

53rd session of the Commission on the Status of Women

**Joint dialogue of the Commission on the Status of Women and
the Commission on Crime Prevention and Criminal Justice**

Addressing violence against women through legal reform

**4 March 2009, 1:15 to 2:45 pm
Conference room 2, United Nations Headquarters**

Issues paper

I. Introduction

General Assembly resolution 61/143 on intensification of efforts to eliminate all forms of violence against women invited the Economic and Social Council and its functional commissions, and other relevant United Nations bodies, to discuss, within their respective mandates, the question of violence against women in all its forms and manifestations. General Assembly resolution 63/155 on the same topic welcomed the efforts by several United Nations bodies in this regard and encouraged all relevant bodies to continue to address this issue in their future efforts and work programmes. These resolutions also called upon United Nations bodies and entities to intensify their efforts to eliminate all forms of violence against women and girls and to better coordinate their work.

Increasing attention has been given to the importance of developing and implementing an effective legal framework to address violence against women in all its forms and manifestations. States are obligated to address violence against women, including through legal reform, in accordance with international and regional legal and policy instruments. These instruments include international human rights treaties and other legal instruments, documents emanating from United Nations conferences and summit meetings, and declarations/resolutions adopted by United Nations bodies. Model laws, strategies and measures have been developed at global, regional and national levels to support and encourage action by States.

Over the past two decades, many States have adopted or revised legislation on violence against women. Based on the experiences gained and lessons learned, key insights and promising practices have emerged. These include the recognition that a comprehensive legislative approach is necessary, encompassing provisions on prevention and the rights and needs of victims, as well as criminalization and effective prosecution and punishment of perpetrators. Inclusion of provisions to ensure thorough implementation of the law is another promising practice, including provisions on budget allocation, training for relevant professionals, and mechanisms to monitor and evaluate implementation. A number of initiatives have been undertaken by United Nations

entities to support States in improving their laws on violence against women. 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.

II. Work of the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice

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 require 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 Commission on the Status of Women has considered the question of violence against women as part of its follow-up to the Beijing Platform for Action. It has addressed this issue as a priority theme, for example in 1998, and has dealt with specific aspects as part of other priority themes, for example in 2007, under the priority theme on the elimination of all forms of discrimination and violence against the girl child. It also considered in 2007 the elimination of all forms of violence against women as an emerging issue affecting the situation of women or equality between women and men.

The Commission on Crime Prevention and Criminal Justice also pays attention to the question of violence against women on a regular basis. Based on the work of the Commission, the General Assembly adopted in 1997 “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 2008, the Commission decided to review and update these strategies, and will consider this question in 2010. It also held a thematic debate on violence against women in 2008, with the participation of the Chairperson of the Commission on the Status of Women.

III. Focus and format of the dialogue

The dialogue is an opportunity for the two Commissions to enhance collaboration in their work on violence against women. The dialogue will focus on developments and initiatives in the area of legislative reform on violence against women. The Commissions are invited to identify promising practices and lessons learned, as well as highlight gaps and challenges requiring further attention. The dialogue will assist States and other stakeholders in enhancing existing, and developing new, legislation on violence against women.

The event will take the form of an interactive dialogue, co-chaired by the Chairpersons of the two Commissions. Following introductory comments by the Deputy Secretary-General of the United Nations, panelists will make presentations on initiatives

in the area of legal reform on violence against women. Member States, entities of the United Nations system and non-governmental organizations will participate in the ensuing dialogue, and will be encouraged to share promising legislative practices and lessons learned as well as continuing gaps and challenges, and/or respond to the panelists' presentations.

IV. Issues for consideration

The following list of issues may guide participants in their interaction in the dialogue:

Examples of laws on violence against women that are considered to be effective and key elements that contribute to their effectiveness.

Examples of comprehensive legal frameworks - encompassing issues of prevention, protection, empowerment and support of victims/survivors as well as adequate prosecution and punishment of perpetrators – and their strengths and weaknesses.

Examples of measures in law to ensure full implementation of laws on violence against women, including provisions on budget allocation, training, and dedicated mechanisms for monitoring and evaluation.

Examples of laws that effectively address multiple forms of violence against women.

Lessons learned in assessing the impact of laws, and in carrying out legal reform to amend ineffective laws in the area of violence against women.

Gaps and challenges in existing laws and ways for addressing these to ensure a legal framework that promotes women's human rights and the elimination of violence against women.