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on violence against women
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**MODEL STRATEGIES AND PRACTICAL MEASURES ON THE
ELIMINATION OF VIOLENCE AGAINST WOMEN IN THE FIELD OF CRIME
PREVENTION AND CRIMINAL JUSTICE**

Support paper prepared by:
United Nations Office on Drugs and Crime (UNODC)

During its 17th session, held in April 2008, the Commission on Crime Prevention and Criminal Justice requested the United Nations Office on Drugs and Crime (UNODC) to convene an intergovernmental group of experts 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 (*hereinafter* **MSPMs**), adopted by the General Assembly in its resolution 52/86 of December 1997.

The need to revise the MSPMs stemmed from the recognition that new practices, new thinking and new research have been developed since the adoption of the Model Strategies in 1997. New relevant criminal justice instruments have been negotiated and adopted, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;¹ the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;² and the Rome Statute of the International Criminal Court.³ Various United Nations resolutions regarding women, peace and security, crimes against women committed in the name of honour, violence against women migrant workers and crime prevention have been adopted, and regional instruments and efforts have also been developed. It was – therefore- felt that the Model Strategies needed to reflect those developments and take into account new approaches, prevention tools and good practices.

In July 2010, upon recommendation of the Commission on Crime Prevention and Criminal Justice at its 19th session (May 2010), the Economic and Social Council adopted resolution 2010/15, entitled “Strengthening crime prevention and criminal justice responses to violence against women”, which contains in its annex the revised and updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice⁴, for further consideration and possible adoption by the General Assembly at its 65th session.

A comprehensive and articulated action plan to prevent and address violence against women needs to cover the crime prevention and criminal justice aspects of this problem. From this perspective, a meaningful and effective action-plan should cover the following areas as indicated in the revised and updated MSPMs:

- I. Criminal law**
- II. Criminal procedure**
- III. Police, prosecutors and other criminal justice officials**
- IV. Sentencing and corrections**

¹ United Nations, *Treaty Series*, vol. 2237, No. 39574.

² *Ibid.*, vol. 2171, No. 27531.

³ *Ibid.*, vol. 2187, No. 38544.

⁴ Document

- V. Victim support and assistance**
- VI. Health and social services**
- VII. Training**
- VIII. Research and evaluation**
- IX. Crime prevention measures**
- X. International cooperation.**

In addition to being encouraged to undertake the specific measures/provisions which will be indicated under each of the above identified areas, in the development of the crime prevention and criminal justice components of national action plans on violence against women, countries should:

(a) be guided by the overall principle that effective crime prevention and criminal justice responses to violence against women are human rights-based, manage risk and promote victim safety and empowerment while ensuring offender accountability

(b) develop mechanisms to ensure a comprehensive, coordinated, systematic and sustained approach in order to increase the likelihood of a successful apprehension, prosecution and conviction of the offender, contribute to the well-being and safety of the victim and prevent secondary victimization

(c) promote the involvement and participation of all relevant sectors of Government and civil society and other stakeholders; and

(d) commit adequate and sustained resources and develop monitoring mechanisms to ensure their effective implementation and oversight

(e) ensure that the applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively implemented by the criminal justice system and supported by relevant regulations as appropriate

In the various sections below, this Support Paper intends to provide a brief overview of what key elements and measures countries should take into consideration in designing, developing and implementing national action on violence against women under the different areas identified by the revised and updated MSPMs.

I. Criminal law

? review, evaluate and update national criminal laws, policies, codes, procedures, programmes and practices on an ongoing basis to ensure and guarantee their value, comprehensiveness and effectiveness in eliminating all forms of violence against women

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? remove any provisions that allow for or condone violence against women or that increase the vulnerability or re-victimization of women who have been subject to violence

? ensure that all forms of violence against women are criminalized and prohibited and adopt measures aimed at preventing, protecting, empowering and supporting survivors, adequately punishing perpetrators and ensuring available remedies for victims

? ensure that civil law decisions reached in marital dissolutions, child custody decisions and other family law proceedings for cases involving domestic violence or child abuse adequately safeguard victims and the best interest of children

? ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, in particular the principle of non-discrimination

II. Criminal procedure

? regularly review, evaluate and update criminal procedures in order to ensure that:

- the police and other law enforcement agencies have adequate powers to enter premises and conduct arrests in cases of violence against women, and to take immediate measures to ensure the safety of victims

- the primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities

- women subjected to violence are enabled to testify in criminal proceedings through adequate measures that: facilitate such testimony by protecting the privacy, identity and dignity of the women; ensure safety during legal proceedings; and avoid “secondary victimization”

- evidentiary rules are non-discriminatory; all relevant evidence can be brought before the court; rules and principles of defence do not discriminate against women; and “honour” or “provocation” cannot be invoked by perpetrators of violence against women to escape criminal responsibility

- the credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding; the introduction of the complainant’s sexual history in both civil and criminal proceedings should be prohibited where it is unrelated to the case; and no adverse inference should be drawn solely from a delay of any length between the alleged commission of a sexual offence and the reporting thereof

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- evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law
- police and courts have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women. If such powers cannot be granted to the police, measures must be taken to ensure timely access to court decisions in order to ensure swift action by the court. Such protective measures should not be dependent on initiating a criminal case
- comprehensive services and protection measures are taken when necessary to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the victim's ability or willingness to participate in an investigation or prosecution
- safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders
- claims of self-defence by women who have been victims of violence, particularly in cases of battered woman syndrome,⁵ are taken into account in investigations, prosecutions and sentences against them
- all procedures and complaint mechanisms are accessible to women who are victims of violence without fear of reprisal or discrimination

III. Police, prosecutors and other criminal justice officials

- ? promote the use of specialized expertise in the police, among prosecution authorities and in other criminal justice agencies
- ? ensure that all police officers, prosecutors and other criminal justice officials receive regular and institutionalized training to sensitize them to gender and child-related issues
- ? promote the development and implementation of appropriate policies among different criminal justice agencies to ensure coordinated, consistent and effective responses to violence perpetrated against women by personnel within such agencies

⁵ Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including by refusing to press charges or accepting offers of support.

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? develop and implement policies and appropriate responses regarding the investigation and collection of evidence that take into account the unique needs and perspectives of victims of violence

? conduct risk assessments that indicate the level or extent of harm victims may be subjected to based on the vulnerability of victims, the threats to which they are exposed, the presence of weapons and other determining factors

? ensure that laws, policies, procedures and practices pertaining to decisions on the arrest, detention and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others related through family, socially or otherwise and that such procedures also prevent further acts of violence

? establish a registration system for judicial protection, restraining or barring orders, empower and equip police, prosecutors and other criminal justice officials to respond promptly to incidents of violence against women, including by drawing on a rapid court order where appropriate and by taking measures to ensure the fast and efficient management of cases

? ensure gender equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial level

? provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official

? develop new or improve existing model procedures and resource material to help criminal justice officials to identify, prevent and deal with violence against women, including by assisting and supporting women subjected to violence in a manner that is sensitive and responsive to their needs

? provide adequate psychological support to police, prosecutors and other criminal justice officials to prevent their vicarious victimization

IV. Sentencing and corrections

? review, evaluate and update sentencing policies and procedures in order to ensure that they:

- hold offenders accountable for their acts related to violence against women
- denounce and deter violence against women
- promote victim and community safety
- take into account the impact on victims and their family members of sentences imposed on perpetrators

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- ensure that the perpetrators of violence against women are sentenced in a manner commensurate with the severity of the offence
- provide reparations for harm caused as a result of the violence
- promote the rehabilitation of the perpetrator

? ensure that national laws take into account specific circumstances as aggravating factors for sentencing purposes including, for example, repeated violent acts, abuse of a position of trust or authority, perpetration of violence against a spouse or a person in a close relationship with the perpetrator and perpetration of violence against a person under 18 years of age

? ensure the right of a victim of violence to be notified of the offender's release from detention or imprisonment

? take into account, in the sentencing process, of the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements

? develop and evaluate treatment and reintegration/rehabilitation programmes for perpetrators of different types of violence against women that prioritize the safety of the victims

? ensure that judicial and correctional authorities, as appropriate, monitor perpetrators' compliance with any treatment ordered

? ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason

? provide adequate protection to victims and witnesses of acts of violence before, during and after criminal proceedings

V. Victim support and assistance

? provide women who have been subjected to violence with relevant information on rights, remedies and victim support services and on how to obtain them and information about their role and opportunities for participating in criminal proceedings

? encourage and assist women subjected to violence in lodging and following through on formal complaints by providing protection to the victims

? prevent hardship for victims during the detection, investigation and prosecution process

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? ensure that women subjected to violence have access to prompt and fair redress for the harm that they have suffered as a result of violence, including the right to seek restitution from the offender or compensation from the State

? recognize that children who have witnessed violence against their parent or someone else who is in a close relationship with them are victims of violence and need protection, care and support

? ensure that women subjected to violence have full access to the civil and criminal justice systems, including access to free legal aid, where appropriate, court support and interpretation services

? ensure that women subjected to violence have access to qualified personnel who can provide victim advocacy and support services throughout the entire criminal justice process

? ensure that all services and legal remedies available to victims of violence against women are also available to immigrant women, trafficked women, refugee women, stateless women and all other women in need of such assistance and that specialized services for such women are established, where appropriate

? refrain from penalizing victims who have been trafficked for having entered the country illegally or for having been involved in unlawful activities that they were forced or compelled to carry out

VI. Health and social services

? establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation, health services, legal assistance and other basic needs for women and their children who are victims of violence

? establish, fund and coordinate services such as toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups

? establish better linkages between health and social services and criminal justice agencies

? design and sponsor sustainable programmes to prevent and treat alcohol and other substance abuse

? ensure that violent acts and sexual crimes against children are reported to the police and other law enforcement agencies when suspected by the health and social services

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? establish, where possible, specialized units specially trained to deal with the complexities and victim sensitivities involved in cases of violence against women and where victims can receive comprehensive assistance, protection and intervention services

? encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV specific treatment

VII. Training

? provide for or to encourage mandatory cross-cultural, gender and child-sensitivity training modules for police, criminal justice officials and professionals involved in the criminal justice system on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence

? make sure that police, criminal justice officials and other professionals involved in the criminal justice system receive adequate training and continued education on all relevant domestic laws, policies and programmes, as well as international legal instruments

? ensure that police, criminal justice officials and other relevant authorities are adequately well trained to be able to identify and respond appropriately to the specific needs of women victims of violence

? encourage relevant professional associations to develop enforceable standards of practice and behaviour and codes of conduct that promote justice and gender equality

VIII. Research and evaluation

? set up and strengthen mechanisms for systematic and coordinated data collection on violence against women

? collect, analyse and publish data and information, including data and information disaggregated by gender, in particular concerning:

- the different forms of violence against women; the causes, risk factors and levels of severity of such violence; and the consequences and impacts of such violence, including on different population sub-groups

- the extent to which economic deprivation and exploitation are linked to violence against women

- the patterns, trends and indicators of violence against women

- the relationship between the victim and the offender

- the effect of various types of intervention on the individual offender and on the reduction and elimination of violence against women as a whole
 - the use of weapons and of drugs, alcohol and other substances in cases of violence against women
 - the relationship between victimization or exposure to violence and subsequent violent activity
 - the relationship between the violence experienced by women and women's vulnerability to other types of abuse
 - the consequences of violence on those who witness it, particularly within the family.
- ? monitor, and publish annual reports, on the number of cases of violence against women reported to the police as well as other criminal justice agencies. Such reports should disaggregate data by type of violence and include, for example, information on the sex of the perpetrator and his or her relationship to the victim
- ? evaluate the efficiency and effectiveness of the criminal justice system in meeting the needs of women subjected to violence and evaluate and assess the impact of current legislation, rules and procedures relating to violence against women
- ? evaluate the efficiency and effectiveness of offender treatment, rehabilitation and reintegration programmes, in consultation with relevant stakeholders, including victims and victim service providers
- ? ensure that data on violence against women is collected in a way that respects the confidentiality and human rights of women and in a way that does not jeopardize the safety of women
- ? encourage and provide sufficient financial support for research to be carried out on violence against women

X. Crime prevention measures

- ? develop and implement relevant and effective public awareness and public education initiatives, as well as school programmes and curricula, that prevent violence against women by promoting respect for human rights, equality, cooperation, mutual respect and shared responsibilities between women and men
- ? develop codes of conduct for personnel in public and private entities that prohibit violence against women, including sexual harassment, and include safe complaint and referral procedures

- ? develop multidisciplinary and gender-sensitive approaches within public and private entities that seek to prevent violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence
- ? develop programmes to assess perceptions of public safety and to develop safety planning, environmental design and management of public space in order to reduce the risk of violence against women
- ? set up outreach programmes and provide relevant information to women about gender roles, women's human rights and the social, health, legal and economic aspects of violence against women in order to empower women to protect themselves and their children against all forms of violence
- ? set up outreach programmes for offenders or persons identified as potential offenders in order to promote non-violent behaviour and attitudes, and respect for equality and the rights of women
- ? support all initiatives, including those of non-governmental organizations and other relevant organizations seeking women's equality, to raise public awareness of the issue of violence against women and to contribute to the elimination of such violence
- ? facilitate the work at lower levels of Government, including among city and local community authorities, to promote an integrated approach that makes use of the range of local services locally by institutions and civil society in developing preventive strategies and programmes
- ? the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, should develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights and dignity of women while discouraging both discrimination and gender stereotyping
- ? private sector, relevant non-governmental organizations and professional associations, should develop and improve, where appropriate, crime prevention and criminal justice responses to the production, possession and dissemination of games, images and all other materials that depict or glorify acts of violence against women and children, and their impact on the general public's attitude towards women and children, as well as the mental and emotional development of children, particularly through new information technologies, including the Internet.

XI. International cooperation

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- ? continue exchanging information concerning successful intervention models and preventive programmes in eliminating all forms of violence against women
- ? cooperate and collaborate at the bilateral, regional and international levels with relevant entities to prevent violence against women; provide safety, assistance and protection for the victims and witnesses of violence and their family members, as appropriate and promote measures to effectively bring perpetrators to justice, through strengthened mechanisms of international cooperation and mutual legal assistance
- ? develop provisions providing for the safe and, to the extent possible, voluntary repatriation and reintegration of women victims of violence who have been trafficked or kidnapped across borders
- ? take appropriate preventive action and to ensure full accountability in cases of sexual exploitation and abuse involving troops and police in United Nations peacekeeping operations.
- ? condemn all acts of violence against women in situations of armed conflict, to recognize them as violations of international human rights, humanitarian law and international criminal law
- ? work actively towards universal ratification of or accession to all relevant treaties and to promote their full implementation, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,⁶ the Rome Statute of the International Criminal Court, the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- ? formulate any reservations to the Convention on the Elimination of All Forms of Discrimination against Women in a manner that is as precise and as narrow as possible and to ensure that any such reservations are not incompatible with the object and purpose of that convention
- ? work actively towards the ratification of or accession to existing regional instruments and agreements aimed at combating violence against women, and to promote their implementation
- ? cooperate with the International Criminal Court, ad hoc international criminal tribunals and other international criminal tribunals in the investigation and prosecution of the perpetrators of genocide, crimes against humanity and war crimes, particularly of those crimes involving gender-based violence, and enable women who have been subjected to

⁶ United Nations, *Treaty Series*, vol. 2131, No. 20378.

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violence to give testimony and participate in all stages of the proceedings while protecting the safety, interests, identity and privacy of those women

? cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on trafficking in persons, especially in women and children, in performing their mandated tasks and duties by supplying all information requested and responding to the Special Rapporteurs' visits and communications.