Nations system to strengthen the physical and legal protection of women and girls facing violence, notably by advancing the

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\* Non-Member State of the Human Rights Council.

implementation of the women, peace and security agenda, including through work on global indicators on Security Council resolution 1325 (2000) and the ongoing efforts to develop the monitoring, analysis and reporting mechanism on conflict-related sexual violence by consolidating and strengthening United Nations efforts to promote the empowerment of women and the realization of their human rights through the creation of the United Nations Entity for Gender Equality and the Empowerment of Women, and through the Secretary-General's campaign "UNiTE to End Violence against Women",

*Recognizing* the adoption of regional instruments relating to the human rights of women and specifically on violence against women, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Southern African Development Community Protocol on Gender and Development and the Declaration on the Elimination of Violence against Women in the ASEAN Region, which strengthen implementation of international commitments relating to the human rights of women,

*Recognizing also* that violence against women and girls persists in every country in the world as a pervasive violation of the enjoyment of human rights and a major impediment to achieving gender equality, development, peace and security and internationally agreed development goals, in particular the Millennium Development Goals,

*Underscoring* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls,

*Underscoring also* that the duty of States to exercise due diligence to provide protection to women and girls who have been subjected to or are at risk of violence includes using all appropriate means of a legal, political, administrative and social nature to provide access to justice, health care and support services that respond to their immediate needs, protect against further harm and continue to address the ongoing consequences of violence for women and girls, taking into consideration the impact of violence on their families and communities,

*Recalling* the legal protection provided by the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as 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,

*Recognizing* the importance of the full and equal participation of women and the involvement of civil society groups, in particular women's organizations and networks, in the development, implementation and monitoring and evaluation of policies, measures and programmes relating to the protection of women facing violence as well as the protection and promotion of the human rights of women,

*Concerned* that multiple, intersecting and aggravated forms of discrimination against women and girls increase their vulnerability and undermine their ability to protect themselves from violence,

1. *Strongly condemns* all acts of violence against women and girls, where these acts are perpetrated by the State, private persons or 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, in accordance with the Declaration on the Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and

the duty to provide victims with access to just and effective remedies and specialized assistance, including medical and psychological assistance, as well as effective counselling;

2. *Stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls, and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and provide protection and support to women and girls who have been subjected to violence, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

3. *Recognizes* that effective protection requires comprehensive, integrated, coordinated multisectoral approaches involving multiple stakeholders, including women's organizations, religious and community leaders, youth, men and boys, victim service workers and advocates, law enforcement personnel, corrections officials and forensic scientists, as well as legal, health and education professionals, and that such responses should avoid re-victimization, be empowering to the victim, be evidence-based and culturally sensitive, and integrate the specific and differentiated needs of women and girls who face multiple, intersecting and aggravated forms of discrimination;

4. *Emphasizes* that women should be empowered to protect themselves against violence and, in this regard, stresses the need for legal and policy measures that promote the full enjoyment by women and girls of all human rights by eliminating discrimination against women, promoting gender equality, empowering women and promoting their full autonomy, including with regard to land, property, marriage and divorce, child custody and inheritance, and to promote equal access to literacy, education, skills training and employment opportunities, political participation and representation, credit, agricultural extension, adequate housing, just and favourable conditions of work, and business and leadership skills training;

5. *Underscores* that States have the primary responsibility for protecting women and girls facing violence and, in this regard, urges States:

(a) To enact and, where necessary, reinforce or amend domestic legislation and other measures to enhance the protection of victims, including by providing for the use of testimonial aids in criminal proceedings, where appropriate, to avoid re-victimization and by providing access to legal representation, and to ensure that such legislation or measures conform with relevant international human rights instruments and international humanitarian law, bearing in mind jurisprudential development in international criminal law;

(b) To take measures to investigate, prosecute, punish and redress, including by ensuring access to adequate, effective, prompt and appropriate remedies, the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody, in times of peace or in situations of armed conflict;

(c) To implement their treaty obligations addressing the human rights of all women and girls, to withdraw reservations to treaties which are incompatible with the object and purpose of the specific treaties, and further encourages States to consider ratifying or acceding to all human rights treaties, including, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto;

(d) To take all appropriate measures to amend or repeal existing laws or to modify legal or customary practices which sustain the persistence and tolerance of violence against women and girls;

(e) To develop and, where necessary, strengthen policing systems and judicial procedures to provide adequate protection for women who have been subjected to violence,

including by ensuring conducive environments for women and girls to report acts of violence against them, timely and thorough investigation of all allegations of violence, effective and victim-sensitive collection and processing of evidence, especially forensic evidence, effective protection of victims and their families from acts of retaliation, respect for the privacy, dignity and autonomy of all victims, as well as necessary victim protection measures such as restraining and expulsion orders and adequate witness protection;

(f) To place a high priority on removing gender bias from the administration of justice and enhancing the capacity of law enforcement officials to deal appropriately with violence against women, including by providing systematic gender-sensitivity and awareness training for police and security forces, prosecutors, judges and lawyers, integrating gender in security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(g) To encourage the removal of all barriers to women's access to justice and ensure that effective legal assistance is provided to all female victims of violence so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law, and also ensure that victims have access to just and effective remedies for the harm that they have suffered, including through the adoption of national legislation where necessary;

(h) To adopt measures to enhance the awareness of women, and in particular women at known risk of gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families who have experienced violence, and ensuring that timely and appropriate information is provided to all women who have been subjected to violence at all necessary stages of the justice system;

(i) To increase the number of women lawyers, judges, prosecutors and law enforcement officials where women are underrepresented in these professions, and take steps to address any barriers that may be preventing women from entering these professions, including through the use of appropriate incentives;

(j) To promote the establishment or support of integrated centres and safe spaces through which shelter, legal, health care, psychological, counselling and other appropriate, timely, accessible and confidential support services are provided to all women and girls who have been subjected to violence and, where such centres are not yet feasible, promote collaboration and coordination among agencies in order to make remedies more accessible, and to facilitate the physical, psychological and social recovery of women who have been subjected to violence;

(k) To ensure that mechanisms, services and procedures set up to protect women and girls facing violence are designed in a manner which addresses the targeted, compounded and structural discrimination that combines to increase the vulnerability of women and girls, including those belonging to minority groups, indigenous women, refugee and internally displaced women, stateless women, migrant women, women living in rural or remote communities, women living in slums and informal settlements, women living in conditions of poverty, pregnant women, women in institutions or in detention, women with disabilities, elderly women, widows and women in all situations of armed conflict, women who face trafficking, sexual or labour exploitation, women who face sexuality-related violence and women who are otherwise discriminated against, including on the basis of their HIV/AIDS status;

(l) To establish a multidisciplinary, coordinated response to sexual assault that prevents the re-victimization of women and includes specially trained police, prosecutors, judges, forensic examiners, victim support services, and, where appropriate, testimonial aids and other accommodations, to contribute to the well-being of victims, ensure that they

are able to participate fully, and increase the likelihood of the successful apprehension, prosecution and conviction of offenders;

(m) To provide, fund and encourage counselling and rehabilitation programmes for the perpetrators of violence and promote research to further efforts concerning such counselling and rehabilitation so as to prevent the recurrence of such violence;

(n) To support initiatives undertaken by and engage in strategic partnerships with women's groups, non-governmental organizations, the private sector, media, faith and community groups and other relevant civil society actors and international organizations aimed at protecting women and girls who have been subjected to violence, promoting gender equality and the full enjoyment of all human rights by women and girls;

(o) To take measures to protect human rights defenders who provide support to women who have been subjected to violence;

(p) To monitor and report on the effectiveness of laws, policies, programmes and measures aimed at protecting women and girls facing any form of violence, including monitoring actions taken by State agencies in relation to the investigation and prosecution of cases of violence and to convictions and sentencing;

(q) To establish or strengthen plans of action to eliminate violence against women and girls that clearly delineate government accountabilities for protection and are supported by the necessary human, financial and technical resources, including, where appropriate, time-bound measurable targets, to accelerate the implementation of existing plans of action and to regularly monitor and update them, taking into account inputs by civil society, in particular women's organizations, networks and other stakeholders;

6. *Urges* States and the United Nations system to give attention to, and encourage greater international cooperation in, systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and disability, and other relevant information on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for protecting women and girls who have been subjected to violence and, in this context, urges States and the United Nations system to regularly provide information for inclusion in the Secretary-General's coordinated database on violence against women;

7. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, including her recent report on multiple and intersecting forms of discrimination in the context of violence against women;<sup>1</sup>

8. *Welcomes* the identification of violence against women as one of the priorities of the United Nations Entity for Gender Equality and the Empowerment of Women, and looks forward to the contribution that the entity will make to the elimination of violence against women and girls;

9. *Invites* the United Nations Entity for Gender Equality and the Empowerment of Women to integrate a holistic approach into its efforts to eliminate violence against women, recognizing the importance of cooperation and coordination with all relevant United Nations entities, including, inter alia, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Working Group on the issue of discrimination against women in law and in practice, and the United Nations High Commissioner for

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<sup>1</sup> A/HRC/17/26.

Human Rights, and to ground its strategy and work in the human rights obligations and responsibilities of States;

10. *Decides* to include in the annual full-day discussion on women's human rights, at its twentieth session, in consultation with the Special Rapporteur on violence against women, its causes and consequences, and other relevant special procedures mandate holders, the theme of remedies, with a focus on transformative and culturally sensitive reparations for women who have been subjected to violence, and requests the Office of the High Commissioner to prepare and disseminate a report of the proceedings;

11. *Invites* the Office of the High Commissioner to prepare a thematic analytical study on the issue of violence against women and girls and disability, in consultation with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on disability of the Commission for Social Development of the Economic and Social Council, other relevant special procedure mandate holders, States, United Nations entities, regional organizations, civil society organizations and other relevant stakeholders, and to report to the Human Rights Council at its twentieth session;

12. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

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