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### RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/635)*]

#### **52/86. Crime prevention and criminal justice measures to eliminate violence against women**

*The General Assembly,*

*Bearing in mind* its resolution 48/104 of 20 December 1993, in which it proclaimed the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

*Strongly condemning* all forms of violence against women,

*Stressing* that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women<sup>1</sup> contributes to the elimination of violence against women and that the implementation of the Declaration strengthens and complements that process,

*Recalling* the Beijing Declaration<sup>2</sup> and the Platform for Action<sup>3</sup> adopted by the Fourth World Conference on Women and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls,

*Recognizing* the need to implement fully the Beijing Declaration and the Platform for Action in the field of crime prevention and criminal justice and to develop strategies and practical measures in that field,

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<sup>1</sup> Resolution 34/180, annex.

<sup>2</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

<sup>3</sup> *Ibid.*, annex II.

*Recalling* Commission on Human Rights resolution 1997/44 of 11 April 1997 on the elimination of violence against women,<sup>4</sup>

*Welcoming* the renewal of the mandate of the Special Rapporteur on violence against women, its causes and consequences, by the Commission on Human Rights,

*Recalling* the conclusions and recommendations of the Special Rapporteur, stressed by the Commission on Human Rights in its resolution 1997/44, that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women,

*Reaffirming* Economic and Social Council resolution 1996/12 of 23 July 1996 on the elimination of violence against women,

*Expressing deep concern* about the high social, health and economic costs to the individual and society that are associated with violence against women,

*Bearing in mind* that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to deal with the problem of violence against women,

*Acknowledging* the valuable contribution made by non-governmental organizations, organizations seeking women's equality and community agencies in working towards the elimination of violence against women,

1. *Urges* Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

2. *Also urges* Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in such areas as social development, environmental design and educational prevention programmes;

3. *Further urges* Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice, which may assist in the elimination of violence against women so that, before decisions are taken, an analysis may be made to ensure that they entail no unfair gender bias;

4. *Calls upon* the Commission on Crime Prevention and Criminal Justice, through the Centre for International Crime Prevention of the Secretariat and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to cooperate with all relevant organs, bodies and other entities of the United Nations system and to coordinate their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

5. *Calls upon* the institutes comprising the Programme network to continue training in the field of violence against women and to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

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<sup>4</sup> See *Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23)*, chap. I, sect. A.

6. *Requests* the Commission to ensure that *Strategies for Confronting Domestic Violence: A Resource Manual*<sup>5</sup> is published in all official languages of the United Nations, subject to the availability of regular budget or extrabudgetary funds, and acknowledges the contribution of Canada in that respect;

7. *Calls upon* Governments, international organizations and non-governmental organizations, as appropriate, to translate *Strategies for Confronting Domestic Violence: A Resource Manual* into local languages and to ensure its wide dissemination for use in training and education programmes;

8. *Takes note* of the report of the Secretary-General on the elimination of violence against women,<sup>6</sup> including the revision of the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, based on comments received from Member States, United Nations entities, including the specialized agencies and associate entities, as well as intergovernmental and non-governmental organizations;

9. *Adopts* the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution, as a model for guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women;

10. *Urges* Member States to be guided by the Model Strategies and Practical Measures in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women's equality within the criminal justice system;

11. *Requests* the Commission on Crime Prevention and Criminal Justice, through the Centre for International Crime Prevention of the Secretariat, to assist Member States, at their request, in utilizing the Model Strategies and Practical Measures;

12. *Calls upon* the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme;

13. *Requests* the Secretary-General to ensure the wide dissemination of the Model Strategies and Practical Measures, with a view to promoting their use;

14. *Also requests* the Secretary-General to transmit the Model Strategies and Practical Measures to the relevant United Nations organizations and bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities, and the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and its consequences, and invites those organizations and bodies to develop strategies and practical measures on the elimination of violence against women in their areas of expertise;

15. *Invites* the Economic and Social Council to consider including the question of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion on the human rights of women;

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<sup>5</sup> E.94.IV.1.

<sup>6</sup> E/CN.15/1997/11 and Add.1.

16. *Requests*  
the Economic and Social Council, a report on the implementation of the present resolution.

70th plenary meeting  
12 December 1997

## ANNEX

1.

strategies and activities described below can be introduced in the field of crime prevention and criminal "women" encompasses "girl children".

2. Recalling the definition of violence against women contained in the Declaration on the Elimination of Violence against Women<sup>7</sup> and reiterated in the Platform for Action adopted by the Fourth World Conference on Women,<sup>3</sup> the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice build upon the measures adopted by Governments in the Platform for Action, bearing in mind that some groups of women are especially vulnerable to violence.

3. The Model Strategies and Practical Measures specifically acknowledge the need for an active policy of bringing into the mainstream a gender perspective in all policies and programmes related to violence against women and of achieving gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in areas of decision-making related to the elimination of violence against women. The Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,<sup>1</sup> the Convention on the Rights of the Child<sup>8</sup> and the International Covenant on Civil and Political Rights,<sup>9</sup> with a view to furthering their fair and effective implementation.

4. The Model Strategies and Practical Measures should be implemented by Member States and other entities, without prejudice to the principle of gender equality before the law, in order to facilitate the efforts by Governments to deal with the various manifestations of violence against women within the criminal justice system.

5. The Model Strategies and Practical Measures are aimed at providing *de jure* and *de facto* equality between women and men. The Model Strategies and Practical Measures do not give preferential treatment to women but are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence, are redressed.

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<sup>7</sup> Resolution 48/104.

<sup>8</sup> Resolution 44/25, annex.

<sup>9</sup> See resolution 2200 A (XXI), annex.

6.

(a) criminal laws, to ensure their value and effectiveness in eliminating violence against women and to remove

(b) To review, evaluate and revise their criminal and civil laws, within the framework of their national measures to do so;

(c) To review, evaluate and revise their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women.

## II. CRIMINAL PROCEDURE

7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:

(a) The police have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women, including confiscation of weapons;

(b) The primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subjected to violence;

(c) Women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy;

(d) Rules and principles of defence do not discriminate against women and such defences as honour or provocation do not allow perpetrators of violence against women to escape all criminal responsibility;

(e) Perpetrators who commit acts of violence against women while voluntarily under the influence of alcohol or drugs are not absolved of all criminal or other responsibility;

(f) 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;

(g) Courts, subject to the constitution of their State, have the authority to issue protection and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile, and to impose penalties for breaches of these orders;

(h) Measures can be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation;

- (i) Safety risks are taken into account in decisions concerning non-custodial or quasi-custodial

### III. POLICE

Member States are urged, within the framework of their national legal systems:

(a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized and responded to accordingly by the criminal justice system;

(b) To develop investigative techniques that do not degrade women subjected to violence and that minimize intrusion into their lives, while maintaining standards for the collection of the best evidence;

(c) To ensure that police procedures, including 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 these procedures also prevent further acts of violence;

(d) To empower the police to respond promptly to incidents of violence against women;

(e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any infringement thereof;

(f) To encourage women to join police forces, including at the operational level.

### IV. SENTENCING AND CORRECTION

9. Member States are urged, as appropriate:

(a) To review, evaluate and revise sentencing policies and procedures in order to ensure that they meet the goals of:

(i) Holding offenders accountable for their acts related to violence against women;

(ii) Stopping violent behaviour;

(iii) Taking into account the impact on victims and their family members of sentences imposed on perpetrators who are members of their families;

(iv) Promoting sanctions that are comparable to those for other violent crimes;

(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;

(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;

(d) To make available to the courts through legislation a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence;

(e) To ensure that the sentencing judge is encouraged to recommend treatment of the offender at the time of sentencing;

(f)  
are detained for any reason;

(g) To develop and evaluate offender treatment programmes for different types of offenders and offender profiles;

(h)

10.

(a)  
remedies and on how to obtain them, in addition to information about participating in criminal proceedings

(b)  
complaints;

(c)  
prompt and fair redress for the harm that they have suffered, including the right to seek restitution or

(d) To provide for court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases;

(e)

11.

non-governmental and community organizations, including organizations seeking women's equality, and

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risk of

(b) To establish, fund and coordinate services such as toll-free information lines, professional

(c) To design and sponsor programmes to caution against and prevent alcohol and substance abuse,

(d)  
justice agencies for purposes of reporting, recording and responding to acts of violence against women;

(e)  
subjected to violence;

(f) To establish, where possible, specialized units with persons from relevant disciplines especially trained to deal with the complexities and victim sensitivities involved in cases of violence against women.

## VII. TRAINING

12. Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in collaboration with relevant professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women;

(b) To ensure adequate training, sensitivity and education of police, criminal justice officials, practitioners and professionals involved in the criminal justice system regarding all relevant human rights instruments;

(c) To encourage professional associations to develop enforceable standards of practice and behaviour, which promote justice and equality for women, for practitioners involved in the criminal justice system.

## VIII. RESEARCH AND EVALUATION

13. Member States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes and non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To develop crime surveys on the nature and extent of violence against women;

(b) To gather data and information on a gender-disaggregated basis for analysis and use, together with existing data, in needs assessment, decision-making and policy-making in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women, its causes and consequences;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The relationship between the victim and the offender;

(iv) The rehabilitative or anti-recidivistic effect of various types of intervention on the individual offender and on the reduction of violence against women;

(v) The use of firearms, drugs and alcohol, particularly in cases of violence against women in situations of domestic violence;

(vi) The relationship between victimization or exposure to violence and subsequent violent activity;

(c) To monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition of the offenders;

(d) To evaluate the efficiency and effectiveness of the criminal justice system in fulfilling the needs of women subjected to violence.



## IX. CRIME PREVENTION MEASURES

14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness, public education and school programmes that prevent violence against women by promoting equality, cooperation, mutual respect and shared responsibilities between women and men;

(b)

(c)

(d) To set up outreach programmes and offer information to women, including victims of violence,

(e)

resolution of conflicts, in a manner appropriate to the audience concerned, including in educational

(f)

elimination.

15.

relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public measures on media violence, aimed at enhancing respect for the rights of women and discouraging both discrimination against women and stereotyping of women.

## X. INTERNATIONAL COOPERATION

16.

(a) To exchange information concerning successful intervention models and preventive programmes

(b)

violence against women and to promote measures to effectively bring perpetrators to justice, through

(c) To contribute to and support the United Nations Development Fund for Women in its activities to eliminate violence against women.

17. Member States are urged:

(a) To limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women to those that are formulated as precisely and as narrowly as possible and that are not incompatible with the object and purpose of the Convention;

(b) To condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a sexual slavery and forced pregnancy;

(c) To encourage States that are still not parties to it, so that universal Forms of Discrimination against Women for the States that are still not parties to it, so that universal

(d)

(e)

communications.

#### XI. FOLLOW-UP ACTIVITIES

18.

(a) To encourage the translation of the Model Strategies and Practical Measures into local languages and to ensure its wide dissemination for use in training and education programmes;

(b) To utilize the Model Strategies and Practical Measures as a basis, a policy reference and a practical

(c) To assist Governments, at their request, in reviewing, evaluating and revising their criminal justice

(d) To support the technical cooperation activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network in eliminating violence against women;

(e) To encourage States to implement the Model Strategies and Practical Measures into effect;

(f) To encourage States to implement the Model Strategies and Practical Measures based on the Model Strategies and Practical Measures;

(g) To periodically review and monitor, at the national and international levels, progress made in terms of implementing the Model Strategies and Practical Measures.