



# General Assembly

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## Human Rights Council

### Twentieth session

Agenda item 3

### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra\*, Argentina\*, Armenia\*, Australia\*, Austria, Belgium, Benin, Bosnia and Herzegovina\*, Botswana, Bulgaria\*, Canada\*, Chile, Congo, Costa Rica, Croatia\*, Cyprus\*, Czech Republic, Denmark\*, Djibouti, Estonia\*, Ethiopia\*, Finland\*, France\*, Georgia\*, Germany\*, Greece\*, Guatemala, Honduras\*, Hungary, Iceland\*, Ireland\*, Italy, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*, Maldives, Mexico, Monaco\*, Montenegro\*, Netherlands\*, New Zealand\*, Norway, Palestine\*, Paraguay\*, Peru, Poland, Portugal\*, Republic of Korea\*, San Marino\*, Serbia\*, Slovakia\*, Slovenia\*, Somalia\*, Spain, Sweden\*, Switzerland, Timor-Leste\*, Thailand, Turkey\*, Ukraine\*, United Kingdom of Great Britain and Northern Ireland\*, United States of America:  
draft resolution

### 20/... Accelerating efforts to eliminate all forms of violence against women: remedies for women who have been subjected to violence

*The Human Rights Council,*

*Reaffirming and building upon* Human Rights Council resolution 17/11 of 17 June 2011,

*Reaffirming* its resolutions and those of the Commission on Human Rights on the elimination of all forms of violence against women, and recalling the relevant resolutions of the Commission on the Status of Women, the General Assembly and the Security Council,

*Reaffirming also* the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Cairo Programme of Action,

*Guided* by the Convention on the Elimination of All Forms of Discrimination against Women,

*Recalling* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious

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\* Non-Member State of the Human Rights Council.

Violations of International Humanitarian Law, as adopted by the General Assembly in its resolution 60/147 of 16 December 2005,

*Recalling also* the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court and the establishment of a trust fund for victims of crimes within the jurisdiction of the Court and the families of such victims, and noting the mandate of the Court to permit the participation of victims at all stages of the proceedings determined to be appropriate by the Court and to protect their safety, physical and psychological well-being, dignity and privacy,<sup>1</sup>

*Welcoming* the identification of violence against women as a priority for the United Nations Entity for Gender Equality and the Empowerment of Women,

*Noting* that remedies for women and girls who have been subjected to violence may include a range of judicial and non-judicial measures that can result in reparations, such as restitution, compensation, rehabilitation and guarantees of non-repetition, and measures of satisfaction, such as public apologies, commemorations and judicial decisions restoring dignity and reputation,

*Underscoring* that women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered, and information about their rights in seeking redress through such mechanisms,

*Recognizing* that sexual violence, particularly in conflict and post-conflict situations, affects victims, families, communities and societies, and stressing that effective remedies in those situations should include access to health care, psychosocial support, legal assistance and socioeconomic reintegration services for victims of sexual violence,

*Convinced* that effective remedies for women and girls should aim to have a transformative effect by addressing the root causes of violence against them,

*Convinced also* that men and boys have an important role to play in addressing the root causes of violence against women, and in facilitating the access of women and girls to just and effective remedies for the harm they have suffered,

*Acknowledging* that alternatives to judicial remedies can, particularly in cases of mass violations, allow victims, victims groups and civil society to be involved in the process in proactive ways, thereby conveying a sense of agency that can have a reparative effect,

*Stressing* that part of ensuring that remedies for women who have been subjected to violence are transformative is the use of education to bring about changes in attitudes and behaviour to prevent reoccurrence,

1. *Strongly condemns* all acts of violence against women and girls, where these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and the duty to provide victims with access to just and effective remedies and specialized assistance, including medical and psychological assistance, as well as effective counselling;

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<sup>1</sup> Rome Statute of the International Criminal Court, art. 68, paras. 3 and 1.

2. *Underscores* that States have the primary responsibility for protecting women and girls facing violence and, in this regard, urges States to take measures to investigate, prosecute, punish and redress, including by ensuring access to adequate, effective, prompt and appropriate remedies, the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict;

3. *Urges* States to encourage the removal of all barriers to women's access to justice and to ensure access to effective legal assistance for all female victims of violence so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law, and also ensure that victims have access to just and effective remedies for the harm that they have suffered, including through the adoption of national legislation, where necessary;

4. *Also urges* States to ensure that remedies for women and girls subjected to violence, whether judicial, administrative, policy or other measures, are available, accessible, acceptable, age- and gender-sensitive and adequately address victims' needs, including by protecting confidentiality, preventing stigmatization, revictimization or further harm to victims, allowing reasonable time for women subjected to violence to come forward to seek redress, ensuring reasonable evidentiary standards, providing necessary translation services, and minimizing the complexity of procedures;

5. *Further urges* States to place a high priority on removing gender bias from the administration of justice and enhancing the capacity of law enforcement officials to deal appropriately with violence against women, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

6. *Stresses* the need to pay particular attention to marginalized groups of women and girls and the importance for States to ensure that remedies take into account the differential impact of violence on women due to multiple, intersecting and aggravated forms of discrimination;

7. *Urges* States to adopt measures to enhance the awareness of women, and in particular women at known risk of gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families who have experienced violence, and ensuring that timely and appropriate information is available to all women who have been subjected to violence at all stages of the justice system;

8. *Emphasizes* that the involvement of victims, victims' groups, women's organizations and other relevant stakeholders in the design, implementation, monitoring and evaluation of remedies enhances their effectiveness;

9. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her recent thematic report on gender-related killings of women;<sup>2</sup>

10. *Invites* States and all other relevant stakeholders, including regional organizations and mechanisms, treaty bodies, United Nations entities, special procedures, civil society organizations, academic institutions, and other relevant stakeholders, to contribute to the mandate holder's study on State responsibility for eliminating violence

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<sup>2</sup> A/HRC/20/16.

against women by submitting relevant information, including on providing remedies for women who have been subjected to violence, as well as on challenges identified in that regard;

11. *Welcomes* the panel discussion on the theme of remedies for women subjected to violence held as part of the 2012 annual discussion on women's rights, and requests the Office of the United Nations High Commissioner for Human Rights to prepare a summary report of the proceedings, including conclusions and recommendations made by participants, to be submitted to the Human Rights Council at its twenty-first session;

12. *Requests* the Office of the High Commissioner to prepare and present to the Human Rights Council, at its twenty-third session, a report on the extent to which the work of the Council on violence against women is reflected in its general work and that of other relevant intergovernmental processes, and to include recommendations on how to strengthen linkages and synergies;

13. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

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