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News & Highlights \_\_\_\_\_

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## Feature Item: Legislation on violence against women

*“Violence against women is always a violation of human rights;  
it is always a crime; and it is always unacceptable.”*  
– United Nations Secretary-General, Ban Ki-moon

In 2008, the Secretary-General of the United Nations included the adoption and enforcement of national laws to address and punish all forms of violence against women and girls, in line with international human rights standards, by 2015 as one of the five key outcomes of his *UNITE to end violence against women* campaign. This decision is part of concerted attention and action at the global level to clarify and reinforce the obligations of States to strengthen legislation on violence against women.

International human rights treaties require States parties to take legislative action. Human rights treaty bodies, in particular the Committee on the Elimination of Discrimination against Women, advise States on how to bring their domestic legislation on violence against women into conformity with global standards and ensure that violence against women is prosecuted and punished, and that victims/survivors have adequate means of redress and protection. Regional instruments also call on States to strengthen their legal frameworks, and a growing body of jurisprudence on violence against women requests States to respond with legislative action.

The landmark United Nations Declaration on the Elimination of Violence against Women of 1993 calls on Member States to develop sanctions in domestic legislation to punish and redress violence against women, to provide access to just and effective remedies for victims, and to ensure that women are not re-victimized because of laws insensitive to gender considerations. The 1995 Beijing Platform for Action urges States to adopt, implement, and periodically review and analyze legislation in order to ensure its effectiveness in eliminating violence against women, and emphasizes the prevention of violence and the prosecution of offenders.


In recent resolutions, the United Nations General Assembly has recommended action to evaluate and assess the impact of legislation and, where necessary, reinforce criminal law and procedure. It has also identified as a best practice the incorporation into law of measures aimed at preventing violence against women.

As at 30 April 2006, 89 States had enacted legislative provisions that specifically addressed domestic violence. Marital rape could be prosecuted in at least 104 States. 90 States had some form of legislative provision against sexual harassment. 93 States had some form of legislative provision regarding trafficking in human beings. And 15 of the 28 African States where female genital mutilation/cutting is prevalent had enacted laws.

*Source: Study of the Secretary-General on violence against women, A/61/122/Add. 1 and Corr. 1, Box 11*

Laws on violence against women have evolved markedly over the past two decades. Based on experiences gained during this time, a solid understanding has emerged of the critical elements of an effective legal framework to address violence against women. A number of key insights, trends and promising practices can now be identified.

One key insight is the recognition that a comprehensive legislative approach to violence against women is needed. Legislation should explicitly recognize violence against women as a form of gender-based discrimination and a violation of women’s human rights. Definitions of all forms of violence against women covered in the law should be broad and in accordance with international human rights standards. Legislation



should encompass not only the criminalization of all forms of violence and the effective prosecution and punishment of perpetrators, but also provisions on prevention and the empowerment, support and protection of victims/survivors.

The incorporation of provisions on prevention in legislation on violence against women is a relatively new development. States have started to enact laws that mandate preventive measures, including awareness-raising campaigns, sensitization of the communications media, and the use of educational curricula to modify discriminatory social and cultural patterns of behaviour. Such elements in law are indicative of a holistic approach that aims to tackle the root causes of violence against women, including attitudes and behaviours that perpetuate such violence.

Legislation increasingly focuses on empowering and supporting the victim/survivor. The victim/survivor's right to a "protection order" against the perpetrator reflects this trend. Amendments to employment and social security laws ensure that victims/survivors receive appropriate support and assistance as they deal with the violence they have faced. Laws also mandate the State to support the establishment of shelters, of integrated support services centres, and/or to provide legal assistance. Significant lessons have been learned in drafting laws that prevent or reduce the re-victimization of the victim/survivor through the legal process. Criminal procedure and evidence laws now provide greater clarity on the duties of police and prosecutors, and the right of victims/survivors to be informed of their rights and available remedies.

A further promising trend is the inclusion in laws of provisions to strengthen their full and gender-sensitive implementation. Towards this end, laws mandate the allocation of a budget for implementation; create organic links to a national action plan/strategy to address violence against women; and require training for all relevant professionals, including law enforcement, judicial and health sector personnel. Laws also mandate the creation of dedicated mechanisms tasked with monitoring and evaluating implementation. Such mechanisms provide a critical means of oversight and accountability, and help in the identification of unforeseen negative effects of the law, of unsatisfactory implementation and of adequate remedial steps.

**A comprehensive approach to legislation: the Mexican *Law on Access of Women to a Life Free of Violence* (2007)**

This law is a key example of a comprehensive legislative approach to violence against women. It requires the State and municipalities to take budgetary and administrative measures; prioritizes the inclusion of measures to address violence against women in the National Development Plan; and obliges the Government to formulate and implement a national policy to prevent, address, sanction and eradicate violence against women. The law covers different forms of violence, including those committed in the family, the workplace and educational institutions, the community and State institutions, as well as



## **Database Update**

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The coordinated database on violence against women, mandated by the Ge



## Upcoming Events

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**15-19 February 2009:** International Conference on Gender-based Violence and Sexual and Reproductive Health, Mumbai, India. Organized by National Institute for Research in Reproductive Health (Indian Council of Medical Research), UNDP/UNFPA/WHO/World Bank Special Programme of Research, Development and Research Training in Human Reproduction, and Indian Society for the Study of Reproduction and Fertility. <http://www.cwgl.rutgers.edu/globalcenter/events/GBVRHConfFeb2009.pdf>

**2-13 March 2009:** 53<sup>rd</sup> session of the Commission on the Status of Women (CSW)

Representatives of Member States, UN entities and non-governmental organizations will convene at UN Headquarters in New York. This year's priority theme is "The equal sharing of responsibilities between women and men, including caregiving in the context of HIV/AIDS". Hundreds of side and parallel events organized by Member States, UN entities and NGOs will take place during this two-week period. The DAW is planning the following events on violence against women in the week of 2-6 March 2009:

Discussion on "Addressing violence against women through legal reform"

Launch of the Secretary-General's database on violence against women

For the latest information, see <http://www.un.org/womenwatch/daw/csw/53sess.htm>

**20-22 March 2009:** International conference on "Ways of Implementing the EU Directives on Violence against Women, Children and Youth: Good Practices and Recommendations", Ljubljana, Slovenia. Organized by the University of Ljubljana. <http://www.ff.uni-lj.si/fakulteta/ziff/DAPHNEeng/default.htm>

**30 March-3 April 2009:** Global symposium on "Engaging men and boys in achieving gender equality", Rio de Janeiro, Brazil. Organizers include: Instituto Promundo (Brazil), Instituto Papai (Brazil), MenEngage Alliance, Save the Children - Sweden, White Ribbon Campaign Canada, UNFPA, UNIFEM, UNDP, WHO, and UNAIDS. <http://www.engagingmen2009.org/36>

## About *Words to Action*

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*Words to Action* is an e-newsletter produced by the United Nations Division for the Advancement of Women. It disseminates information on actions undertaken by Member States and UN entities to address violence against women.

The Division for the Advancement of Women in Department of Economic and Social Affairs of the United Nations Secretariat supports the work of the Commission on the Status of Women, the Economic and Social Council and the General Assembly of the United