

53rd session of the United Nations Commission on the Status of Women
Joint dialogue on addressing violence against women through legal reform
4 March 2009

Moderators' summary

1. The Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice held a joint dialogue on the theme “Addressing violence against women through legal reform”. The event was moderated by H.E. Mr. Olivier Belle, Chairperson of the Commission on the Status of Women, and Mr. K.L. Ekedede, Acting Chairperson of the Commission on Crime Prevention and Criminal Justice. The Deputy Secretary-General, Dr. Asha-Rose Migiro, made opening remarks. The panellists were: Ms. Imrana Jalal, Gender and Human Rights Advisor, Pacific Regional Rights Resource Team (RRRT), Ms. Eileen Skinnider, Associate, International Centre for Criminal Law Reform and Criminal Justice Policy, Mr. Mohamed Mattar, Executive Director, Protection Project, Johns Hopkins University, Ms. Eva Biaudet, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, and Ms. Clara Sommarin, Child Protection Specialist, UNICEF.

2. The Beijing Platform for Action, adopted by the Fourth World Conference on Women in 1995, identified violence against women as one of the 12 critical areas of concern that required urgent action to achieve the goals of equality, development and peace. It called on States to adopt, implement, and periodically review and analyze legislation in order to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders. The General Assembly invited the functional commissions to discuss the issue of violence against women and called upon United Nations bodies to intensify their efforts and to better coordinate their work. The Commission on the Status of Women regularly considered aspects of violence against women in its work. The Commission on Crime Prevention and Criminal Justice has also given attention to the issue of violence against women.

3. Participants welcomed the joint dialogue and the leadership of the two Commissions in addressing this issue of common concern, with a focus on enhancing legal frameworks to address violence against women. The law could be a most powerful tool in preventing violence, prosecuting and punishing perpetrator, and in providing access to justice and remedies for victims. A legal framework that ensured the promotion and protection of women’s human rights was seen as a crucial basis in this effort.

4. Attention was drawn to good practices in law to address violence against women. The Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice developed by the Commission on Crime Prevention and Criminal Justice and adopted by the General Assembly in 1997 provided detailed recommendations for a multidisciplinary criminal justice approach. The Commission on Crime Prevention and Criminal Justice was in the process of reviewing and updating these strategies to reflect developments over the past

decade. Participants expressed support for this review. Since the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Crime, and other instruments, many countries had adopted specific anti-trafficking legislation, including amendments to their penal codes, comprehensive anti-trafficking acts, child anti-trafficking laws, and provisions in immigration laws. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provided a means of redress for victims/survivors of violence against women in States parties. Based on the experiences of many countries, a United Nations expert group meeting organized by the United Nations Division for the Advancement of Women and the United Nations Office on Drugs and Crime had developed a model framework for legislation on violence against women ([http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAW%20\(final%2011.11.08\).pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAW%20(final%2011.11.08).pdf)).

5. Participants recommended that legislation on violence against women should be comprehensive, recognize violence against women as gender-based discrimination and a violation of women's human rights, and reflect international human rights standards. Drafters of legislation should be guided by evidence and research, and undertake consultations with all relevant stakeholders.

6. Legislation should address all forms of violence against women and provide broad definitions of such violence, including physical, emotional, psychological, sexual and economic violence. Legislation should extend to all relevant areas of the law, including criminal, civil, administrative, family and asylum law, to ensure a consistent legal framework that promoted women's human rights and the elimination of violence against women. Acts of violence against women should be prosecuted *ex officio* by the State, and legislation should include measures for the protection of victims/survivors, such as protection orders.

7. Participants emphasized the critical importance of safeguarding the rights of women, and in particular the girl-child, during legal processes related to violence against them and of preventing the re-victimization of victims/survivors. Legal proceedings should therefore be conducted in a manner that protected the safety and privacy of the victim/survivor and provided her with options for her participation in the process. Sentences in cases of violence against women should be commensurate with the severity of the crime committed, and victims/survivors should have access to compensation and restitution.

8. Participants highlighted the importance of mandating preventive measures through legislation, such as awareness-raising campaigns and educational initiatives. Legislation should prioritize the empowerment of victims/survivors and provide for relevant services, such as integrated service centres, shelters, and free legal aid or assistance.

9. Participants highlighted the importance of including provisions related to implementation in the law itself. Institutional mechanisms such as Task Forces should be established in law to monitor implementation, and the law should establish a budget to support implementation. Legislation should also provide for the training of all relevant officials and have provisions to hold officials accountable, especially for lack of compliance with the law.

10. Participants noted that, while many countries had strengthened their legal frameworks to combat trafficking in persons, there was a pressing need for the systematic implementation of those laws in order to effectively reduce and prevent trafficking, punish the traffickers and protect the victims. Participants also emphasized that national legislation should address trafficking both across borders and within a country.

11. Lessons learned in the application of existing anti-trafficking legislation should be taken into account in further legal reform efforts. For example, there was a need to ensure greater clarity and consistency in provisions granting residence permits to victims of trafficking, and such permits and access to services should not be dependent on the victim's willingness to participate in criminal proceedings. Recovery and reflection periods granted to victims/survivors should give them adequate time to recover from the trauma. Measures were required to ensure that victims/survivors of trafficking, including children, were correctly identified and given the support and protection to which they were entitled in accordance with human rights standards. It was emphasized that victims must not be prosecuted for illegal migration, labour law violations or other acts. There was also a need to address demand for cheap labour and sexual services, and legislation should hold people accountable for exploitation. It was noted that the criminalization of demand was one way to achieve this aim.

12. Participants noted the continuing lack of knowledge and data on the scope of violence against women, including the patterns of trafficking in human beings and factors that made people vulnerable to trafficking. Participants called for the establishment of reporting mechanisms, such as national rapporteurs on trafficking which now existed in a number of countries. Such reporting mechanisms facilitated the collection and analysis of more and better quality data to guide the development of laws and policies and assess their impact. Recent data pointed to an increasing number of women who were prosecuted and sentenced for human trafficking and emphasized the need for more data and analysis on this issue and on former victims who ended up working for traffickers. The need to ensure that criminal networks of traffickers, and especially the top leadership of such networks, were prosecuted and punished was emphasized.