

United Nations  Nations Unies

Aide Mémoire

Expert Group Meeting
Good practices in legislation on violence against women

(CIMI/OAS), UNFPA, UNIFEM, and regional NGOs, prepared model components of laws and policies on domestic violence.

4. Since the 1990s, many States have adopted or revised legislation on violence against women. These laws vary significantly both in terms of the forms of violence they address and the type of action they mandate. Some laws cover specific forms of violence while others deal with multiple forms. Some laws deal solely with the definition and criminalization of violence against women while others provide civil remedies, including protection orders and actions for damages against the perpetrator. Additionally, some laws include provisions mandating preventative and educational measures, services for victims, the establishment of special courts and/or police stations to deal with violence against women, and the application of appropriate procedural law in cases of violence against women. Some countries have in place comprehensive laws which incorporate provisions to prosecute and punish perpetrators, mandate service provision for victims and require that preventive and educational measures be adopted. Reforms regarding violence against women have been enacted as 'stand-alone' pieces of legislation, as well as reforms to civil, penal and labour codes, and immigration, family, housing and other laws. Some countries have incorporated provisions on the elimination of violence against women in their constitutions.

5. However, while progress has occurred, legal responses to violence against women in many instances remain piecemeal and inadequate. The Secretary-General's in-depth study on all forms of violence against women of 2006 (A/61/122/Add.1 and Corr.1) notes that only about half of United Nations Member States have in place legislative provisions that specifically address domestic violence and fewer than half have legislation on sexual harassment, or on trafficking. Even where legislation exists, it is often limited in scope and coverage, such as definition of rape by use of force rather than lack of consent; definitions of domestic violence that are limited to physical violence; treatment of sexual violence as a crime against the honour of the family or against decency, rather than a crime against a woman's right to bodily integrity; reduction of sentences in rape cases where the perpetrator marries the victim and/or immunity in cases of spousal/marital rape; laws that allow early or forced marriage; inadequate penalties for crimes of violence against women, including reduction and/or elimination of sentences for so-called crimes of honour.

6. The Secretary-General's study recommends that States, inter alia: bring national laws, policies and practices into compliance with international commitments; ensure that legislation is in place that adequately addresses all forms of violence against women; act with due diligence to prevent violence against women, investigate such violence, prosecute and punish the perpetrators, and provide access to redress for victims; and remove all laws that discriminate against women.

7. 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. The resolution stresses the need to treat all forms of violence against women and girls as

diligence to prevent, investigate and punish perpetrators of violence against women and girls, and provide protection to the victims.

8. In follow-up to the Secretary-General's study and General Assembly resolution 61/143, and building upon States' experiences with different legislative frameworks, the Division for the Advancement of Women and the Office on Drugs and Crime will organize a meeting of experts to analyze different legislative approaches; assess lessons learned in regard to laws and legislative reforms on violence against women; and identify effective approaches and recommended future strategies for legislation on violence against women.

III. Objectives of the expert group meeting

The main objectives of the meeting are to:

- Analyze different approaches in the law for addressing all forms of violence against women, with particular attention to experiences in different legal systems, and the scope of such legislation;
- Assess lessons learned in the implementation of legislation on violence against women, with particular attention to eff

V. Methods of work

Invited experts will be asked to present papers on laws and legal reforms on violence against women, including an assessment of the effectiveness of those laws. The Division for the Advancement of Women will prepare a background paper to support the discussions.

VI. Profile of participants

The expert group meeting will be attended by approximately fifteen (15) experts from all parts of the world on legal strategies to address violence against women, including lawyers, parliamentarians, judges, practitioners and activists. A small number of observers from United Nations entities will also attend. Staff of the Division for the Advancement of Women and the United Nations Office on Drugs and Crime will support the meeting.

The Division for the Advancement of Women will provide travel, accommodation and daily subsistence allowance for invited experts. The United Nations Office on Drugs and Crime will host the meeting and provide associated logistical support.

VII. Documentation

The documentation for the meeting will include papers prepared by the experts and the background paper prepared by the Division and will be available on the DAW website at http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/vaw_legislation_2008.htm Observers will also have an opportunity to submit papers. The working language of the expert group meeting will be English.