

United Nations  Nations Unies

**Aide Mémoire**

**Expert Group Meeting  
Good practices in legislation on violence against women**

**United Nations Division for the Advancement of Women  
in collaboration with  
United Nations Office on Drugs and Crime (UNODC)**

**United Nations Office at Vienna, 26 to 28 May 2008**

**I. Introduction**

1. The United Nations Division for the Advancement of Women of the Department of Economic and Social Affairs (UNDAW/DESA) and the United Nations Office on Drugs and Crime (UNODC) are convening an expert group meeting on good practices and lessons learned in regard to legislation on violence against women, to be held at the United Nations at Vienna, from 26 to 28 May 2008.

**II. Background**

2. States have clear obligations under international law to address violence against women. They are required to exercise due diligence to prevent acts of violence against women; to investigate such acts and prosecute and punish perpetrators; and to provide redress and relief to victims. The requirement to enact, implement and monitor legislation covering all forms of violence against women is set out in international and regional human rights instruments, and has been confirmed in jurisprudence. International policy instruments, such as the Beijing Platform for Action, and resolutions adopted by the General Assembly and other intergovernmental bodies provide detailed guidance on the steps to be taken by States and other stakeholders to strengthen the legal framework for addressing all forms of violence against women.

3. Model laws, strategies and measures have been developed by different stakeholders to facilitate and encourage action. For example, in 1991, the CARICOM secretariat released model legislation on domestic violence; sexual offences; and sexual harassment. In 1996 the Special Rapporteur on violence against women, its causes and consequences, presented model legislation on domestic violence. In 1997, the General Assembly adopted model strategies and practical measures on the elimination of violence against women in the field of crime prevention and criminal justice (A/RES/52/86). In 2004, PAHO/WHO, in coordination with the Inter-American Commission of Women

(CIMI/OAS), UNFPA, UNIFEM, and regional NGOs, prepared model components of laws and policies on domestic violence.

4. Since the 1990s, many States have adopted or revised legislation on violence against women. These laws vary significantly both in terms of the forms of violence they address and the type of action they mandate. Some laws cover specific forms of violence while others deal with multiple forms. Some laws deal solely with the definition and criminalization of violence against women while others provide civil remedies, including protection orders and actions for damages against the perpetrator. Additionally, some laws include provisions mandating preventative and educational measures, services for victims, the establishment of special courts and/or police stations to deal with violence against women, and the application of appropriate procedural law in cases of violence against women. Some countries have in place comprehensive laws which incorporate provisions to prosecute and punish perpetrators, mandate service provision for victims and require that preventive and educational measures be adopted. Reforms regarding violence against women have been enacted as 'stand-alone' pieces of legislation, as well as reforms to civil, penal and labour codes, and immigration, family, housing and other laws. Some countries have incorporated provisions on the elimination of violence against women in their constitutions.

5. However, while progress has occurred, legal responses to violence against women in many instances remain piecemeal and inadequate. The Secretary-General's in-depth study on all forms of violence against women of 2006 (A/61/122/Add.1 and Corr.1) notes that only about half of United Nations Member States have in place legislative provisions that specifically address domestic violence and fewer than half have legislation on sexual harassment, or on trafficking. Even where legislation exists, it is often limited in scope and coverage, such as definition of rape by use of force rather than lack of consent; definitions of domestic violence that are limited to physical violence; treatment of sexual violence as a crime against the honour of the family or against decency, rather than a crime against a woman's right to bodily integrity; reduction of sentences in rape cases where the perpetrator marries the victim and/or immunity in cases of spousal/marital rape; laws that allow early or forced marriage; inadequate penalties for crimes of violence against women, including reduction and/or elimination of sentences for so-called crimes of honour.

6. The Secretary-General's study recommends that States, inter alia: bring national laws, policies and practices into compliance with international commitments; ensure that legislation is in place that adequately addresses all forms of violence against women; act with due diligence to prevent violence against women, investigate such violence, prosecute and punish the perpetrators, and provide access to redress for victims; and remove all laws that discriminate against women.

7. In response to the Secretary-General's study, the General Assembly adopted resolution 61/143 of 19 December 2006, calling upon Member States and the United Nations system to intensify their efforts to eliminate all forms of violence against women. The resolution stresses the need to treat all forms of violence against women and girls as a criminal offence punishable by law and highlights States' obligations to exercise due

diligence to prevent, investigate and punish perpetrators of violence against women and girls, and provide protection to the victims.

8. In follow-up to the Secretary-General's study and General Assembly resolution 61/143, and building upon States' experiences with different legislative frameworks, the Division for the Advancement of Women and the Office on Drugs and Crime will organize a meeting of experts to analyze different legislative approaches; assess lessons learned in regard to laws and legislative reforms on violence against women; and identify effective approaches and recommended future strategies for legislation on violence against women.

### **III. Objectives of the expert group meeting**

The main objectives of the meeting are to:

- Analyze different approaches in the law for addressing all forms of violence against women, with particular attention to experiences in different legal systems, and the scope of such legislation;
- Assess lessons learned in the implementation of legislation on violence against women, with particular attention to effectiveness of legislation, legislative reforms over time, the reasons for such reforms, and methodologies for evaluating the effectiveness of legislative frameworks;
- Identify good practices in the law and recommended standards for legislation on violence against women, with particular attention to different forms of violence against women.

### **IV. Expected outcome**

The expert group meeting will prepare a report that will:

- Present prevailing approaches, in different legal systems, for addressing violence against women, with attention to laws that target different forms and manifestations of violence against women;
- Present lessons learned and good practices in the application of laws, and reasons for the effectiveness of particular legal frameworks for addressing violence against women;
- Develop guidelines and a model framework for legislation on violence against women.

The guidelines and model framework are expected to assist States in enhancing existing, and developing new legislation on violence against women. The outcome of the expert group meeting is also expected to contribute good practices for the Secretary-General's database on violence against women, which is currently under development in response to resolution 61/143, paragraph 19.

## **V. Methods of work**

Invited experts will be asked to present papers on laws and legal reforms on violence against women, including an assessment of the effectiveness of those laws. The Division for the Advancement of Women will prepare a background paper to support the discussions.

## **VI. Profile of participants**

The expert group meeting will be attended by approximately fifteen (15) experts from all parts of the world on legal strategies to address violence against women, including lawyers, parliamentarians, judges, practitioners and activists. A small number of observers from United Nations entities will also attend. Staff of the Division for the Advancement of Women and the United Nations Office on Drugs and Crime will support the meeting.

The Division for the Advancement of Women will provide travel, accommodation and daily subsistence allowance for invited experts. The United Nations Office on Drugs and Crime will host the meeting and provide associated logistical support.

## **VII. Documentation**

The documentation for the meeting will include papers prepared by the experts and the background paper prepared by the Division and will be available on the DAW website at [http://www.un.org/womenwatch/daw/egm/vaw\\_legislation\\_2008/vaw\\_legislation\\_2008.htm](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/vaw_legislation_2008.htm) Observers will also have an opportunity to submit papers. The working language of the expert group meeting will be English.