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on violence against women
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**BACKGROUND PAPER FOR THE EXPERT GROUP MEETING ON
GOOD PRACTICES IN NATIONAL ACTION PLANS
ON VIOLENCE AGAINST WOMEN: INTERNATIONAL AND REGIONAL
LEGAL AND POLICY FRAMEWORK**

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Introduction

The Secretary General's 2006 in-depth study on all forms of violence against women recommends that States institute plans of action that are regularly monitored and updated by Governments in consultation with civil society, in particular non-governmental organizations, women's groups and networks.¹ 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, including by establishing or strengthening specific national action plans on violence against women. The General Assembly has regularly highlighted the importance of comprehensive integrated national plans dedicated to combating all forms of violence against women.²

The expert group meeting on good practices in national action plans on violence against women, convened by the Division for the Advancement of Women, now part of UN Women, in collaboration with the United Nations Economic Commission for Latin America and the Caribbean (ECLAC)/Subregional Headquarters for the Caribbean, will bring together experts from around the world to analyze different approaches to national action plans on violence against women; and to identify key elements and good practices for the development, content, implementation, monitoring and evaluation of such plans.

This paper reviews international and regional legal and policy frameworks related to States' obligation to adopt and implement comprehensive and effective national action plans on violence against women as a critical element in addressing violence against women.

International legal and policy instruments

The requirement to adopt and implement national action plans to address violence against women is set out in international human rights and policy instruments.

International human rights treaties

The international human rights treaty bodies, which monitor the implementation of the international human rights treaties, regularly call on States parties to develop, implement and monitor national plans of actions to address violence against women. For example, the Committee on the Elimination of Discrimination against Women has recommended to numerous States parties that they develop, adopt and implement comprehensive and multi-sectoral national action plans to combat violence against women and establish an institutional mechanism to coordinate, monitor and assess the

¹ United Nations (2006) *Ending Violence against Women: from words to action, Study of the Secretary-General (A/61/122/Add.1 and Corr.1)*, page 137.

² See, in particular, General Assembly resolutions 64/137 of 2009, 63/155 of 2008., and 61/143 of 2006.

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effectiveness of the measures taken.³ It has recommended the adoption of such a plan on different forms of violence against women, such as domestic violence.⁴ The allocation of sufficient resources has also been highlighted by that Committee.⁵ The Committee on Economic, Social and Cultural Rights has also recommended that State parties adopt and implement national plans of action to combat violence against women,⁶ including trafficking in persons and domestic violence.⁷ The Human Rights Committee has recommended that States parties implement national action plans on violence against women,⁸ while the Committee on the Rights of the Child has called up States parties to ensure the implementation of national plans of action to combat female genital mutilation.⁹ The Committee against Torture has also recommended that States consider adopting national plans of action to prevent and eradicate violence against women and children as well as to combat human trafficking.¹⁰ National action plans on trafficking have been welcomed by the Committee on the Elimination of all Forms of Racial Discrimination, and their effective implementation encouraged.¹¹

International policy instruments and recommendations

A significant number of policy instruments call for the adoption of national action plans to combat violence against women.

The Beijing Platform for Action, adopted by the Fourth World Conference on Women in 1995, urges Governments to formulate and implement, at all appropriate levels, plans of action to eliminate violence against women.¹² The 1993 Declaration on the Elimination of Violence against Women, adopted by the General Assembly, calls upon States to “consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women (article 4(e)).”¹³

In recent years, the General Assembly has routinely called on Member States to adopt and strengthen national action plans on violence against women. For example,

³ For example A/57/38(SUPP) (CEDAW, 2002), para. 332, CEDAW/C/AUT/CO/6, para. 24, CEDAW/C/LUX/CO/5, para. 20, CEDAW/C/FIN/CO/6, para. 16, CEDAW/C/RWA/CO/6, para. 26.

⁴ For example CEDAW/C/EST/CO/4, para. 17, CEDAW/C/TLS/CO/1, para. 30.

⁵ CEDAW/C/SWE/CO/7, para. 29.

⁶ E/C.12/KHM/CO/1, para. 20, E/C.12/AUS/CO/4, para. 22.

⁷ E/C.12/1/Add.83, para. 36, E/C.12/1/Add.108, para. 52, E/C.12/HUN/CO/3, para. 43.

⁸ CCPR/C/AUS/CO/5, para. 17, CCPR/C/SDN/CO/3, para. 14.

⁹ CRC/C/CMR/CO/2, para. 60.

¹⁰ CAT/C/BDI/CO/1, para. 18, CAT/C/SRB/CO/1, para. 21, CAT/C/LVA/CO/2, para. 20.

¹¹ CERD/C/AZE/CO/6

¹² Paragraph 124(j).

¹³ A/RES/48/104.

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resolution 61/143 of 19 December 2006 on the intensification of efforts to eliminate all forms of violence against women urged States to establish or strengthen national plans of action on the elimination of violence against women, supported by the necessary human, financial and technical resources, including, time-bound measurable targets, and accelerate the implementation of existing national action plans that are regularly monitored and updated by Governments, taking into account inputs by civil society, in particular women's organizations, networks and other stakeholders¹⁴ In resolution 63/155 of 18 December 2008 on the same topic, the Assembly urged States to adopt "in partnership with all relevant stakeholders, a comprehensive integrated national plan dedicated to combating violence against women in all its aspects, which includes data collection and analysis, prevention and protection measures, as well as national information campaigns"; to establish national mechanisms for monitoring and evaluating the implementation of national action plans to eliminate violence against women and girls, including through the use of national indicators; and to provide adequate financial support for the implementation of such national action plans.¹⁵

The Commission on the Status of Women, in resolution 54/7 of March 2010 on ending female genital mutilation, stresses the importance of adopting comprehensive and multidisciplinary national action plans on the elimination of female genital mutilation, with clear targets and indicators for effective national monitoring, impact assessment and coordination, and the allocation of sufficient resources for their implementation.¹⁶ The Commission's agreed conclusions on the elimination of all forms of discrimination and violence against the girl child of 2007 urges Member States to put into place effective national action plans,, while its agreed conclusions on violence against women of 1998 calls on Governments to "formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies" with "targets, timetables for implementation and effective domestic enforcement procedures by monitoring mechanisms, involving all parties concerned, including consultations with women's organizations."¹⁷

The Human Rights Council, in its resolution 14/12 of 18 June 2010 on accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention, urges States to establish or strengthen plans of action to eliminate violence against women and girls that delineate government accountabilities for prevention, supported by the necessary human, financial and technical resources, including, time-bound measurable targets, and accelerate the implementation of existing national action plans. The former Commission on Human Rights also called upon States "[t]o formulate, implement and promote, at all appropriate levels, plans of action, including time-bound measurable targets ... to eliminate violence against women and

¹⁴ United Nations General Assembly resolution 61/143 para. 8(p).

¹⁵ United Nations General Assembly resolution 63/155, paras. 16(a), (f) and (g).

¹⁶ United Nations Commission on the Status of Women resolution 54/7 of 2010, paras. 8 and 17. See also United Nations Commission on the Status of Women resolution 51/2 of 2007.

¹⁷ See <http://www.un.org/womenwatch/daw/csw/agreedconclusions.html>.

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girls”.¹⁸ In 2005, the ninth report of the Working Group on Traditional Practices Affecting the Health of Women and Children of the Sub-Commission on the Promotion and Protection of Human Rights noted that “national plans of action remain important tools for the establishment of a global initiative to combat violence against women.”¹⁹

The Special Rapporteur on violence against women has included indicators for the effective implementation of plans of action in her reports.²⁰ In her 2002 report on cultural practices in the family that are violent towards women, the Special Rapporteur recommends that States develop “national plans of action to eradicate violence in the family, particularly violence related to cultural practices.”²¹

Regional legal and policy frameworks

The international legal and policy framework outlined above has been supplemented over time by the adoption of legal and policy frameworks at the regional level.

The *Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa*, adopted by the African Union in 2003, requires States parties to adopt and implement appropriate measures to ensure the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence (article 3). Article 4 requires States parties to take appropriate and effective measures to adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women. The 2006 *African Youth Charter* calls upon States to “develop programmes of action that provide legal, physical and psychological support to girls and young women who have been subjected to violence and abuse such that they can fully re-integrate into social and economic life” (article 23(m)). At the 2007 African Union Conference of Ministers of Health, a draft plan of action on violence prevention in Africa was adopted, identifying women and girls as the most affected by violence. It outlines measures to be taken in key strategic areas, such as prevention, promotion of gender equality, support for victims, and research, and addresses member States but also the regional intergovernmental bodies and development partners. It also contains guidelines for the development of national action plans.

¹⁸ Former Commission on Human Rights resolution 2005/41 of 2005 on elimination of violence against women, para 17(l); see also resolution 2003/45 of 2003 on the same topic.

¹⁹ United Nations Economic and Social Council (2005), *Ninth report and final report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child* E/CN.4/Sub.2/2005/36 (11 July 2005), para. 87.

²⁰ See A/HRC/7/6.

²¹ E/CN.4/2002/83, para.126.

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In the Americas, the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (Convention of Belem do Para), adopted in 1994, requires States parties to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate violence against women. The experts of the Mechanism to follow-up the Convention Belem do Para (MESECVI) have adopted a set of indicators on national action plans for the implementation of article 8 of the treaty.²² Their Hemispheric report adopted in 2008 provides for an overview and analysis of the national actions plans adopted by States parties in their implementation of the Convention.²³ In the Plan of Action, adopted at the Third Summit of the Americas in 2001, States committed to develop additional policies and practices to combat violence against women, including domestic violence.²⁴

A number of actions have been taken at the European level. Action has been mandated by the Council of Europe in its Recommendation (2002)5 of the Committee of Ministers to member States on the protection of women against violence, which calls upon governments to adopt various measures and to consider establishing a national plan of action for combating violence against women (article xiii). The Parliamentary Assembly of the Council of Europe, in its resolution 1512 (2006) entitled ‘Parliaments united in combating domestic violence against women’, recommends that national parliaments of Council of Europe member states adopt national plans to bring to an end domestic violence against women²⁵. In 2009, it adopted resolution 1681 on the urgent need to combat so-called “honour crimes” which asks Council of Europe member states to “draw up and put into effect national action plans to combat violence against women, including violence committed in the name of so-called ‘honour’”. The aims of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, are to promote the implementation of effective measures for preventing and combating violence against women, through legislation and national action plans and to regularly monitor the progress achieved.²⁶

The European Parliament of the European Union, in its resolution of 26 November 2009 on the elimination of violence against women, urges “Member States to improve their national laws and policies to combat all forms of violence against women, in particular through the development of comprehensive national action plans to combat

²² Under article 8, States Parties agree to undertake a range of specific measures, including programs, to prevent, punish and eradicate violence against women.

²³ OEA/Ser.L/II.7.10, MESECVI/CEVI/doc.16/08 rev. 1, 18 July 2008.

²⁴ <http://www.summit-americas.org/Documents%20for%20Quebec%20City%20Summit/Quebec/plan-e.pdf>

²⁵ See also, the Assembly’s Recommendation 1582 (2002) on domestic violence against women.

²⁶ Additionally, the Task Force to combat violence against women, in particular domestic violence, of the Council of Europe, in its Final Activity Report of 2008 included various recommendations on national action plans on violence against women, such as the engagement of men in the process and the allocation of a specific and appropriate budget (see EG-TFV (2008) 5 rev 1).

violence against women, and including concrete measures to prevent male violence, protect victims and prosecute perpetrators” (article 1). In March 2009, the European Parliament adopted resolution 2008/2071 (INI) on combating female genital mutilation in the European Union, calling on Member States to adopt national action plans aimed at banishing female genital mutilation from the European Union. The European Economic and Social Committee, a consultative body of the European Union, issued an Opinion on Domestic Violence against Women in 2006, in which it recommended that each member State adopt a national action plan for combating domestic violence.²⁷

In Southeast Asia, the 2004 Declaration on the Elimination of Violence Against Women in the ASEAN Region encourages States “to eliminate all forms of violence against women through policies and programmes.”

Conclusion

There exists an international legal and policy framework which establishes standards for States to address violence against women, including through the adoption of national action plans. This framework makes clear that States are obligated to adopt and effectively implement national action plans to address violence against women. Numerous States have in place dedicated national plans on violence against women. This expert group meeting provides a timely opportunity and forum to review such plans, analyze different approaches and identify good practices in order to elaborate a model framework for national action plans on violence against women. It is hoped that such model framework will support Member States and other stakeholders in enhancing existing, and developing new, and comprehensive action plans on violence against women.

The United Nations is supporting these efforts through a number of initiatives. The Secretary-General’s global campaign “UNiTE to end violence against women”, launched in 2008, identified the adoption and implementation of multi-sectoral national plans of action as one of the five key outcomes of the campaign, to be achieved in all countries by 2015. The Secretary-General’s database on violence against women, launched in 2009, contains information on measures undertaken by Member States to address violence against women, including summaries and the full text of national action plans on violence against women.²⁸ The database will encourage exchange of information, ideas and promising practices. At the national level, United Nations entities support Member States in the development and implementation of national action plans on violence against women, including UNDP, UNFPA, UNICEF, UNIFEM and WHO.

²⁷ Opinion of the European Economic and Social Committee on Domestic violence against women (own-initiative opinion), SOC/218 – CESE 416/2006 DE/SL AZ/AS/nk/um/ds-AZ/nk, Brussels, 16 March 2006, para 1.4).

²⁸ See, www.un.org/esa/vawdatabase.