



**UNODC**

United Nations Office on Drugs and Crime

# **Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women**



This publication has been prepared in cooperation with the Thailand Institute of Justice

UNITED NATIONS OFFICE ON DRUGS AND CRIME  
Vienna

**Strengthening Crime Prevention  
and Criminal Justice Responses  
to Violence against Women**



UNITED NATIONS  
New York, 2014

© United Nations, April 2014. All rights reserved, worldwide.

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

This publication has not been formally edited.

Publishing production: English, Publishing and Library Section, United Nations Office at Vienna.

# Contents

	<i>Page</i>
Introduction .....	1

## Part one.

<b>Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice .....</b>	<b>7</b>
---	----------

## Part two.

<b>Blueprint for Action: an Implementation Plan for Criminal Justice Systems to Prevent and Respond to Violence against Women .....</b>	<b>29</b>
A. Guiding principles .....	33
B. Legal framework .....	37
C. A coordinated and integrated criminal justice response .....	45
Section one. Criminal justice agencies .....	45
Section two. The criminal justice process .....	54
Section three. Elements for an integrated and coordinated criminal justice response .....	92
D. Data collection and analysis, monitoring and evaluation .....	97

## Annex

<b>List of selected United Nations instruments and resources .....</b>	<b>103</b>
--	------------



## Introduction

Violence against women<sup>1</sup> is one of the most widespread violations of human rights. It can include physical, sexual, psychological and economic abuse, and it cuts across boundaries of age, race, culture, wealth and geography. This type of violence has far-reaching consequences, harming families and communities. Gender-based violence not only violates human rights but also hampers productivity, reduces human capital and undermines economic growth. Although rates of women exposed to violence vary from one region to the other, statistics indicate that violence against women is a universal phenomenon and women are subjected to different forms of violence both within and outside their homes.

While progresses have been made by some countries in certain areas, there are still many impediments to effectively prevent and eradicate violence against women. As stated by the former Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Michelle Bachelet, “...*Today, 160 countries have laws to address violence against women yet at all too often, the women subjected to violence are violated twice—the first time when they are victims of violence, and the second time when they seek, and do not find, the justice and services they are entitled to. All too often the rate of trials and sanctions for acts of violence against women is very low, and when perpetrators are held accountable, they are punished for lesser crimes given shorter and lighter sentences...*”<sup>2</sup>

Due to loopholes in criminal legislation, poor enforcement of criminal laws and regulations, lack of proper capacity in the criminal justice system, diminishing and discriminatory attitudes among relevant professionals and lack of sufficient and sustainable dedicated resources, in many countries the justice chain is still failing women victims of violence.<sup>3</sup> This failure results in a high level of cases of violence going unreported and unprosecuted, in a

---

<sup>1</sup> Except where otherwise specified, the term “women” encompasses “girl children”.

<sup>2</sup> Speech on “Gender-motivated killings of women and girls, including femicide” New York, 12 March 2013.

<sup>3</sup> UN Women, *Progress of the World’s Women 2011–2012: In pursuit of Justice* (2011).

profound lack of confidence and trust in the criminal justice institutions as well as in a high percentage of victims whose needs for assistance, protection and redress are neither recognized nor met.

The present publication aims at supporting efforts to address these challenges and provides countries with comprehensive guidance on how to improve, both from a normative and operational perspective, the response of their criminal justice system to violence against women. This publication was produced pursuant to the request of the General Assembly that the United Nations Office on Drugs and Crime (UNODC) intensify its efforts to ensure the widest possible use and dissemination of the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, adopted by the General Assembly in December 2010.<sup>4</sup>

Part one of the publication contains the text the updated Model Strategies and Practical Measures, which constitute a comprehensive policy framework to assist States in developing responses and carrying out actions to eliminate violence against women and to promote equality between men and women within the criminal justice system.

Part two of the publication, entitled *Blueprint for Action: an Implementation Plan for Criminal Justice Systems to Prevent and Respond to Violence against Women*, is designed to provide practical and specific support to countries in implementing the recommendations and measures contained in the updated Model Strategies and Practical Measures.

The updated Model Strategies and Practical Measures provide a series of broad recommendations for countries organized around the following themes: criminal law; criminal procedure; police, prosecutors and other criminal justice officials; sentencing and corrections; victim support and assistance; health and social services; training; research and evaluation; crime prevention measures; and international cooperation.

In adopting the updated Model Strategies and Practical Measures, the General Assembly urged Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices relating to crime prevention and criminal justice matters, drawing upon the newly adopted instrument, and determine if they are adequate to prevent and eliminate violence against women. Member States were also called upon

---

<sup>4</sup> General Assembly resolution 65/228, annex.

to advance effective crime prevention and criminal justice strategies that address violence against women, including strategies aimed at preventing re-victimization.

The Blueprint for Action was developed with the support of the Thailand Institute of Justice and relevant United Nations entities, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Office of the High Commissioner for Human Rights, and with the substantive input and feedback provided by international experts gathered in Bangkok from 14 to 17 June 2013. It provides a framework for developing national implementation plans for the criminal justice system to respond to violence against women. The framework is purposefully broad to recognize that violence against women manifests itself in different forms, such as domestic violence, sexual violence, sexual harassment, stalking, human trafficking, forced prostitution, forced and early marriage, female genital mutilation, crimes against women committed in the name of honour and other harmful practices, and gender-related killings of women, as well as to acknowledge the fact that this type of violence happens in different settings, including conflict and post conflict settings.

While different forms of violence against women will likely require a more tailored response, the Blueprint for Action can serve as a reference document being based on the underlying commonalities of this type of violence: the gendered nature of the violence and the need to address the victims' whole experience. Recognizing that violence against women differs from other crimes due to its gendered nature, and needs to be handled in a unique and coordinated manner, the Blueprint for Action emphasizes the need of a coordinated and integrated criminal justice response for the prevention of violence against women, protection and empowerment of victims and prosecution of the perpetrators of violence.



**PART ONE.**

**UPDATED MODEL STRATEGIES  
AND PRACTICAL MEASURES ON THE  
ELIMINATION OF VIOLENCE AGAINST  
WOMEN IN THE FIELD OF CRIME  
PREVENTION AND CRIMINAL JUSTICE**



# **Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice<sup>1</sup>**

## **Preamble**

1. The multifaceted nature of violence against women necessitates different strategies to respond to the diverse manifestations of violence and the various settings in which it occurs, both in private and in public life, whether committed in the home, the workplace, educational and training institutions, the community or society, in custody or in situations of armed conflict or natural disaster. In the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, the importance of adopting a systematic, comprehensive, coordinated, multisectoral and sustained approach to fighting violence against women is recognized. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to address violence against women. Except where otherwise specified, the term “women” encompasses “girl children”.

2. Violence against women exists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality, development and peace. Violence against women is rooted in historically unequal power relations between men and women. All forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and have serious immediate and long-term implications for health, including sexual and reproductive health, for example through increased vulnerability to HIV/AIDS, and public safety, and have a negative impact on the psychological, social and economic development of individuals, families, communities and States.

---

<sup>1</sup> General Assembly resolution 65/228, annex.

3. Violence against women is often embedded in and supported by social values, cultural patterns and practices. The criminal justice system and legislators are not immune to such values and thus have not always regarded violence against women with the same seriousness as other types of violence. Therefore, it is important that States strongly condemn all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligation with respect to its elimination and that the criminal justice system recognize violence against women as a gender related problem and as an expression of power and inequality.

4. Violence against women is defined in the Declaration on the Elimination of Violence against Women<sup>2</sup> and reiterated in the Platform for Action adopted by the Fourth World Conference on Women<sup>3</sup> to mean any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The updated Model Strategies and Practical Measures build on the measures adopted by Governments in the Platform for Action, which was adopted in 1995 and subsequently reaffirmed in 2000 and 2005, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted in 1997,<sup>4</sup> and relevant General Assembly resolutions, including resolutions 61/143 and 63/155, bearing in mind that some groups of women are especially exposed and vulnerable to violence.

5. The updated Model Strategies and Practical Measures specifically acknowledge the need for an active policy of mainstreaming a gender perspective in all policies, programmes and practices to ensure gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in all areas of decision making, including those related to the elimination of violence against women. The updated 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>5</sup> the Convention on the Rights of the Child,<sup>6</sup> the Optional Protocol to the Convention on the Rights

---

<sup>2</sup> General Assembly resolution 48/104.

<sup>3</sup> *Report of the Fourth world Conference on Women, Beijing*, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), annex II.

<sup>4</sup> Resolution 52/86, annex.

<sup>5</sup> United Nations, *Treaty Series*, vol. 1249, No. 20378.

<sup>6</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

of the Child on the sale of children, child prostitution and child pornography,<sup>7</sup> the International Covenant on Civil and Political Rights,<sup>8</sup> the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>9</sup> the Rome Statute of the International Criminal Court<sup>10</sup> and the Guidelines for the Prevention of Crime,<sup>11</sup> with a view to furthering their fair and effective implementation. The updated Model Strategies and Practical Measures reaffirm the commitment of States to promote gender equality and empower women with a view to meeting Goal 3 of the Millennium Development Goals.

6. The updated Model Strategies and Practical Measures should be endorsed by national legislation and implemented by Member States and other entities in a manner consistent with the right to equality before the law, while also recognizing that gender equality may sometimes require the adoption of different approaches that acknowledge the different ways in which violence affects women as compared to men. Member States should ensure that women have equal protection under the law and equal access to justice in order to facilitate efforts by Governments to prevent and sanction acts of violence against women through comprehensive and coordinated policies and strategies, and to deal with all forms of violence against women within the criminal justice system.

7. The updated Model Strategies and Practical Measures recognize that crime prevention and criminal justice responses to violence against women must be focused on the needs of victims and empower individual women who are victims of violence. They aim to ensure that prevention and intervention efforts are made to not only stop and appropriately sanction violence against women, but also restore a sense of dignity and control to the victims of such violence.

8. The updated Model Strategies and Practical Measures aim to contribute to de jure and de facto equality between women and men. They do not give preferential treatment to women but aim to ensure that any inequalities or forms of discrimination that women face in accessing justice, particularly in respect of acts of violence, are redressed.

---

<sup>7</sup> *Ibid.*, vol. 2171, No. 27531.

<sup>8</sup> See resolution 2200 A (XXI), annex.

<sup>9</sup> United Nations, *Treaty Series*, vol. 2237, No. 39574.

<sup>10</sup> United Nations, *Treaty Series*, vol. 2187, No. 38544.

<sup>11</sup> Economic and Social Council resolution 2002/13, annex.

9. The updated Model Strategies and Practical Measures recognize that sexual violence is an issue of international peace and security, as outlined in Security Council resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, particularly the need for parties to armed conflict to adopt prevention and protection measures in order to end sexual violence.

10. The updated Model Strategies and Practical Measures recognize that some special groups of women are particularly vulnerable to violence, either because of their nationality, ethnicity, religion or language or because they belong to an indigenous group, are migrants, are stateless, are refugees, live in underdeveloped, rural or remote communities, are homeless, are in institutions or in detention, have disabilities, are elderly, are widowed or live in conflict, post conflict or disaster situations and, as such, require special attention, intervention and protection in the development of crime prevention and criminal justice responses to violence against women.

11. The updated Model Strategies and Practical Measures recognize advances in crime prevention and criminal justice responses to violence against women and the importance of investing in the prevention of violence against women.

12. The updated Model Strategies and Practical Measures recognize that States have the obligation to promote and protect the human rights and fundamental freedoms of all people, including women, and that they must exercise due diligence and take relevant measures to prevent, investigate and punish the perpetrators of violence against women, to eliminate impunity and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of women's human rights and fundamental freedoms.

## **I. Guiding principles**

13. Member States are urged:

(a) To be guided by the overall principle that effective crime prevention and criminal justice responses to violence against women are human rights based, manage risk and promote victim safety and empowerment while ensuring offender accountability;

(b) To develop mechanisms to ensure a comprehensive, coordinated, systematic and sustained approach for the implementation of the updated Model Strategies and Practical Measures at the national, regional and international levels;

(c) To promote the involvement and participation of all relevant sectors of government and civil society and other stakeholders in the implementation process;

(d) To commit adequate and sustained resources and develop monitoring mechanisms to ensure their effective implementation and oversight;

(e) To take into account in the implementation of the updated Model Strategies and Practical Measures the varying needs of women subjected to violence.

## **II. Criminal law**

14. Member States are urged:

(a) To review, evaluate and update their national laws, policies, codes, procedures, programmes and practices, especially their criminal laws, on an ongoing basis to ensure and guarantee their value, comprehensiveness and effectiveness in eliminating all forms of violence against women and to remove provisions that allow for or condone violence against women or that increase the vulnerability or revictimization of women who have been subject to violence;

(b) To review, evaluate and update their criminal and civil laws in order to ensure that all forms of violence against women are criminalized and prohibited and, if not, to adopt measures to do so, including measures aimed at preventing violence against women, protecting, empowering and supporting survivors, adequately punishing perpetrators and ensuring available remedies for victims;

(c) To review, evaluate and update 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;
- (iii) The laws on sexual violence adequately protect all persons against sexual acts that are not based on the consent of both parties;
- (iv) The law protects all children against sexual violence, sexual abuse, commercial sexual exploitation and sexual harassment, including crimes committed through the use of new information technologies, including the Internet;
- (v) Harmful traditional practices, including female genital mutilation, in all their forms, are criminalized as serious offences under the law;
- (vi) Trafficking in persons, especially women and girls, is criminalized;
- (vii) Individuals who are serving in the armed forces or in United Nations peacekeeping operations are investigated and punished for committing acts of violence against women;

(d) To continually review, evaluate and update their national laws, policies, practices and procedures, taking into account all relevant international legal instruments, in order to effectively respond to violence against women, including to ensure that such measures complement and are consistent with the criminal justice system's response to such violence and that civil law decisions reached in marital dissolutions, child custody decisions and other family law proceedings for cases involving domestic violence or child abuse adequately safeguard victims and the best interests of children;

(e) To review and, where appropriate, revise, amend or abolish any laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and to ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, in particular the principle of non discrimination.

### **III. Criminal procedure**

15. Member States are urged to review, evaluate and update their criminal procedures, as appropriate and taking into account all relevant international legal instruments, in order to ensure that:

(a) The police and other law enforcement agencies have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women and to take immediate measures to ensure the safety of victims;

(b) The primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities and does not rest with women subjected to violence, regardless of the level or form of violence;

(c) Women subjected to violence are enabled to testify in criminal proceedings through adequate measures that facilitate such testimony by protecting the privacy, identity and dignity of the women; ensure safety during legal proceedings; and avoid “secondary victimization”.<sup>12</sup> In jurisdictions where the safety of the victim cannot be guaranteed, refusing to testify should not constitute a criminal or other offence;

(d) Evidentiary rules are non discriminatory; all relevant evidence can be brought before the court; rules and principles of defence do not discriminate against women; and “honour” or “provocation” cannot be invoked by perpetrators of violence against women to escape criminal responsibility;

(e) The credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding; the introduction of the complainant’s sexual history in both civil and criminal proceedings is prohibited when it is unrelated to the case; and no adverse inference is drawn solely from a delay of any length between the alleged commission of a sexual offence and the reporting thereof;

(f) People who perpetrate acts of violence against women while voluntarily under the influence of alcohol, drugs or other substances are not exempted from criminal responsibility;

(g) 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;

(h) Police and courts have the authority to issue and enforce protection and restraining or barring 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; to issue and enforce child support and custody orders; and to impose penalties for breaches of those orders. If such powers cannot be

---

<sup>12</sup> “Secondary victimization” is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim.

granted to the police, measures must be taken to ensure timely access to court decisions in order to ensure swift action by the court. Such protective measures should not be dependent on the initiation of a criminal case;

(i) Comprehensive services are provided and protection measures are taken when necessary to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the victim's ability or willingness to participate in an investigation or prosecution, and to protect them from intimidation and retaliation, including by establishing comprehensive witness and victim protection programmes;

(j) Safety risks, including the vulnerability of victims, are taken into account in decisions concerning non custodial or quasi custodial sentences, the granting of bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

(k) Claims of self defence by women who have been victims of violence, particularly in cases of battered woman syndrome,<sup>13</sup> are taken into account in investigations, prosecutions and sentences against them;

(l) All procedures and complaint mechanisms are accessible to women who are victims of violence without fear of reprisal or discrimination.

#### **IV. Police, prosecutors and other criminal justice officials**

16. Member States are urged, within the framework of their national legal systems, as appropriate and taking into account all relevant international legal instruments:

(a) To ensure that the applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively implemented by the criminal justice system and supported by relevant regulations as appropriate;

(b) To develop mechanisms to ensure a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women in order to increase the likelihood of successful apprehension, prosecution and conviction of the offender, contribute to the well being and safety of the victim and prevent secondary victimization;

---

<sup>13</sup> Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including refusing to press charges or to accept offers of support.

(c) To promote the use of specialized expertise in the police, among prosecution authorities and in other criminal justice agencies, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors and other criminal justice officials receive regular and institutionalized training to sensitize them to gender and child related issues and to build their capacity with regard to violence against women;

(d) To promote the development and implementation of appropriate policies among different criminal justice agencies to ensure coordinated, consistent and effective responses to violence perpetrated against women by personnel within such agencies and to ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction;

(e) To develop and implement policies and appropriate responses regarding the investigation and collection of evidence that take into account the unique needs and perspectives of victims of violence, respect their dignity and integrity and minimize intrusion into their lives while abiding by standards for the collection of evidence;

(f) To ensure that criminal justice officials and victims' advocates conduct risk assessments that indicate the level or extent of harm that victims may be subjected to based on their vulnerability, the threats to which they are exposed, the presence of weapons and other determining factors;

(g) To ensure that laws, policies, procedures and practices pertaining to 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 such procedures also prevent further acts of violence;

(h) To establish a registration system for judicial protection, restraining or barring orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force;

(i) To empower and equip police, prosecutors and other criminal justice officials to respond promptly to incidents of violence against women, including by drawing on a rapid court order, where appropriate, and by taking measures to ensure the fast and efficient management of cases;

(j) To ensure that the exercise of powers by police, prosecutors and other criminal justice officials is undertaken according to the rule of law and codes of conduct and that such officials are held accountable for any infringement thereof through appropriate oversight and accountability mechanisms;

(k) To ensure gender equitable representation in the police force and other agencies of the justice system, particularly at the decision making and managerial levels;

(l) To provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official;

(m) To develop new or improve existing model procedures and resource material and disseminate such procedures and material, to help criminal justice officials to identify, prevent and deal with violence against women, including by assisting and supporting women subjected to violence in a manner that is sensitive and responsive to their needs;

(n) To provide adequate psychological support to police, prosecutors and other criminal justice officials to prevent their vicarious victimization.

## **V. Sentencing and corrections**

17. Recognizing the serious nature of violence against women and the need for crime prevention and criminal justice responses that are commensurate with that severity, Member States are urged, as appropriate:

(a) To review, evaluate and update sentencing policies and procedures in order to ensure that they:

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

(ii) Denounce and deter violence against women;

(iii) Stop violent behaviour;

(iv) Promote victim and community safety, including by separating the offender from the victim and, if necessary, from society;

(v) Take into account the impact on victims and their family members of sentences imposed on perpetrators;

(vi) Provide sanctions that ensure that the perpetrators of violence against women are sentenced in a manner commensurate with the severity of the offence;

(vii) Provide reparations for harm caused as a result of the violence;

(viii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, reintegrating perpetrators into the community;

(b) To ensure that their national laws take into account specific circumstances as aggravating factors for sentencing purposes, including, for example, repeated violent acts, abuse of a position of trust or authority, perpetration of violence against a spouse or a person in a close relationship with the perpetrator and perpetration of violence against a person under 18 years of age;

(c) To ensure the right of a victim of violence to be notified of the offender's release from detention or imprisonment;

(d) 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;

(e) 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, and to rehabilitate the perpetrator, as appropriate;

(f) To develop and evaluate treatment and reintegration/rehabilitation programmes for perpetrators of different types of violence against women that prioritize the safety of the victims;

(g) To ensure that judicial and correctional authorities, as appropriate, monitor perpetrators' compliance with any treatment ordered;

(h) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(i) To provide adequate protection to victims and witnesses of acts of violence before, during and after criminal proceedings.

## **VI. Victim support and assistance**

18. Member States are urged, as appropriate and taking into account all relevant international legal instruments, in particular the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:<sup>14</sup>

(a) To make available to women who have been subjected to violence relevant information on rights, remedies and victim support services and on

---

<sup>14</sup> General Assembly resolution 40/34, annex.

how to obtain them, in addition to information about their role and opportunities for participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings, as well as any orders against the offender;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints by providing protection to the victims and advising them that the responsibility for pursuing charges and prosecuting offenders rests with the police and the prosecution;

(c) To take appropriate measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that victims are treated with dignity and respect, whether they participate in the criminal proceedings or not;

(d) To ensure that women subjected to violence have access to prompt and fair redress for the harm that they have suffered as a result of violence, including the right to seek restitution from the offender or compensation from the State;

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

(f) To provide efficient and easily accessible procedures for issuing restraining or barring orders to protect women and other victims of violence and for ensuring that victims are not held accountable for breaches of such orders;

(g) To recognize that children who have witnessed violence against their parent or another person with whom they have a close relationship are victims of violence and need protection, care and support;

(h) To ensure that women subjected to violence have full access to the civil and criminal justice systems, including access to free legal aid, where appropriate, court support and interpretation services;

(i) To ensure that women subjected to violence have access to qualified personnel who can provide victim advocacy and support services throughout the entire criminal justice process, as well as access to any other independent support persons;

(j) To ensure that all services and legal remedies available to victims of violence against women are also available to immigrant women, trafficked women, refugee women, stateless women and all other women in need of such assistance, and that specialized services for such women are established, where appropriate;

(k) To refrain from penalizing victims who have been trafficked for having entered the country illegally or for having been involved in unlawful activities that they were forced or compelled to carry out.

## **VII. Health and social services**

19. Member States, in cooperation with the private sector, relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation, health services, including counselling and psychological care, legal assistance and other basic needs for women and their children who are victims of violence or who are at risk of becoming victims of violence;

(b) To establish, fund and coordinate services such as toll free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To establish better linkages between health and social services, both public and private, particularly in emergency situations, and criminal justice agencies for the purposes of reporting, recording and responding appropriately to acts of violence against women, while protecting the privacy of women subjected to violence;

(d) To design and sponsor sustainable programmes to prevent and treat alcohol and other substance abuse, given the frequent presence of substance abuse in incidents of violence against women;

(e) To ensure that violent acts and sexual crimes against children are reported to the police and other law enforcement agencies when suspected by the health and social services;

(f) To promote collaboration and coordination among relevant agencies and services, including through the establishment, where possible, of specialized units specifically trained to deal with the complexities and sensitivities of victims involved in cases of violence against women where victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal advice and police assistance;

(g) To ensure that adequate medical, legal and social services sensitive to the needs of victims are in place to enhance the criminal justice management of cases involving violence against women and to encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV specific treatment.

### **VIII. Training**

20. Member States, in cooperation with relevant non governmental organizations and professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural gender and child sensitivity training modules for police, criminal justice officials and professionals involved in the criminal justice system on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence;

(b) To ensure that police, criminal justice officials and other professionals involved in the criminal justice system receive adequate training and continued education on all relevant national laws, policies and programmes, as well as international legal instruments;

(c) To ensure that police, criminal justice officials and other relevant authorities are adequately trained to identify and respond appropriately to the specific needs of women victims of violence, including victims of trafficking; to receive and treat all victims respectfully with a view to avoiding secondary victimization; to handle complaints confidentially; to conduct safety assessments and risk management; and to use and enforce protection orders;

(d) To encourage relevant professional associations to develop enforceable standards of practice and behaviour and codes of conduct that promote justice and gender equality.

### **IX. Research and evaluation**

21. Member States, the institutes of the United Nations crime prevention and criminal justice programme network, relevant entities of the United Nations system, other relevant international organizations, research

institutes, non-governmental organizations and professional associations are urged, as appropriate:

(a) To set up and strengthen mechanisms for systematic and coordinated data collection on violence against women;

(b) To develop both modules and dedicated population based surveys, including crime surveys, for assessing the nature and extent of violence against women;

(c) To collect, analyse and publish data and information, including data and information disaggregated by gender, for use in carrying out needs assessments, taking decisions and developing policy in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women; the causes, risk factors and levels of severity of such violence; and the consequences and impacts of such violence, including on different population subgroups;

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

(iii) The patterns, trends and indicators of violence against women, women's feelings of insecurity in the public and private spheres and factors that can reduce such feelings of insecurity;

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

(v) The effect of various types of interventions on the individual offender and on the reduction and elimination of violence against women as a whole;

(vi) The use of weapons and of drugs, alcohol and other substances in cases of violence against women;

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

(viii) The relationship between the violence experienced by women and women's vulnerability to other types of abuse;

(ix) The consequences of violence on those who witness it, particularly within the family;

(d) To monitor, and publish annual reports on, the number of cases of violence against women reported to the police as well as other criminal justice agencies, including arrest and clearance rates, prosecution and case disposition of the offenders and the prevalence of violence against women;

in doing so, use should be made of data derived from population based surveys. Such reports should disaggregate data by type of violence and include, for example, information on the sex of the perpetrator and his or her relationship to the victim;

(e) To evaluate the efficiency and effectiveness of the criminal justice system in meeting the needs of women subjected to violence, including with regard to the way in which the criminal justice system treats victims and witnesses of acts of violence, the use it makes of different intervention models and the degree to which it cooperates with providers of services to victims and witnesses, as well as to evaluate and assess the impact of current legislation, rules and procedures relating to violence against women;

(f) To evaluate the efficiency and effectiveness of offender treatment, rehabilitation and reintegration programmes, in consultation with relevant stakeholders, including victims and victim service providers;

(g) To be guided by existing ongoing efforts at the international level to develop a set of indicators to measure violence against women and to ensure a multisectoral, coordinated approach to the development, implementation, monitoring and evaluation of data collection initiatives;

(h) To ensure that data on violence against women are collected in a way that respects the confidentiality and human rights of women and does not jeopardize their safety;

(i) To encourage and provide sufficient financial support for research on violence against women.

## **X. Crime prevention measures**

22. Member States and the private sector, relevant non governmental organizations and professional associations are urged, as appropriate:

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

(b) To develop codes of conduct for personnel in public and private entities that prohibit violence against women, including sexual harassment, and include safe complaint and referral procedures;

(c) To develop multidisciplinary and gender sensitive approaches within public and private entities that seek to prevent violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence;

(d) To develop programmes to assess perceptions of public safety and to develop safety planning, environmental design and management of public space in order to reduce the risk of violence against women;

(e) To set up outreach programmes and provide relevant information to women about gender roles, women's human rights and the social, health, legal and economic aspects of violence against women in order to empower women to protect themselves and their children against all forms of violence;

(f) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote non violent behaviour and attitudes and respect for equality and the rights of women;

(g) To develop and disseminate, in a manner appropriate to the audience concerned, including in educational institutions at all levels, information and awareness raising materials on the different forms of violence that are perpetrated against women and the availability of relevant programmes that include information on the relevant provisions of criminal law, the functions of the criminal justice system, the victim support mechanisms that are available and the existing programmes concerning non violent behaviour and the peaceful resolution of conflicts;

(h) To support all initiatives, including those of non governmental organizations and other relevant organizations seeking women's equality, to raise public awareness of the issue of violence against women and to contribute to the elimination of such violence;

(i) To facilitate the work at lower levels of government, including among city and local community authorities, to promote an integrated approach that makes use of the range of local services provided by institutions and civil society for the development of preventive strategies and programmes.

23. Member States and the media, media associations, media self regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self regulatory measures on media violence, aimed at enhancing respect for the rights and dignity of women, while discouraging both discrimination and gender stereotyping.

24. Member States and the private sector, relevant non governmental organizations and professional associations are urged to develop and improve, where appropriate, crime prevention and criminal justice responses to the production, possession and dissemination of games, images and all other materials that depict or glorify acts of violence against women and children, and their impact on the general public's attitude towards women and children, as well as the mental and emotional development of children, particularly through new information technologies, including the Internet.

### **XI. International cooperation**

25. Member States, in cooperation with United Nations bodies and institutes and other relevant organizations, are urged, as appropriate:

(a) To continue exchanging information concerning successful intervention models and preventive programmes on eliminating all forms of violence against women and to update the resource manual and the compendium on the Model Strategies and Practical Measures, as well as to provide information for inclusion in the Secretary General's database on violence against women;<sup>15</sup>

(b) To cooperate and collaborate at the bilateral, regional and international levels with relevant entities to prevent violence against women; to provide safety, assistance and protection for the victims and witnesses of violence and their family members, as appropriate; and to promote measures to effectively bring perpetrators to justice, through strengthened mechanisms of international cooperation and mutual legal assistance;

(c) To develop provisions providing for the safe and, to the extent possible, voluntary repatriation and reintegration of women victims of violence who have been trafficked or kidnapped across borders;

(d) To contribute and provide support to the United Nations system in its efforts to eliminate all forms of violence against women;

(e) To take appropriate preventive action and to ensure full accountability in cases of sexual exploitation and abuse involving troops and police in United Nations peacekeeping operations.

---

<sup>15</sup> Available from [www.un.org/esa/vawdatabase](http://www.un.org/esa/vawdatabase).

26. Member States are also urged:

(a) To condemn all acts of violence against women in situations of armed conflict, to recognize them as violations of international human rights, humanitarian law and international criminal law, to call for a particularly effective response to such violations, in particular when they involve murder, systematic rape, sexual slavery and forced pregnancy, and to implement Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security;

(b) To work actively towards universal ratification of or accession to all relevant treaties and to promote their full implementation, including the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,<sup>16</sup> the Rome Statute of the International Criminal Court, the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) To formulate any reservations to the Convention on the Elimination of All Forms of Discrimination against Women in a manner that is as precise and as narrow as possible and to ensure that any such reservations are not incompatible with the object and purpose of that Convention;

(d) To work actively towards the ratification of or accession to existing regional instruments and agreements aimed at combating violence against women, and to promote their implementation;

(e) To include in periodic reports to the Committee on the Elimination of Discrimination against Women information on efforts made to implement the updated Model Strategies and Practical Measures;

(f) To cooperate with the International Criminal Court, ad hoc international criminal tribunals and other international criminal tribunals in the investigation and prosecution of the perpetrators of genocide, crimes against humanity and war crimes, particularly of those crimes involving gender based violence, and to enable women who have been subjected to violence to give testimony and participate in all stages of the proceedings while protecting the safety, interests, identity and privacy of those women;

(g) To cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially in women and children, in performing their

---

<sup>16</sup> United Nations, *Treaty Series*, vol. 2131, No. 20378.

mandated tasks and duties by supplying all information requested and responding to the Special Rapporteurs' visits and communications.

## **XII. Follow up activities**

27. Member States, United Nations bodies, the institutes of the United Nations crime prevention and criminal justice programme network, other relevant international and regional organizations, research institutes, non governmental organizations and professional organizations, including organizations seeking women's equality, are urged, as appropriate:

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

(b) To draw, as appropriate, on the updated Model Strategies and Practical Measures in the development of legislation, procedures, policies and practices in responding to violence against women;

(c) To assist States, upon request, in developing strategies and programmes to prevent violence against women and in reviewing and evaluating their criminal justice systems, including their criminal legislation, on the basis of the updated Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes of the United Nations crime prevention and criminal justice programme network aimed at eliminating all forms of violence against women;

(e) To develop coordinated national, subregional and regional plans and programmes to implement the updated Model Strategies and Practical Measures;

(f) To design standard training programmes and manuals for police and criminal justice officials based on the updated Model Strategies and Practical Measures;

(g) To periodically monitor and review progress made at the national and international levels in terms of plans, programmes and initiatives to eliminate all forms of violence against women;

(h) To periodically review and update, if necessary, the updated Model Strategies and Practical Measures.

**PART TWO.**

**BLUEPRINT FOR ACTION: AN  
IMPLEMENTATION PLAN FOR CRIMINAL  
JUSTICE SYSTEMS TO PREVENT AND  
RESPOND TO VIOLENCE AGAINST WOMEN**



## **Blueprint for Action: an Implementation Plan for Criminal Justice Systems to Prevent and Respond to Violence against Women**

The pervasiveness of violence against women<sup>1</sup> in all its forms and manifestations worldwide is internationally recognized. It is a highly complex phenomenon, rooted in gender-based discrimination and historically based unequal relations between men and women, requiring a comprehensive and coordinated multisectoral response. Violence against women is not a problem that can be solved by the criminal justice system alone. However, a coordinated and integrated criminal justice response is an essential component in preventing and addressing the persistent impunity for this type of violence.

Legislators and criminal justice officials are not always unaffected by gender biases and discrimination and thus have not always regarded violence against women with the same seriousness as other types of violence. While the international legal framework defines violence against women as "... any acts of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life ...",<sup>2</sup> the breadth of the range of acts and the gendered nature of the abuse is not always reflected in national criminal laws.

Severe underreporting is seen globally, especially to the police. When violence against women crimes are reported, the victims frequently experience harsh treatment during the criminal justice process, leading to secondary victimization<sup>3</sup> issues and high attrition rates. States have a due diligence responsibility to establish effective measures to prevent, investigate and prosecute cases of violence against women. A comprehensive legal framework as well as a plan of action for implementation and coordination among the

---

<sup>1</sup> Except where otherwise specified, the term "women" encompasses "girl children".

<sup>2</sup> United Nations Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104, article 1.

<sup>3</sup> "Secondary victimization" is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim.

different criminal justice agencies can contribute to ensuring an effective criminal justice response that prioritizes victim safety and offender accountability.

In December 2010, the United Nations General Assembly adopted the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (hereinafter updated Model Strategies and Practical Measures) which provide a comprehensive policy and normative framework to assist States in developing responses and carrying out actions to eliminate violence against women and to promote equality between men and women within the criminal justice system.

The Blueprint for Action: an Implementation Plan for Criminal Justice Systems to Prevent and Respond to Violence against Women (hereinafter Blueprint for Action) provides a framework for developing national implementation plans for the criminal justice system to respond to violence against women in line with the recommendations and provisions contained in the updated Model Strategies and Practical Measures.

The framework provided by the Blueprint for Action is purposefully broad to recognize that violence against women manifests itself in different forms, such as domestic violence, sexual violence, sexual harassment, stalking, human trafficking, forced prostitution, forced and early marriage, female genital mutilation, crimes against women committed in the name of honour and other harmful practices, and femicide, as well as to acknowledge the fact that this violence happens in different settings, including conflict and post-conflict settings. While different forms of violence against women will likely require a more tailored response, this framework can serve as a reference document being based on the underlying commonalities of these cases such as the gendered nature of the violence and the need to address the victims' whole experience.

Recognizing that violence against women differs from other crimes due to its gendered nature, and needs to be handled in a unique and coordinated manner, the framework provided in the Blueprint for Action emphasizes a coordinated and integrated criminal justice response for the prevention of this violence, protection and empowerment of victims and prosecution of the perpetrators of violence.

The Blueprint for Action is meant to complement the many efforts undertaken at the international, regional and national level that provide guidance towards

the elimination of violence against women.<sup>4</sup> Of particular note, this document is to assist ongoing efforts of States in developing national action plans on violence against women and is meant to be complementary to the UN-Women's *Handbook for National Action Plans on Violence against Women*.<sup>5</sup> The specific focus of this document is on the improvement of the criminal justice system which is only one component of a national action plan for ensuring an integrated and multisectoral response to violence against women.

At the outset, there are a number of considerations to raise. First, appreciating the various legal traditions and the diversity in the mandates and tasks of the relevant criminal justice agencies, the focus of this framework is on the common stages of the criminal justice process. Second, while acknowledging legal pluralism, where States may have multiple legal systems involving formal laws and institutions as well as customary/informal justice systems, this document primarily focuses on the formal justice systems. Third, this document also acknowledges that many factors, such as social stigmatization, cannot be easily tackled through specifically designed criminal justice interventions. Therefore while the main focus remains on the various institutions of the criminal justice system, there is also a need to promote the involvement of all relevant government sectors, as well as relevant sectors of civil society, to ensure a comprehensive, coordinated and sustained response to victims of violence.

---

<sup>4</sup> A list of selected United Nations instruments and resources is contained in the annex.

<sup>5</sup> Available at [www.un.org/womenwatch/daw/vaw/handbook-for-nap-on-vaw.htm](http://www.un.org/womenwatch/daw/vaw/handbook-for-nap-on-vaw.htm)



## **A. Guiding principles**

A coordinated criminal justice response requires a shared understanding by all criminal justice agencies of what is needed to ensure an effective response. The actions by those in different parts of a coordinated system, notwithstanding their tasks, need to be guided by common principles.

A set of guiding principles have been agreed to in the text of the updated Model Strategies and Practical Measures. These can be seen as standards or prerequisites that should inform the development of any action for addressing violence against women.

The guiding principles identified in the updated Model Strategies and Practical Measures provide guidance to States in the identification of strategic objectives of crime prevention and criminal justice responses to violence against women and include the following:

An effective crime prevention and criminal justice response needs to be:

- Human rights-based
- Victim-centered
- Ensure offender accountability

Implementation of a crime prevention and criminal justice action plan requires:

- Coordinated, systematic and sustained approaches underpinned by comprehensive laws and policies
- Promoting the involvement and participation of all key stakeholders
- Committing sustained and adequate resources
- Developing monitoring and oversight mechanisms
- Taking into account the varying needs of different groups of women subjected to violence

### *Human rights-based responses*

Underlying any crime prevention and criminal justice strategy and response is the understanding that violence against women is both a cause and a consequence of gender inequality as well as a violation of women's human rights. The wider dynamics of inequalities between men and women create gender specific vulnerabilities, such as economic and legal dependency, that impact on—inter alia—victims' willingness to cooperate with the criminal justice system and break out of the cycle of violence. It bears noting that violence against women cuts across income brackets and levels of education as well as strata of society. All actions need to address the root causes of this type of violence, such as the structural inequalities between men and women and discrimination based on sex as well as gender dynamics of power and control. Negative gender stereotyping is reflected in the social values, cultural patterns and practices of the criminal justice system that have traditionally minimized violence against women.

The human rights response is based on States' obligation to exercise due diligence in the prevention, protection and prosecution of all forms of violence against women in a criminal justice system. States are responsible for creating a legal and policy framework in which everyone's human rights can be enjoyed and exercised, including protecting women from such violence and treating them with dignity and respect throughout the criminal justice process as well as ensuring defendants' right to a fair trial.

### *Victim-centered*

A victim-centered approach, as opposed to a system-centered one, puts the needs of the victims at the core of any intervention. Criminal justice systems need to be designed to protect, assist and empower women, prioritizing issues of physical and psychological safety. Victim-centered approaches shift the focus to assisting victims in their engagement with the criminal justice process rather than holding them responsible for their often well-justified "reluctance" to cooperate with the criminal justice system. Any action should counter the climate of tolerance, social passivity and victim-blaming and acknowledge how these crimes, given their unique characteristics, have a traumatic and disempowering impact on victims. A victim-centered approach means ensuring that the criminal justice institutions and professionals at each stage of the justice process do not cause secondary victimization. It is crucial to develop multidisciplinary and coordinated approaches to address the victims' complex set of needs, including safety, legal, psychological and health

requirements. A balance is required to this approach to ensure actions support and empower victims so that they can make informed decisions with regards to their interactions with the criminal justice system but also to ensure that the criminal procedures, to the extent possible, do not place the responsibility for the process on the vulnerable and often disempowered victims.

### *Ensure offender accountability*

A coordinated criminal justice response requires effective action to hold the perpetrators accountable while ensuring a fair trial. Ensuring offender accountability should inform actions that encourage reporting and maximize the victim's cooperation with the criminal justice process. It may also mean taking actions independently of the victim depending on the circumstances. This principle should guide the design of interventions at the investigative stage, prosecution stage, trial stage as well as corrections, which focus on rehabilitation of offenders, where appropriate.

### *Coordinated, systematic and sustained approaches*

The principle of promoting a multi-agency cooperative approach that coordinates a wide range of actors reflects the complexity and multifaceted nature of violence against women. It is not disputed that the criminal justice sector must be part of a broader comprehensive approach. However this framework addresses the need for the various agencies within the criminal justice system to coordinate and promote integrated ways of working together as well as partnering with other groups outside the criminal justice system. Coordination seeks to minimize the silo effect of criminal justice agencies' mandates and ensure that decisions made throughout the criminal justice process take into account the differing interest of the agencies involved.

### *Promote the involvement and participation of all key stakeholders*

A crucial aspect of a coordinated approach is to have buy-in across the relevant criminal justice agencies, other relevant government departments and organizations and civil society. The development and implementation of action plans will require the involvement and participation of a broad range of professionals and services from the national to community level and to forge partnerships across sectors and among the various agencies and civil society groups, including women's and survivors' groups.

*Commit sustained and adequate resources*

Committing adequate and sustained resources is crucial to ensuring effective criminal justice action. Responding to the deeply entrenched nature of violence against women cannot be effectively addressed by short term funding but rather by funding that ensures sustainability of action. Every action should include the resource allocation needed as well as the source of funding.

*Develop monitoring and oversight mechanisms*

Ensuring effective implementation requires oversight, monitoring and evaluation. All effective actions need to be underpinned by accurate empirical data about the scope of violence against women, its causes and its consequences, and how effective the criminal justice system is in holding offenders accountable and meeting the needs of victims. In addition, the development of monitoring and oversight mechanisms should be guided by the principles of transparency and accountability to the victims.

*Take into account the varying needs of different groups of women subjected to violence*

Victims of violence against women are not a homogenous group. Some victims face multiple forms of discrimination which can be based on nationality, ethnicity, religion or language in addition to gender. Some victims may be part of specific highly vulnerable groups of women, such as belonging to an indigenous group, are migrants, are stateless, are refugees, live in underdeveloped, rural or remote communities, are homeless, are in institutions or in detention, have disabilities, are elderly, are widowed or live in conflict, post-conflict or disaster situations or due to the high risk nature of work or lifestyle such as commercial sex trade workers or women who use drugs. Crime prevention and criminal justice actions should take into account the varying needs of women subjected to violence and recognize the differential impacts on different victims. Specific approaches might be needed in order to adopt specific measures in order to ensure protection of and access to justice for vulnerable groups of women.

## **B. Legal framework**

Legislation provides the foundation for a holistic, comprehensive and effective approach to addressing violence against women. The legal framework has a direct impact on how the issue is addressed in terms of prevention, protection, prosecution, adjudication and remedy, as well as the way victims engage with the criminal justice system and its agencies. The manner in which this type of violence is defined is a starting point to ensuring effective criminal justice responses. However mere criminalization of violence against women is not enough. Legislation must also provide an effective legal framework in which to prevent, respond and address its root causes.

Legislation needs to be victim-centered, providing protection as well as empowerment to women victims of violence, while at the same time holding the perpetrators of all forms of violence against women accountable. The legal framework should contribute to increasing confidence of women in the criminal justice system, facilitating their participation and addressing gender-related barriers to accessing justice. Since the laws in many States are framed in gender neutral language, legal provisions should be reviewed to ensure that they are not based on gender stereotypes and reinforce pre-existing gender biased norms.

A comprehensive legal framework approach that has harmonized criminal law and civil law, such as family law, immigration, labour and health laws, can also have an impact on the levels of victim's engagement with the criminal justice system. Although most aspects of a criminal justice system are distinct from civil law administered in the same State, the complex nature of violence against women often requires a response that includes a combination of civil and criminal remedies. The addition of civil remedies is important as this emphasizes the unique nature of these crimes and it allows to address some concerns that are not always met by the criminal justice system.

Recognizing that States have different legal traditions (i.e. common law, civil law or systems based on religious legal principles), States are encouraged to draft comprehensive legislative frameworks. Legislative provisions should

cover substantive, procedural and operational provisions and can be articulated through primary laws and/or subsidiary laws and in policies, operational directives or guidelines, depending on the State's legal tradition.

Some States rely on comprehensive codes or laws whereas other States will supplement the laws with regulations or standard operating procedures in order to provide more concrete guidance to practitioners for implementation. Revising existing laws is seen as a minimalist approach to addressing violence against women and some States have gone further and enacted stand-alone laws that criminalize such violence generally or specific types of violence. Some States have adopted specific violence against women offences seeing it necessary to develop a legal understanding of this gendered problem and for inclusion in national statistics.

### *1. Criminal substantive law*

With a view to develop a comprehensive legal framework on violence against women, States should consider taking the following measures:

#### **Criminalization**

- Ensure that definitions of offences provide that any act of violence against a person, in particular physical or sexual violence, constitutes a violation of that person's physical and/or sexual freedom and integrity, and not solely a violation of morality, honor or decency.
- Consider using gender specific language in defining criminal offences or specifically creating an offence of violence against women, which in some jurisdictions has been defined as violence that, as a manifestation of discrimination, inequality and power relations of men over women, is exerted on women.
- Ensure that the required elements of the offences are aligned with human rights standards and comply with definitions contained in international and regional treaties and conventions.
- Ensure that definitions of offences do not condone myths or stereotypes.
- Include violence against women crimes in national offences of international crimes (i.e. genocide, crimes against humanity and war crimes as defined in the Rome Statute of the International Criminal Court).

- Ensure that all forms of domestic violence (physical, sexual, psychological and economic violence) are punished and criminalized.
- Define “psychological violence” as controlling, coercive or threatening behaviour or intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats.
- Define “domestic relationship” as expansively as possible.<sup>6</sup>
- Ensure that the legal definition of domestic violence fully captures the experiences of such violence in all its manifestations. So for example, consider criminalizing repeated or habitual violence (pattern of a series of violations) rather than limiting to isolated actions.
- Ensure that all sexual acts committed against non-consenting women, even if they do not show signs of resistance, are considered sexual violence and are criminalized.
- Criminalize sexual violence and rape between spouses, regular or occasional partners and cohabitants.
- Define consent as given voluntarily as the result of the adult women’s free will assessed in the context of the surrounding circumstances.
- When establishing sexual crimes against girls, consider the minimum age at which a person is considered to be legally competent to consent to sexual acts according to international standards. Establish that sexual acts with girls under that designated age are considered as crimes, regardless of the issue of consent.
- For girls above the age considered to be legally competent to consent to sexual acts but below the age of an adult, incorporate the concept of abuse of positions of trust or dependency in considering consent.
- Consider criminalizing intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her to fear for her safety (i.e. “stalking” or “criminal harassment”).
- Criminalize all forms of traditional practices harmful to women and girls, such as crimes committed in the name of honour, forced and early marriages, female genital mutilation and dowry-related violence.
- In the respect of the national legal principles, consider introducing gender motivated killings of women<sup>7</sup> as a separate offence.

---

<sup>6</sup> This may include current or former spouses or partners, whether or not there is or has been cohabitation, partners of same sex, individuals with family relationships to one another and members of the same household.

<sup>7</sup> Gender-related killing of women is criminalized in some countries as “femicide” or “feminicide” and has been incorporated as such into national legislation in those countries.

- Criminalize breaching of civil and/or criminal protection orders.
- Ensure that the law protects all women against forms of violence, abuse, exploitation and harassment committed through the use of new information technologies, including the Internet.
- Review whether or not emerging forms of violence such as cyber-violence (stalking or bullying) are covered in existing offences (often gender neutral) or whether specific offences need to be established.

### **Prohibition to use gender prejudices or stereotypes as defences to a criminal charge**

- Tighten legislation and close loopholes that might allow for impunity.
- Eliminate discriminatory provisions (i.e. crimes of passion, defence of provocation, allowing rapists to escape prosecution if they marry victims).
- Preclude adultery as a defence invoked by perpetrators of domestic violence to escape criminal responsibility.
- Ensure that the definition of sexual assault of girls takes into account the use of grooming techniques.<sup>8</sup>

### **Other measures**

- Consider, where national legal frameworks permit, expanding the extra-territorial jurisdiction for violence against women crimes to allow for perpetrator to be prosecuted for crimes committed outside the jurisdiction.
- Ensure that penalties are commensurate with the gravity of violence against women and explicitly provide for a consideration of aggravating factors, such as where the motive for the crime is gender-based discrimination.
- Ensure that gender-related killings of women are highly sanctioned.

## *2. Criminal procedural and evidentiary laws*

States should consider adopting the following measures to improve their relevant criminal procedural and evidentiary laws:

---

<sup>8</sup>“Sexual grooming” refers to an act of deliberately establishing an emotional connection with a child to prepare the child for sexual abuse.

## **Criminal procedural laws**

- Provide for gender sensitive criminal procedures that avoid secondary victimization.
- Design criminal procedures from a victim-centered perspective with consideration given to ensure protection/safety of the victim and empower/enable women to access justice.
- Where the national legal framework provides for standing of the victims in the criminal process, ensure that victims without financial means are provided with free legal aid.
- Ensure that the police and other law enforcement agencies have, with judicial authorization where required by national laws, adequate powers to enter premises and conduct arrests in cases of violence against women.
- Introduce procedures to ensure that the primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities and does not rest with the victim, regardless of the level or form of violence.
- Ensure that appropriate justice agencies have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women, allowing for broad conditions that respond to the realities of female victims. Broad conditions should include: removal of the perpetrator from the domicile; prohibiting further contact with the victim and other affected parties, inside or outside the domicile; issue and enforce child support and custody orders; and impose penalties for breaches of those orders
- Consider providing powers to the police to immediately remove domestic violence perpetrators from the home, under certain circumstances, and to proactively notify victim support organization.
- Ensure that protection measures are fast and rapid irrespective of whether the powers to grant such measures are with the police or courts. If granting protection measures lies with the courts, put in place provisions to ensure timely access to court decisions and swift action, including access to courts after hours.
- Ensure that all protective measures are available to all victims and are not dependent on the initiation of a criminal case.
- Ensure that relevant authorities have power to seek protection orders even in circumstances where the offender has been acquitted of any specific offence.
- Put in place legislative provisions to ensure that protection orders are monitored and effectively enforced.

- Ensure that protection orders are available to the victims free of cost.
- Put in place legislative provisions to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide coordinated safety and support.
- Take necessary legislative and/or other measures to prohibit compulsory and forced alternative dispute resolution processes, including forced mediation and conciliation, in relation to all forms of violence against women.
- In jurisdictions where there are multiple legal systems, consider introducing provisions which require that cases of violence against women are transferred to the formal criminal justice system or which contain a prohibition of violence against women cases being dealt with by the informal or traditional justice mechanism.
- Introduce procedures to create an enabling environment in court to prevent secondary victimization.
- In cases of child abuse, ensure that there is mandatory legal duty to report, where permitted by national jurisdictions.
- Consider defining “child abuse” to include situations where a child is present in domestic violence situations.

### **Evidentiary laws**

- Provide for gender-sensitive evidentiary rules.
- Introduce provisions to ensure that all relevant evidence can be brought before the court. For example, consider, where national legal frameworks permit, allowing for the inclusion of evidence such as the social context in which domestic violence takes place and broadening the understanding of expert witness to include domestic violence support workers

### **Victim’s rights**

- Ensure that the definition of victim complies with definition contained in relevant international and regional conventions.
- Ensure that relevant legislation contains rights of victims in the criminal justice system as well as minimum standards for victims who decide not to participate in or face obstacles in accessing the criminal justice process.
- Grant victims a broad range of rights, including civil rights, economic rights, rights that protect their employment status in both public and private sectors and ensure specialized assistance, housing and legal aid.

- Grant victims specific rights as participants in the criminal justice system, such as the right to receive information and the right to access to justice.
- Grant victims the right to access State funded criminal injuries compensation funds, where they exist.
- Ensure that legislation provides for remedies when any of the rights are violated and ensure that victims are informed of avenues for recourse, including after exhaustion of domestic remedies.

### 3. *Civil law*

States should consider adopting the following measures related to civil law in order to:

- Ensure that family law (divorce, issues of child custody and child protection, division of property, etc.) does not have a negative impact on women and promotes economic independence and social inclusion of victims.
- Ensure that other areas of the civil law, including immigration, labour and health laws, do not increase vulnerability or do not contribute to the re-victimization of women.
- Consider allowing a prescribed person, such as a police officer, other than the victim to make an application for civil protection orders.
- Criminalize and penalize breaches of civil protection orders.
- Where national jurisdictions allow it, consider legislating a mandatory duty on police or other investigative authorities to notify reports of violence against women to established intervention centres which then proactively provide information, advice and support to victims.

### 4. *Other relevant legal provisions*

States should consider adopting the following measures to improve their national legal framework related to violence against women:

- Include crime prevention provisions as part of a comprehensive legal framework
- Introduce legal provisions to ensure that traditional/informal reconciliation processes do not further discriminate victims or make them more vulnerable.

- Consider introducing legislative provisions providing for the following:
  - Specialized and multidisciplinary units in relevant criminal justice agencies.
  - Specialized training for all criminal justice officials.
  - An oversight mechanism to ensure effective implementation and monitoring of the legal framework. Whatever oversight mechanism is established, consider including a legislation provision to make it mandatory for agencies to participate in such a mechanism.
  - Coordination between relevant criminal justice and victim support agencies and services.
  - Adequate funding and resources for the implementation of relevant legislation.

### *5. Legislative drafting process*

States should consider taking the following measures in the legislative drafting process:

- Allow for effective consultation process with all criminal justice agencies, other relevant agencies and civil society, including survivors' organizations.
- Ensure a consultation process which should be transparent, allowing for wide public involvement.
- Promote the use of evidence-based research to inform the legislation reform process.
- Establish that national legislative drafting processes are based on international and regional human rights standards and norms and should be guided, inter alia, by recommendations of international and regional human rights mechanisms.
- Ensure a balance between the victim's rights to personal integrity and the defendant's right to a fair trial.
- Ensure that mechanisms to review national legislation have a mandate to conduct broad consultations with all relevant stakeholders.
- Conduct review of national legislation in the context of gender equality and non-discrimination and promotion of women's human rights
- Ensure that legislative reform processes should be informed by evaluation and monitoring process of the impact of existing laws.

## **C. A coordinated and integrated criminal justice response**

An integrated and coordinated plan of action involving all the criminal justice agencies working together is essential to ensure the effective implementation of the laws. Given that there are differences in both the criminal procedural practices and the roles and tasks of criminal justice agencies and service providers around the world, this part is divided into three broad sections:

- Section one reviews the key criminal justice agencies and their need to appreciate each other's mandate, procedures and limitations.
- Section two reviews the actions to be taken at each phase of the criminal justice process.
- Section three further elaborates on how the processes and agencies need to be coordinated.

### **Section one. Criminal justice agencies**

There are a number of agencies involved in providing a criminal justice response to violence against women. Each agency has a mandated role in the criminal justice process. All criminal justice interventions should be focused toward ensuring victim safety while holding the perpetrator accountable. It is important to build this into the routine work of each institution and their practitioners as well as seen as the collective work for all criminal justice agencies.

Given the differing mandates of the criminal justice agencies, the actions by those in different parts of the criminal justice should be organized in ways that complement rather than undermine or subvert each other. Each agency has the role of ensuring the effectiveness of the others. They should have due consideration to other agencies and service providers and promote synergies between everyone involved in the criminal justice response to violence against women at various stages of the process.

Action plans should ensure an understanding of each other's roles and any additional requirements of particular agencies.

**Criminal justice agencies Varying mandates, roles and tasks****Police**

The role and tasks of the police vary depending on the legal tradition.

In some States, the police may not have many independent investigative powers. They may be required to inform the prosecutors when crimes are reported to them and tasked with assisting prosecutors or investigating judges in the criminal investigation.

In other States, police may have more considerable investigative power, conducting the criminal investigation and collecting evidence without the supervision from a prosecutor.

In a number of States, police services have become specialized to deal with complex crimes, such as domestic violence or trafficking in persons.

**Prosecution**

Nowhere else in the criminal justice system does a function vary among States more than prosecution services.

In some States, prosecutors conduct the preliminary investigations to determine whether there is enough evidence to open a judicial investigation. If there is no investigating judge, it will be the prosecutor who is responsible for the criminal investigation. They define the scope of the crimes being investigated.

In other States, prosecutors may not be involved at all in the investigation. Whereas in other jurisdictions, prosecutors may advise the police on gathering evidence.

Prosecutors are often the ones responsible for filing an indictment against the accused and presenting the case at trial.

How active their role is at trial depends on the legal systems in the State.

**Judiciary/courts**

In certain countries, the judiciary includes both investigating judges, who are responsible for leading the criminal investigation, and sitting judges, who hear the case in court.

## **Criminal justice agencies Varying mandates, roles and tasks**

The investigating judges can have broad powers such as: interviewing accused, victims and witnesses; visiting crime scenes; arresting and detaining suspects; and preparing the dossier (the case file) which is passed onto the sitting judge.

In other countries, judges may issue orders or warrants when the police want to take certain actions before the criminal trial.

Judges have differing roles in the trial.

In some States they have a central role, questioning witnesses and calling evidence, whereas in others they act more like an impartial referee between the prosecutor and defence.

Courts are often more specialized in civil law countries than common law countries. However, more recently, common law jurisdictions are developing specialized courts in certain matters, including violence against women (domestic violence, sexual violence).

Court registry staff services may vary, ranging from providing services such as case documentation, initiation and processing, producing and distributing protection orders, and being responsible for victim notification.

## **Lawyers/legal aid**

In some States, the victim does not have standing in criminal cases and therefore is not represented by her own lawyer. In those States, the prosecutor represents society as well as the victim.

In other States, the victim has the right to bring private prosecutions which can involve joining on to the criminal case being brought by the State by attaching a civil claim for damages. The victim's lawyer can request that the judge gather certain evidence or interview witnesses during the investigative phase and represent the victim at the criminal trial.

**Criminal justice agencies Varying mandates, roles and tasks****Prisons/detention facilities/corrections**

Responsibilities of correctional officers vary from State to State.

In some States, their primary responsibility is to supervise offenders in prison. This can include continuously assessing offenders' risk and the delivery of behaviour programmes or other interventions for sentenced offenders.

Correctional officers may coordinate supervision and enforcement of bail orders in cooperation with other justice system and law enforcement agencies.

They may be involved in supervising sentenced offenders in the community.

Furthermore, correctional centres and community corrections officers may be involved in proactive notification to victims and others protected by a court ordered condition.

**Victim services**

The structure and activities of victim services vary among States and even within States.

The services may be based within the police, prosecution, courts and/or in the community. The support and service activities they provide will also vary. They may assist in developing safety plans, keeping victims informed of the criminal justice process, preparing victims for the court experience and referring victims to other services (outside services) that may help them.

They may also have the capacity to provide advocacy, legal advice, or counselling.

In cases involving girl victims, the State child protection system is also likely to be involved.

**Statistical department**

Most States have statistical agencies that are responsible for the collection, compilation, analysis and publication of statistical information in their country, including criminal justice statistics.

## **Criminal justice agencies Varying mandates, roles and tasks**

Statistical departments often rely on the various criminal justice agencies to collect administrative criminal data. However, mandates, capacities and collection methodologies used will vary among States.

The essential elements for each phase or stage of the criminal justice process are set out below in section two, according to the tasks rather than the responsible agency as their mandate and roles differ depending on the State's legal framework. However, appreciating that the criminal justice agencies can enhance their institutional capacity to respond to violence against women, the information below presents a series of cross-cutting issues that all agencies could consider to guide their organizations and practitioners in all decisions and actions regarding this type of violence.

### *1. Policies, procedures, guidelines and codes of conduct*

States should consider taking the following measures related to policies, procedures, guidelines and codes of conduct:

- Develop written policies, procedures and guidelines to assist criminal justice officials to prevent, identify and deal with different manifestations of violence against women; and assist and support women victims in a manner that is gender-sensitive and responsive to their needs.
- Develop policies, procedures and guidelines which are human rights-based and victim-centered.
- Develop policies, procedures and guidelines which reflect broad attitudinal and behaviour approaches to violence against women as well as technical issues.
- Review existing policies, procedures and guidelines to avoid secondary victimization due to patriarchal prejudices or gender bias and to ensure that there is no process or practice that imply or place blame on victims for the violence committed against them due to stereotypical views of appropriate female behaviour.
- Supplement policies, procedures and guidelines with resource material and disseminate them widely to all criminal justice officials.
- Complement policies, procedures and guidelines with specific training and adequate resources to ensure their implementation.

- Publish and disseminate policies, procedures and guidelines to the public. They should be transparent and in easily accessible language for victims to promote accountability and empowerment of victims.
- Develop policies, procedures and guidelines which empower and equip criminal justice agencies and officials to respond promptly and effectively to incidents of violence against women, including by drawing on a rapid court order, where appropriate, and by taking measures to ensure the fast and efficient management of cases.
- Ensure objective oversight of standards of conduct.
- Mainstream gender in all policies and procedures of the criminal justice agency.
- Ensure effective access to criminal justice for victims.
- Develop codes of conduct which set standards of personal and professional conduct while on and off duty; deal specifically with such issues as sexual harassment in the workplace in each agency; and deal with situations where criminal justice officials are victims of domestic violence.

## *2. Institutional structures*

With a view to improving the relevant institutions, States should consider taking the following measures:

### **Promote specialization within each criminal justice agency**

- Consider establishing, where possible, specialized units or personnel and specialized courts or dedicated court time.
- Select specialists on the basis of their experience, interest, skills and levels of sensitization.
- Make sure that specialists include multidisciplinary teams, such as police and social workers or psychologists or prosecutors and victim advocates.
- Ensure that, whatever the structure, the purposes of a specialized approach are to:

Improve general efficiency in case management (expedited measures);

Improve experience for victims (i.e. continuity of official working on the file, reduce the need for victim to retell her statement);

Increase likelihood of successful apprehension, prosecution and conviction (focus on case building and evidence gathering, coordination

and information sharing with other criminal justice officials and other sectors); and

Better ensure victim's safety (coordinated risk assessments, support and assistance with measures to increase communication to the victim throughout the process).

- Ensure that specialization units are seen as complementary to, and not a replacement for, appropriate response from all criminal justice agencies.
- Provide adequate funding and staffing and equipment to ensure that relevant structures are sustainable.

### **Promote comprehensive, multidisciplinary and coordinated responses**

- Ensure that each agency is committed to engaging in a coordination mechanism to provide a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women.
- Establish that agencies must be involved in coordination at all levels, from the senior level to those at the front line.
- Consider establishing specialized multidisciplinary response teams that respond to different forms of violence against women. For example, for sexual violence cases, consider establishing teams of police and forensic nurses/examiners; for domestic violence, consider creating teams of police and social workers, psychologists or victim advocates.
- Where feasible and sustainable, consider establishing “one-stop centres” which provide 24-hour comprehensive and multidisciplinary services to victims in one location (i.e. medico-legal services, health-care services, social services, crisis management, counselling and psychological support, referral services, safety planning, police, and prosecutor services).
- Where the establishment of “one-stop centres” is not feasible, ensure that appropriate coordination mechanisms, such as memoranda of understanding, referral pathways, information exchange protocols, etc., exist between different services and sectors
- Promote partnerships with civil society organizations, such as victim advocacy.

### **Monitoring and oversight mechanisms (oversight and accountability)**

- Put in place appropriate oversight and accountability mechanisms to ensure that all criminal justice officials exercise their powers according

to the rule of law and codes of conduct, and that these officials are held accountable for any infringement thereof.

- Ensure that all procedures and complaint mechanisms are transparent and accessible to women who are victims of violence without fear of reprisal or discrimination.
- Consider the establishment of public complaint mechanisms and independent inspectorates, including powers for surprise inspections.
- Strengthen institutional structures and appropriate policies to prevent and curtail bribery, corruption and other practices that undermine or subvert the justice system in its response to violence against women.
- Put in place institutional structures to ensure coordinated, consistent and effective responses to violence perpetrated against women by personnel within criminal justice agencies and to ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction.
- Put in place institutional structures to guarantee effective complaints by women free of fear of potential consequences and to provide for a process for reparations to victims where the criminal justice institution has failed in its due diligence obligation.

### **Human resources**

- Ensure a gender-equitable representation in the criminal justice agencies, particularly at the decision-making and managerial levels.
- Increase the number of female criminal justice officials, so that victims have the right to speak to a female officer if so chooses.
- Promote specialization of criminal justice professionals in each criminal justice agency.
- Identify and recruit specialists based on legal knowledge and skill and commitment to responding to violence against women. Ensure that they have certain attitudes and personal and psychological skills to deal with such violence situations. Make sure that they are sensitive, passionate and empathetic regarding this form of violence and they should be exposed to regular training and debriefing.
- Recognize the qualifications of violence against women specialists and remunerate them accordingly.
- Increase criminal justice staff capacity to appropriately respond to victims in violence against women cases and consider increasing other staff

positions in the criminal justice agencies, such as victim advocates or court preparation officers.

- Provide adequate psychological support is available to all criminal justice officials to prevent their vicarious victimization.

### **Promote effective training**

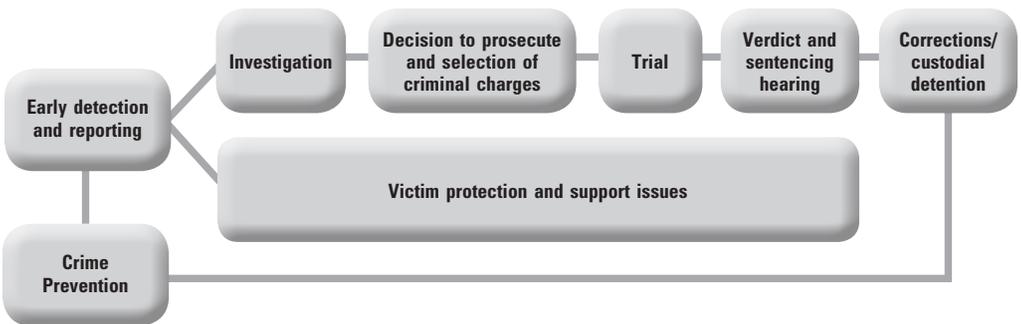
- Mandate specific and relevant training by law.
- Ensure that training is integrated institutionally, such as being supported by comprehensive protocols and guidelines that promote consistent and uniform approaches. Whenever there is a new or revised operational guideline or directive on violence against women, this should include a training component.
- Consider developing “cross-training” or multidisciplinary training which promotes joint training of the police, prosecution service and judiciary and court staff. Training, in fact, can contribute to building trust amongst the different criminal justice agencies and enhance coordination.
- Develop training in close cooperation with women rights groups and civil society.
- Establish evaluation mechanisms to measure the impact of training.
- Where possible, and in accordance with national structures and requirements, ensure that a distinction is made between two types of training: specialized training for those criminal justice officers who are in specialized units and general training for all criminal justice officers.
- Provide regular and institutional training to ensure that all criminal justice officials, at all levels, receive training to sensitize them to gender and child-related issues and to build their capacity with regard to violence against women. Training on this type of violence should be done in such a way that the course becomes part of a routine system of education in order to reach entering professionals and to reaffirm the message with those who are practicing.
- Ensure that relevant training covers a broad range of topics on violence against women and also on related matters. Training topics should include the relevant laws, incorporating knowledge of violence against women as a gender-based crime, address any stereotypes held by the specific group of criminal justice officials and provide officials with a greater understanding of the victim’s experiences and needs.
- Ensure that all relevant training incorporates international and regional human rights principles, standards and jurisprudence mechanisms.

## Section two. The criminal justice process

### 1. Early detection and reporting

For most victims the police are the first point of contact within the criminal justice system. This first contact is of critical importance for the further development of a case in the criminal justice system and the continuance of victim involvement in the process to follow. As front-line receivers of cases, the police have an immediate and determinant impact on victims. The actions by the police can determine whether the victims will be adequately protected or exposed to higher risk. The police actions are the first steps to ensuring access to justice for the victims. Early detection and intervention is closely linked to crime prevention strategies, which will be discussed later. Strategies that change the attitudes of societies, victims, and criminal justice professionals contribute to early detection of these crimes.

**Figure 1. Victims in the criminal justice process**



In order to improve the early detection and reporting of cases of violence against women, States should consider adopting the following measures:

#### **Ensure that front-line criminal justice professionals are able to identify and deal with violence against women**

- Ensure that criminal justice professionals who have contact with victims possess necessary skills to properly assess the situation and make appropriate and safe referrals.
- Ensure that criminal justice professionals who have contact with victims possess necessary skills to recognize signs of abuse and different

manifestations of violence against women, such as trafficking and sexual violence.

- Increase understanding of which groups of women may be more vulnerable, or at greater risk of particular forms of violence, and what are the vulnerability factors that may have an impact on the safety and quality of life of these women. (For example, consider whether sexual bullying and harassing practice such as “sexting” is an issue in the country or increased risks of serious injury or death to sex trade workers.)
- Increase understanding of the situation of women who are detained in administrative settings and are risk of violence (i.e. irregular migrant women detained waiting to be deported, women detained in compulsory drug treatment facilities or mental health facilities).
- Design specific actions to reduce these vulnerabilities.
- In accordance with the national legal principles and law, take measures that enable police to disclose information about a person’s previous violent offending to help protect new partners from future abuse.
- Promote effective partnerships between police and schools where children are at risk or make disclosures and child protection officers.
- Promote effective partnerships between police and health-care facilities.
- Promote cooperation between immigrant officials and police to identify victims of human trafficking and to ensure that victim are not treated as irregular migrants.
- Enable correctional professionals and detention personnel to identify violence against women of female prisoners in correctional facilities or of girls who are serving a custodial sentence in detention facilities and provide the necessary assistance and support in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).<sup>9</sup>
- Ensure that female offenders who are also victims of abuse receive support, whether they serve sentences in custody or the community.

**Ensure that criminal justice professionals work with communities to recognize and support victims**

- Challenge attitudes that create acceptance for violence against women crimes, such as domestic violence, “honour” crimes and gender-motivated killings of women and empower communities to prevent them.

---

<sup>9</sup> General Assembly resolution 65/229, annex.

- Raise awareness of hidden forms of violence against women, such as forced marriages and challenge attitudes which condone this practice through media activities, training events and community engagement.
- Encourage individuals in the community to report cases and support the development of community referral systems.
- Develop legal literacy material. This could include information about local laws, how the legal system protects one's rights and available services. Also include messages of empowerment and give women concrete alternatives to either avoid violence or escape it if it has already occurred. The material should be available in different languages and be tailored to address the needs of different groups.
- Establish outreach programmes for specific groups of women that may be particularly vulnerable to violence, such as women preparing to travel abroad for work or women in commercial sex trade.

### **Encourage victims to report**

- Adopt measures to address institutional-related reasons for underreporting. This might include: increase women's awareness and confidence in the police and criminal justice system through legal literacy; and develop informative booklets for victims with the aim of dispelling any myths and erroneous preconceptions surrounding the justice process which may be held by the general public.
- Investigate the barriers to victims reporting violent crimes and develop strategies within relevant criminal justice agencies to overcome them.
- Create ways for victims to report easily and confidentially. This could include outreach programmes, police helplines, free of charge hotlines, websites and better linkages between police and health and social services.
- Consider innovative measures to enhance levels of police intelligence on perpetrators, particularly the hidden crimes. This could include third-party reporting mechanism for crimes against people involved in the sex trade.

### **Reporting**

#### *Overall measures*

- Put in place provisions to ensure that all calls to the police involving violence against women are handled immediately by dedicated officers. This includes all reported breaches of protection orders (criminal and civil) or conditions of pre-trial release.

- Ensure that the timeliness of the victim's report (i.e. several days after the incident) does not lessen the severity of the incident and must not affect the police response.
- Ensure that receipt of and response to reports or disclosures of violence are based on respect for human rights and be gender sensitive.
- Ensure that the receiving officer takes full account of the claims of the victims and never trivializes reports of violence against women.
- If the incident occurred in another police jurisdiction, ensure that the officer receiving the complaint ensures a timely referral to the correct police agency.
- Provide that no fee or cost are required from a victim to make a report to the authorities, including receiving medical certificates or items related to it.
- Provide that those in charge of registering the complaint collect the minimum data necessary in order to:
  - Define the level of risk to the victim and decide on protection measures for the victim;
  - Identify and, if necessary, restrain the suspect; and
  - Determine the level of risk for the police who will be responding.
- Make sure that those in charge of registering the complaint have proper training and experience in receiving reports.

Ensure that police and other law enforcement facilities are adequately equipped with machines and supplies for ensuring complete report for any form of violence against women (i.e. crime kits, sexual assault evidence collection kits, etc.).

### *Initial reception*

- Establish a protective, supportive and non-bureaucratic atmosphere where victims can report to police, whether this is at police stations, health facilities, or specially designated locations (i.e. one-stop centres).
- Design relevant premises in a victim needs-oriented manner so as to aid victim confidentiality, avoid stigmatization and secondary victimization.
- Design the physical space where victims are received and assisted in a way to provide the victim the feeling that particular attention and respect is being paid to their special situation, to build trust and overcome any reluctance to report or make a statement. (This could be achieved through

- the establishment of victim protection rooms in police stations, separated and designated areas in a health facility or one-stop centres.)
- Ensure that waiting rooms and places for the registration of complaints are differentiated and adapted to the particular needs of each situation, with the aim to provide confidentiality and enable complete separation of the victim and the suspect (i.e. consideration of accompanying minors).
  - Ensure that victims have easy access to locations where they can report violence against women. This includes having reporting locations being close proximity to transport and health-care facilities.
  - When there are situations in which the victims must be transported, make sure that this is done using vehicles appropriate for the purpose.
  - Ensure that victims have the possibility to be heard by a female police officer, should they so wish.
  - Inform victims about the possibility of being assisted by a lawyer, where permitted according to domestic legal framework.
  - Ensure that victims have easy access to independent and competent translators, where required.

### *Responding to reports*

- Ensure that police are responsible for responding promptly and consistently to all violence against women incidents.
- Ensure that police response prioritizes victim health and safety, including seeking immediate medical assistance if needed
- Ensure that police exercise its powers to enter premises and conduct arrests in cases of violence against women, in accordance with the principles of national criminal law.
- Consider the adoption of pro-arrest policies in violence against women cases.
- Prohibit police from engaging in informal mediation in this type of cases.
- Ensure that all responses to be provided by police are based on respect for human rights and dignity of the people involved and that complaints are handled confidentially.
- Ensure that police responses empower victims. This means listening and appreciating the victim's view and promoting her participation in the decision-making process by providing timely information with regards to case processing, possible outcomes and implications, while not placing

the burden of investigation and prosecution on the victim. Information to victims includes knowledge about their rights as well as the duties of police and others in the criminal justice system.

- Use an individualized (case-by-case) approach so as to ensure appropriate response to the individual victim's needs. There needs to be recognition of the differential impacts on different victims.
- Ensure a consistent response, whether the report is received in a rural or urban station (consider developing national written procedures that are published and widely disseminated).
- Ensure that police inform victims of the availability of victim services and support they are entitled to and available in their location. Police stations should have updated lists of public and private organizations and welfare services for victims, as well as addresses and telephone numbers of those services.
- Ensure that police encourage the victims to make contact with the victim services and support agencies.

### *Case management*

- Establish procedures for fast and efficient management of these cases.
- Put in place procedures to ensure effective continued communication with the victim. Ensure that police have contact details of the victims and provide to victims updated contact details for communication about their case unless they have expressed a wish not to receive such information.
- Make sure that victims receive, upon reporting a crime, a written acknowledgement of their complaint from the police, stating the basic elements of the crime, such as the type of crime, time, place and any damage caused by the crime. This acknowledgement should include a file number, date, police station and the name of the official who took the report. This should be able to serve as evidence that the crime has been reported (for example in relation to compensation claims).
- Consider creating support positions within the police force, such as victim assistance workers or working closely with a victim support service.
- Establish information sharing protocols with other criminal justice agencies to ensure timely sharing of relevant information.
- Ensure transparency of reporting procedures, including those regarding receiving reports, initial reception and responding to reports. These

procedures should be published and easily available to the public, all sectors in government and other criminal justice agencies.

- Put in place a proper management of available information. Information should be adequately integrated, continuously updated and easily accessible to criminal justice agencies responsible for the follow-up of victims, taking into account national laws on protection of personal data.

#### *Identifying high-risk cases*

- Make sure that police assume a critical responsibility in identifying high-risk cases and initiating the flow of information and communication among response agencies.

#### *Sending or responding to requests from other jurisdictions*

- Strengthen criminal law and criminal procedure on violence against women to ensure better legal basis to respond to requests.
- Ensure the protection of victims and witnesses in international cooperation requests, and consider alternative methods of providing evidence, physical protection, relocation programmes, permit limitations on the disclosure of information concerning the victim's identity or whereabouts and—in exceptional circumstances—consider protecting the anonymity of the person giving evidence.
- Consider the possibility of the transfer of proceedings in certain criminal matters across jurisdictions dependent on where the crime has been committed and where the case is best prosecuted.
- Enhance the ability of criminal justice agencies to share criminal record and other information with each other directly in real time while providing the required security and human rights safeguards.
- Provide the widest measures of mutual legal assistance in investigations, prosecutions and judicial proceedings in violence against women cases.

## *2. Victim protection*

Victims of violence against women require specific consideration at each stage of the criminal justice process (see figure 1). States are to ensure that comprehensive services and protective measures are taken where necessary to ensure the safety, privacy and dignity of victims and their families, without prejudice to the victim's ability or willingness to participate in an investigation or prosecution.

All criminal justice agencies should have as core mandates the protection and support of victims. Not only is the victim's safety and well-being a stand-alone objective, but by putting victim safety and dignity at the core of any criminal justice intervention, this likely will increase her willingness to cooperate with the criminal justice system. Given the importance of victim-centered criminal justice responses, this section is set out immediately following early detection and reporting, as the first priority must be for the victim's safety.

In order to ensure appropriate and comprehensive protection and support to victims, States should consider taking the following measures:

- Ensure that whichever criminal justice agency receives a report of violence against women takes immediate measures to ensure the safety and health of the victim.
- Ensure a prompt response, with the highest sensitivity, quality and efficiency in order to contribute to the victims' safety.
- Make available protection measures regardless of the victim's ability or willingness to participate in the criminal justice process.
- Acquire as much information as possible regarding the situation and the individuals involved.

### **Risk assessment and safety planning**

- Assess the lethality risk, the seriousness of the situation and the risk of repeated violence based on victims' vulnerability, the threats to which they are exposed, the presence of weapons, the criminal record of the accused, and other determining factors.
- Ensure that relevant information comes from the victim, supplemented by other sources, such as police inspection of the scene, statements by suspect and witnesses, previous reports made to police by the victim and other historical records. However the authorities should realize that victims may not be able to express the level of risk, due to extreme levels of fear, cultural barriers to disclosure, immigration issues or language barriers or fear of losing custody of their children or of being separated from them for their protection.
- Manage the risk to victims through the use of risk assessment tools to help identify and predict the level of the victim's risk. The tool should establish clear objective criteria, different degrees of risk and actions and measures to take for each degree level.

- Make sure that assessing levels of risk is built into the work routine of all criminal justice officials and seen as the collective work of all criminal justice interventions.
- Develop information-sharing protocols or procedures among the relevant criminal justice agencies so that the necessary information is shared in order to ensure an effective management of the risk and to provide coordinated safety and support.
- Provide that the information from risk assessments can be used to inform decisions that have an impact on the safety of the victim, including decisions of arrest, pre-trial detention or release conditions and protection orders as well as inform the development of safety plans for the victims.
- Promote a coordinated practice of risk assessment, where a tool is developed and used by relevant criminal justice agencies, as this ensures common understanding and consistent use and improves the coordination of services and information-sharing among agencies.
- Ensure that special attention is paid to the appearance of new circumstances around the victim, such as the complainant's withdrawal, her decision to live again with the aggressor or the refusal of the granted protective measures, as this may affect considerably the woman's level of risk.

#### *Firearms and other dangerous instruments*

- Ensure that police determine if the suspect owns or has access to firearms, including by asking the victim and checking all available firearms registry.
- If firearms are present or the suspect has access to firearms and other dangerous instruments, provide that police or other authorities are instructed to seize such weapons, in accordance with national law, regardless of whether the suspect threatened or used them.
- Provide that any protection order or release condition should prohibit the suspect from possessing firearms or other dangerous weapons, as well as ammunition, and should require them to surrender authorizations, licenses and registration certificates to acquire or possess firearms.

#### *Safety plans*

- Ensure that police have the ability to develop a safety plan with the victim to identify the options and resources available and to outline how

the victim can protect herself and her family in a variety of settings and circumstances.

- Ensure that police involve appropriate victim assistance groups or victim advocate when developing safety plans or make appropriate referrals to these groups to assist victims with safety planning.
- Establish that safety plans complement court orders (such as no-contact orders), are personalized, supported by the community, realistic and holistic.

### *Information for victims*

- Inform victims of any decisions pertaining to arrest, detention, terms of release, of the suspect/perpetrator.

### **Protection measures**

#### *Protection orders (criminal and civil)*

- Ensure that relevant authorities are able to issue and enforce protection and restraining or barring orders.
- Provide that relevant authorities are able to include wide range of provisions to respond to individual cases and level of risks, including:
  - Removal of the perpetrator from the domicile;
  - Prohibiting further contact with the victim and other affected parties, inside or outside the domicile;
  - Issuing and enforcing spousal and child support and custody orders;
  - Putting victim on leave from employment, and not subject to employment termination, if stalked at workplace.
- Ensure that police, where permitted by national laws, take swift action to ensure safety of the victims. Where required by national law to have these orders issued by courts, the police should take swift action to access the courts.
- Make sure that police gather the necessary evidence to support court-ordered protection measures.
- Establish that protection measures are not dependent on the initiation of a criminal case or divorce proceedings against the perpetrator.
- Consider immediate protection measures that can be taken, depending on national laws, including emergency barring orders in domestic

violence cases which are based on the principle that the offender and not the victim have to leave the home.

- Ensure that authorities are in the position to have and use powers to monitor and enforce orders in a timely fashion, including imposing appropriate commensurate penalties for breaches of those orders.
- Consider monitoring of orders through the use of electronic ankle bracelets or partnering with civil society to have the suspect attend rehabilitation process.
- Provide that any reported breach of a protection order requires investigating, no matter the degree of breach.
- Establish that protection orders can only be breached by the offender as he is the one obligated by the order. The victims should not be held responsible for any breaches.
- Establish that protection orders are available free of charge, easily accessible to victims, and not requiring the victim herself to serve the order on the offender, as the onus should be on the state authorities for serving the order promptly.
- Allow for a prescribed person, such as a police officer, prosecutor or other criminal justice official or family member, to make an application for protection order on the victim's behalf.
- Recognizing the transnational dimensions of protection needs, put in place appropriate mechanisms and processes to ensure cross-border recognition and enforcement of protection orders and to ensure a harmonization of police practices across jurisdictions.
- Make sure that in certain serious cases, such as trafficking in women for sexual exploitation involving organized criminal groups, protection orders are also available to family members of the victim who may be exposed to retaliatory measures.
- Where such protection orders are permitted by national jurisdiction, ensure that a registration system is established for such protection orders, so that police or other criminal justice officials can quickly determine whether such an order is in force.

*Pro-arrest, detention or conditional pre-trial release*

- Make sure that police and other law enforcement authorities have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests.
- Develop policies that guide the police when exercising their discretion

to counter traditional reluctance to arrest suspects in domestic violence cases, and that transfer the responsibility for the decision to arrest from the victim to the criminal justice system while at the same time ensuring that the victims are not disempowered.

- Consider establishing pro-arrest policies, which highly encourage officers to make an arrest in cases of domestic violence while at the same time leaving some discretion with them. These policies should require a written report on the reasons when the policy is not followed. Pro-arrest policies should be part of a coordinated multi-agency approach in order to ensure that the victim will not be disempowered by the policy.
- Where it is determined that there is sufficient risk of violence or concerns that the accused will not obey imposed release conditions, provide that the police, prosecutors or judges consider detention pending trial.
- Ensure that, where police cannot arrest the suspect immediately, they ensure the safety of the victim, such as identifying a safe place for her and arranging transportation.

#### *Protection during the criminal proceedings*

- Ensure that victims who have been identified as vulnerable to secondary and repeat victimization, to intimidation and to retaliation, are offered appropriate measures to protect them during the criminal proceedings. The exact nature of such measures should be determined through individual assessment, taking into account the wishes of the victim.
- Establish that the extent of any of the measures above is determined without prejudice to the rights of the defence and in accordance with rules of judicial discretion.
- Provide that the victims' concerns and fears in relation to proceedings are considered a key factor in determining whether they need any particular measure.

#### *Other protection measures*

- Consider adopting innovative measures in human trafficking cases, such as granting special visas and residency permits that allow victims to remain in the host country and work, when relocating them to their home country may increase risk.
- In serious cases, particularly involving violence against women and organized crime, consider placing victims in a national witness protection programme, where available and appropriate.

### 3. *Victim support and empowerment*

In order to provide the necessary support to victims and to promote their empowerment, States should consider taking the following measures:

- Ensure a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women that contributes to their well-being and prevents secondary victimization.
- Make sure that the types of services to be provided to victims include: critical incident response; providing information on the criminal justice process and support; safety planning; providing information and referrals; and providing necessary material, medical, psychological and social support and assistance.
- Provide that victims who have suffered considerable harm due to the severity of the crime are able to obtain specialist support services.

#### **Criminal justice information and support**

- Make promptly available to victims the relevant information on rights, remedies (such as State compensation programmes) and victim support services and how to obtain them, as well as information about their role and opportunities for participating in criminal proceedings.
- Ensure that the information provided is easily accessible, provided in easy and clear ways and in a language that the victim understands.
- Make sure that each individual victim is informed of the scheduling, progress and ultimate disposition of the proceedings, as well as of any orders against the offender.
- Advise the victim that the responsibility for pursuing charges and prosecuting offenders rests with the police and the prosecution.
- Establish that the victim has the right to be promptly informed of any decision that has an impact on her security (i.e. release of abuser).
- Support the victim and prepare her for the criminal court process, when national legislation allows it.
- Provide that all communications between the victim and criminal justice officials take into account the personal characteristics of the victim including any disability which may affect the ability to understand or to be understood.

- Ensure that victims have access to qualified personnel who can provide victim advocacy and support services throughout the entire criminal justice process, from the initial point of crisis to beyond the trial.
- Make sure that victims have access to any other independent support persons, such as family members.
- Make sure that support persons are available to all victims, regardless of the form of violence.
- Recognize the importance of providing to victims professional assistance, specifically trained for victims to reduce the risk of the victim withdrawing into self-blaming doubts and to maintain engagement with the criminal justice system.
- Recognize the role of the support persons in mobilizing other resources on behalf of the victims by coordinating the response of a wide range of agencies who might be involved with a case.

#### **Legal assistance and legal aid**

- In accordance with national law, ensure that criminal justice agencies inform and advise the victim on her right to legal assistance and about the conditions to access free legal aid. The victim should be informed promptly of this right at the moment of reporting.
- In those States that provide legal standing to victims, make sure that proper legal assistance includes ensuring that victims are eligible for free legal aid, irrespective of consideration of family financial circumstances.

#### **Victim services and support services for survivors**

- Provide that victim services professionals, whether part of the criminal justice institutions or from independent civil society organizations, provide to criminal justice officials an understanding of common victim behaviours, the gendered nature of these crimes and appreciation of the obstacles victims face when dealing with the criminal justice system.
- Ensure that victim professionals have sufficient knowledge of other services (support and health services, welfare, housing, law enforcement, etc) in order to be able to explain criminal and civil justice processes and act as a liaison between the victim and the criminal justice system.
- Make sure that victim services are as comprehensive as possible, including immediate and long-term support. If they are not in the position to directly offer particular services, ensure that they are able to assist victims

to access other services outside the criminal justice system, such as shelter, health care, child support, social services, counselling, education and job training.

- Provide that all services are based on preventing any hardship to the victim and treating her with dignity and respect irrespective of whether she participates in the criminal proceeding or not.
- Support the establishment of arms-length or independent victim services that are available to victims free of charge. In particular, confidentiality agreements need to be in place for the protection of victims' privacy, where appropriate.
- Develop and provide specialized services and specific approaches to distinct forms of violence against women as well as particularly vulnerable groups, including immigrant women, trafficked women, refugee women, stateless women and women living in remote and rural areas.
- Ensure that victims have access to:
  - Reparations, including restitution and State compensation;
  - Easily accessible procedures for obtaining restraining and barring orders;
  - Free legal aid;
  - Court support and interpretation services;
  - Emergency and temporary residential accommodation;
  - Health services, including counselling and psychological case work;
  - Toll-free hotlines;
  - Professional multidisciplinary counselling; and
  - Crisis intervention services.
- Provide that support provisions include measures to ensure the economic independence and re-integration of victims into society.

### **Coordination and collaboration**

- Ensure consistent and timely referrals between criminal justice agencies and victim services, plus other relevant services to benefit the victims.
- Consider creating a network of victim services, based in police stations, prosecution offices and in courts, that work together to ensure that all victims receive the necessary services (i.e. health care, medico-legal exam, arrangements for therapy, long-term counselling, continuous information about criminal process, etc.).

- Put in place measures aimed at facilitating inter-agency cooperation to provide victims with a seamless response to their cases.
- Consider establishing one referral point or one-stop centres that revolve around the victim to provide her with comprehensive services and support (i.e. advice, advocacy, specialist counselling services, legal services, housing services, shelter provision and collection of evidence for police investigations).
- Develop protocols on the scope and nature of information to share amongst criminal justice agencies, as this will have implications for defence disclosure. Ensure that issues such as victim services and ensuring discretionary disclosure regarding victim's meetings with counselors or therapists are properly addressed.
- Develop partnerships with criminal justice agencies and other relevant sectors, such as immigration, health and social sectors.
- Promote an inter-agency cooperation between crisis centres, police and hospitals.

#### 4. Investigation

Investigations of violence against women crimes are undertaken by different criminal justice agencies, depending on the legal tradition in each State.

The investigation includes interviewing victims, witnesses and the suspects and gathering and storing evidence. Depending on the jurisdiction, the police, prosecutors and investigating judges may be involved in various aspects of the investigation. In some States, the victim's lawyer may file a request that a desired investigation be carried out by the investigating judge or prosecutor.

UNODC has published the *Handbook on Effective Police Responses to Violence against Women* which provides more details regarding conducting investigations in violence against women cases.<sup>10</sup>

In order to improve the investigation process and to guarantee protection and support to the victim during the investigation phase, States should consider implementing the following measures:

---

<sup>10</sup> Available at [www.unodc.org/documents/justice-and-prison-reform/Handbook\\_on\\_Effective\\_police\\_responses\\_to\\_violence\\_against\\_women\\_English.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Handbook_on_Effective_police_responses_to_violence_against_women_English.pdf).

**Conducting investigations**

- Assure that the primary responsibility for initiating investigation lies with the State authorities (the police and prosecution authorities) and does not rest with women subjected to violence, regardless of the level or form of violence or injury.
- Provide that investigating authorities are mindful of balancing the responsibility of prosecuting and the empowerment of victims to the extent that she is enabled to make her own decision to participate in the criminal justice system.
- Develop guidelines for investigators to appreciate the complexity of violence against women situations which reflect that placing the decision to proceed on the victim might be disempowering when she is pressured to withdraw.
- Develop or enhance investigative techniques and procedures for the collection of evidence that take into account the unique needs and perspectives of victims, respect their dignity and integrity and minimize intrusion into their lives while abiding by standards for the collection of evidence.
- Provide for an early and meaningful case building, with investigative techniques being evidence-based and risk-focused.
- Ensure that myths and stereotypes are consistently recognized and challenged during the investigation. Often when negative beliefs about sexual and gender-based violence are formally or informally embraced by the investigating bodies, the result is to downplay the perpetrator's responsibility and criminality while shifting the blame towards the victim. Investigators need to be careful to ensure that they do not assess the credibility of the victim on the basis of stereotypical views of expected appropriate conduct of the victim.
- Develop different investigative techniques for different forms of violence against women.
- Update investigative rules to take into account new forms of technology and use of social media.

**Collection of all available evidence***Gathering all relevant statements*

- Conduct detailed, private and respectful interviews of victims and witnesses.

- Ensure that the victim feels safe and that her privacy is protected, while ensuring that the offender is given the information necessary to have a fair trial.
- Consider how to assist the victim provides a clear account of what happened. Is a translator required? If the victim is a girl, consider whether to ask questions through psychologist or social worker or other appropriate adult.
- If the victim is unable to provide a clear account, determine whether the victim has learning difficulties, mental health problems, was under the influence of drugs or alcohol or whether the trauma and fear has affected her ability to coherently or fully recount her experience.
- In accordance to the national legal framework, ensure that interviews of the victim are kept to a minimum and avoid, as much as possible, re-interviewing by different actors.
- Where allowed by national legal system, consider having the victim's statement provided before the judge, with the prosecutor and defence present to make proof that can be reproduced in court without requiring the victim to be present.
- Consider all possible witnesses, including neighbours, colleagues at work, or friends at school, eyewitnesses and witnesses as to how the victim was behaving before or after the incident (i.e. whether she was capable of consenting) as well as to how the suspect is behaving before and after the incident.
- Consider using digital recording as this can considerably improve evidence collection and ease further case processing by courts.

### *Photographic evidence*

- Assure that photos of victim's injuries are taken, with victim's consent, and suspect's injuries, if any (i.e. offensive injuries or injuries inflicted in self-defence by victim).
- Ensure that photos of the scene of the crime are taken (i.e. disrupted or destroyed objects, blood stains).
- In investigating cases of domestic violence, consider taking photos at the crime scene or in the home that are indicative of a situation of domination/subordination and violence.
- If no official camera is available, consider using the cell phone of the investigator, if possible.
- Consider the use of photo-cameras and video-recording at the time of the incident as this can improve evidence collection.

*Medical/forensic evidence*

- Take all necessary measures to ensure that collection of forensic evidence (including medical evidence) and information is carried out according to standardized protocol and forms.
- In appropriate cases, provide that body examination of the victim, as well as the suspect, if identified, is conducted by the appropriate professionals ensuring sensitivity and respect for the victim's privacy.
- Ensure that body examinations of the victim are carried out in sensitive manner and be as least intrusive as possible.
- Establish that crime scene evidence forensic examination include fingerprints, body fluids, footprints, etc.
- Gather any hospital/emergency room records, where appropriate, and review for possible signs of previous violence.
- Document any victim's spontaneous utterances made to medical staff.

*Expert witnesses*

- Where allowed by the national legal system, consider involving appropriate experts, such as anthropologists, psychologists or social workers to examine both victim and perpetrator and to prepare an expert report.
- In cases involving girl victims, consider involving a child psychologist, where allowed by national legal framework.

*Document all observations and consider all possible evidence*

- Document utterance of suspect, victim's demeanor, suspect's demeanor, any torn clothing, smeared makeup, disarray of premises, victim's injury.
- Consider examining other evidence such as cell phone calls, emergency call recordings, cell phone mapping, voice message tapes, letter or email correspondence, social network, CCTV evidence, weapons and family court files.
- Collect evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator.
- Check whether there is relevant information from police records, such as bail history and any breach orders, including civil orders, previous call outs, or previous violent incidents by perpetrator towards another victim.

- Improve the quality of the evidence and documentation in order to dissociate the victim from the criminal proceedings. This can make it easier for victims to testify, because in this way victims are no longer the only available evidence (i.e. their word against the one of the suspects) and the information supplied by the affected women is supported by the evidence.

### *Dealing with different circumstances*

- Ensure that claims of self-defence by women who have been victims of violence are taken into account, particularly in cases of domestic or intimate partner violence.
- In domestic violence situations, where the parties allege mutual aggression, consider introducing the use of the so-called “dominant aggressor analysis” as a tool for investigators, where appropriate. Discourage the practice of arresting both parties, as the primary aggressor is the party who is most dominant rather than the first aggressor. Ask questions such as:

Who has the superior physical strength, ability and means for assault and/or intimidation?

What is the history and pattern of abuse in the relationship and in previous relationships?

Who suffered the most extensive physical injuries and/or emotional damage and who required treatment for injury or damage?

Are there defensive wounds?

- Where children are present in domestic violence cases, assure that investigators know when to call in child welfare agencies. There should also be consideration of whether child custody arrangements should be temporarily stopped during the criminal trial in order to avoid risk of re-victimization.
- Address the issue of cyber stalking by ensuring that the links are made between the different agencies that are working on stalking, e-crime and communication data.
- Depending on the national law on intoxication and consent, where there is suggestion that the victim was intoxicated in sexual violence case, ensure that a toxicology report is obtained.

### *Effective implementation of investigative techniques*

- Develop checklists for investigators to ensure that all available evidence is collected in a consistent and timely manner in every case of violence

against women (including common evidentiary issues in domestic violence cases, in sexual violence cases, where consent or identity is at issue).

- In national jurisdictions where there is more than one criminal agency involved in investigations and supervising investigations, consider developing joint evidence checklists or protocols for early consultation between the relevant agencies to ensure shared understanding of evidence-based and risk-focused investigations.

*Protection and support during the investigation and coordinated approach in investigation*

- When necessary, ensure the safety, privacy and dignity of victims and their families, without prejudice to the victim's ability or willingness to participate in the investigation.
- Conduct risks assessments.
- Ensure that safety risks, including the vulnerability of victims, are taken into account in decisions concerning granting of bail and conditional release during the investigation phase.
- Ensure that investigators have access to protection order registries within and outside jurisdiction to determine the existence of previous history of violence.
- Develop one over-arching and agreed approach on the investigation and prosecution of forms of violence against women.
- Provide that criminal justice agencies involved in conducting investigations, supervising investigations and approving criminal charges based on the case file, publish joint enhanced evidence gathering and charging checklist for use in violence against women cases.

*5. Decision to prosecute and the selection of criminal charges*

The exercise of discretion to prosecute depends on a range of factors, such as an assessment of the merits of the case relative to the elements of possible criminal offences, the adequacy and quality of the evidence and perhaps the likelihood of conviction. The exercise of the discretion whether or not to prosecute is an onerous one as the decision can have serious consequences for the suspect, the victim and for the community.

In many States, it is the prosecutor who decides who will be charged and what charges will be filed to the court. In some States and for some crimes,

it is the police who lay the initial charge(s) and it is the prosecutors who decide which of those will be filed at court, and in other States, it might be the investigating judge.

Regarding disclosure of the State's case file to the defence, in some jurisdictions the defence has access to the case file during the judicial investigation phase. In other jurisdictions, rules of disclosure regulates the evidence that the prosecutor must make available to the defence.

With regard to the decision to prosecute and the selection of criminal charges, States should consider the following measures:

### **Decision to prosecute**

- Put in place provisions to ensure that criminal proceedings can be initiated by the public prosecutor and to ensure that primary responsibility for initiating prosecutions lies with prosecution authorities.
- Provide that the consent of the victim is not be required in order to initiate criminal prosecution in cases concerning physical violence, sexual violence or of dangerous threats in family context.
- Ensure that prosecutors consider all information before making appropriate decisions to prosecute or not.
- Assure that prosecutors, when reviewing the case file or police report from the investigation, take every step necessary to access all legally available information and evidence before evaluating the case.
- Put in place measures to ensure that that gender myths and stereotypes are consistently recognized when reviewing case file.
- In considering the adequacy and quality of the evidence, make sure that all complaints are regarded as credible and valid unless the contrary is clearly indicated.
- Depending on the national legal framework, prosecutors should be encouraged to regard violence against women as a decisive factor or an aggravating factor in deciding whether or not to prosecute.
- In jurisdictions that considers public interest in the exercise of prosecutorial discretion, consider making the fact that a case is violence against women a decisive factor when considering the public interest.
- Consider procedures to allow the victim the right to review the decision not to prosecute.

- In cases of violence against women, consider establishing pro-prosecution policies, which means where there is probable cause to believe that a crime has occurred, that prosecution is likely but not mandatory. The policy should include an oversight component, such as requiring a written report on the reasons when the policy is not followed and review by a superior. Pro-prosecution policies should be implemented with training, and be part of a coordinated and multiagency approach.
- Make sure that if the decision is not to initiate prosecution or to withdraw an initiated prosecution, the matter is to be referred to a senior prosecutor for review.

### **Selection of charges**

- Ensure that the type of charges filed reflects the severity of the nature of the crime.
- Give consideration to all possible charges that could result from a patterned use of intimidation, coercion and violence.
- Review whether other charges that stem from the defendant's action with authorities, such as obstruction of justice, disorderly conduct or assault of a police officer, can be included.
- Pursue actively subsequent charges that arise from the defendant's behaviour after the initial criminal charges have been filed (i.e. violations of pre-trial release conditions, breaching no-contact orders or intimidation of witnesses).

### **Resolution decisions (withdrawing, dropping proceedings, diversion, plea bargaining)**

- Develop policies and procedures to provide clear guidance for prosecutors when making decisions to withdraw the prosecution in violence against women cases. These policies could cover risk assessment, the principle to decide on the basis of informed and educated suggestions and principle to act on the basis of a robust prosecutorial approach, which is not dependent on victims' explicitly expressed interests, but takes them into consideration. Additionally there should be provisions that ensure for their thorough and detailed review.
- Develop guidelines to deal with reluctant victims which ensure the victim's empowerment as well as recognize the complexity of this type of violence, particularly in cases of domestic violence. In this regard, there needs to be a balance between empowering the victim to make her own decisions with the potential disempowerment if she is pressured to

withdraw her case. If a victim wants to withdraw, the consequences for the victim of the decision whether to prosecute or not and any views expressed by the victim should be taken into account. However, prosecution is on behalf of the public and in the end, the decision to drop the case is that of the prosecutor, done in consultation with victim.

- Ensure that caution is exercised when considering diverting cases of violence against women away from the formal criminal courts, such as waiving prosecution or discontinuing proceedings conditionally or unconditionally.
- Ensure that diversion is premised on an acknowledgement of responsibility for the offence and an agreement to make amends for the crime, such as compensating the victim or attending a diversionary programme.
- Make sure that decisions to divert are grounded in an understanding of the context and complexities of violence against women and pay particular attention to the safety and needs of the victim.
- If diversionary programmes exist, provide that there should be minimum standards for prosecutors to use them, including ensuring that operators of the diversionary programmes should work with victims groups and have the ability to enable feedback from the victim on reoccurrence of violence; and providing for continuous monitoring of compliance with regular, formal reviews and immediate reporting requirements.
- Prohibit mandatory (i.e. compulsory and forced) alternative dispute resolution processes, including mediation and conciliation in relation to all forms of violence against women.
- Provide that culture and religion statements are not used as an excuse or attenuating circumstances for violence against women.
- Develop appropriate guidelines for applying restorative justice in violence against women cases, such as:

The restorative justice process must offer the same or greater measures of protection of the victim's safety as does the criminal justice process;

The referral to the restorative justice process is made after the perpetrator has been charged with a crime and with approval of prosecutor or investigative judge;

Determination by trained and qualified personnel that the case is not high-risk; and

The victim is fully informed and has consented.

In legal systems where the practice of plea bargaining is permitted, develop guidelines to guide prosecutor's discretion to negotiate plea bargains with defendants in violence against women cases. These guidelines should include compulsory consultation with the victim and a review process.

- Depending on the national legal system, ensure that effective case management considerations include expedited docketing, caseload management and timely victim notification.<sup>11</sup>

### **Safety considerations**

- Make sure that the safety of victims is always the primary concern in any decision regarding pre-trial detention or release.
- Recognize the importance of knowing the history of perpetrator and violence and provide that registry of cases and past protection orders are established and are accessible to all in the criminal justice system.
- Consider establishing suitable bail conditions to prevent further offences or intimidation that do not restrict the victim and children.
- Ensure that prosecutors take into account safety risks when making decisions concerning the granting of bail or when seeking restraining or protection orders or where the victim applies for modification of orders. Prosecutors ensure they have a comprehensive risk assessment that indicates the level or extent of harm that victims may be subjected to based on their vulnerability; the threats to which they are exposed as well as the presence of weapons and other determining factors.
- Provide that prosecutors ensure that a safety plan is in place for victims, where appropriate.

### **Disclosure to the defence**

- While recognizing the State's duty of disclosure of evidence to the defence to ensure a fair trial, develop guidelines on disclosure to defence that balance the victim's concern for safety, privacy and confidentiality with the defendant's right to a fair trial.
- Consider limited disclosure of certain types of information, such as information that contains personal information for which there is a reasonable expectation of privacy, including medical, psychiatric, therapeutic, counselling, personal journals and diaries, and where the defence has not

---

<sup>11</sup> This could be done through case tracking protocols agreed by all relevant criminal justice agencies or creating a database that each agency can access.

convinced the judge of the relevancy of the documents to the accused right to a fair trial and full defence.

- Decrease delays in trials by incorporating disclosure of prosecutorial material to the defence at the pre-trial stage.

## 6. Trial

Despite the fact that trials can be conducted quite differently depending on the jurisdiction, they are often traumatizing events for the victims.

In some jurisdictions, trials can be quite lengthy requiring live testimony and cross examination. Other jurisdictions allow for the sitting judge to read the case file in advance, which include detailed notes of the investigating judge's investigation, such as interviews of witnesses. Even under the best circumstances, being interviewed, testifying or participating at trial can be an intimidating experience. Whether the judges are more like impartial referees between the prosecutor and defence or whether they play a more central role acting as an inquisitor, most victims will be unfamiliar with courts and trial proceedings and this unfamiliarity may raise feelings of anxiety and fear of the process.

As relates to the trial phase, States should consider adopting the following measures:

- Ensure that trials proceed on a timely basis.
- Make sure that criminal justice officials are aware of how delays and protracted criminal proceedings impact victims.
- Limit case continuances and allow only reasonable delays, taking into account the impact on the victim.
- Establish, where possible, fast-track procedures to expedite violence against women cases.
- Where there are fast-track procedures, ensure that they are implemented to ensure they do not have negative implications for the victims.
- In cases involving girl victims, provide that trials take place as soon as practical, unless delays are in the child's best interest.

### **Court environment and infrastructures**

- Make available a wide range of special measures that facilitate victim's testimony, protecting the privacy, identity and dignity of the women. The

processes for application of such measures should be widely known by the criminal justice professionals as well as by the victims and easily applied for.

- Put in place confidentiality measures designed to protect the identity of victim from press and public (i.e. ban on publication, removing any identifying information such as names and addresses from court's public records, using a pseudonym for the victim, permitting victims to testify behind screens or closed hearing).
- Adopt support measures designed to ease the victim's experience during the testimony should be in place, including:

Permitting the victim to testify in a manner that allows her to avoid seeing the accused (i.e. closed-circuit television systems and/or one-way mirror systems or screens);

Limiting the frequency, manner and length of questioning;

Permitting the presence of a support persons such as family member or friend to attend trial with victim;

Allowing examination through an intermediary; and

Allowing for video-recorded interview as evidence in chief.

- For girl victims, ensure a child-friendly court room environment (i.e. more informal setting, use of anatomical dolls, allowing for frequent breaks, etc.).
- Consider setting up trained intermediaries as a standardized practice.
- Put in place safety measures designed to ensure safety during the trial process.
- In jurisdiction where safety of the victim cannot be guaranteed, establish that refusing to testify does not constitute a criminal or other offence.
- Ensure that the court's infrastructure responds to the victim's needs, such as creating separate waiting space for victims during trial proceedings to avoid contact with the defendant.
- Establish a special unit to coordinate support for victims throughout the trial.

### **Evidence before the court**

- Provide that victims are considered competent witnesses in cases of domestic violence (i.e. where a victim is in a relationship with the accused). This means that the defendant cannot invoke spousal privilege to exempt victim's testimony in domestic violence cases.

- Depending on the national legal framework, in situations where the victim wants to withdraw her statement at the time of trial, ensure that the court conducts a judicial hearing to ensure it understands why the victim does not want to continue as well as to ensure that she knows her rights and feels supported by the State.
- Establish that evidence of prior acts of violence, i.e. abuse, stalking and exploitation by the perpetrator, are considered during trial, in accordance with the principles of national criminal law.
- In those jurisdictions with “hearsay rules”, make sure that the exceptions that can be used to the benefit of the victim are known.

### **Victim’s testimony or statement**

- Establish that the credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding.
- Prohibit the introduction of the complainant’s sexual history at trial when it is unrelated to the case.
- Ensure that no adverse inference can be drawn solely from a delay of any length between the alleged commission of an offence and the reporting thereof.
- Develop guidelines for criminal justice officials on how to question the victim, particularly girl victims, such as gentle questioning techniques, and treatment of victims in a sensitized and empathetic manner.
- Limit the questions that can be posed to a victim during the trial to avoid any unfair, aggressive and discriminatory questioning by defence or any question that relies on myths and stereotyping.
- Prohibit the introduction of any cautionary or corroboration rule.

### **Limiting discrimination-based defences**

- Prohibit any rule or principle of defence that discriminates against women, such as honour or provocation, to be invoked by perpetrators to escape criminal responsibility.
- Not exempt from criminal responsibility the accused who perpetuated acts of violence against women while voluntarily under the influence of alcohol, drugs or other substances.

**Jury selection**

- In accordance with the national legal system, ensure that guidance in the selection of juries is performed so as to ensure that jury members are not misinformed by myths and stereotypes of victims behaviour.

**Where the victim is the accused at trial**

- Make sure that claims of self-defence by women who have been victims of violence, particularly in cases of battered woman syndrome,<sup>12</sup> are taken into account at trial.

**Comprehensive services and protection measures for victims during trial**

- Protect victims from intimidation and retaliation, including by establishing comprehensive witness and victim protection programmes.
- Ensure access to legal aid, in jurisdictions which allow victims standing at the criminal trial.
- Promote partnerships and agreements/protocols with civil society victims' groups to support and guide victims through the trial. This includes court accompaniment, schemes to orient and familiarize the victims; support and empowerment programmes.
- Establish standardized practices to prepare victims for court.

**Case management issues**

- Promote the use of specialized courts or dedicated court time for cases of violence against women.
- Promote the comprehensive interdisciplinary approach to setting up specialized courts which provide a broad range of related services that support or interact with the court. Depending on the jurisdiction, this could include victim support services, government or community treatment programmes, specialist police, prosecutors and judges, intermediaries, legal aid, oversight coordinator.
- Promote specialized courts to have integrated jurisdictions (criminal and civil), according to the framework of State's national legal systems.

---

<sup>12</sup> Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including refusing to press charges or to accept offers of support.

- Consider the introduction of a fast track system which prioritizes violence against women cases within the regular court system.
- Provide that courts establish partnerships with victim support groups and advocacy services to coordinate effective access.
- Ensure that regular case file meetings with all relevant criminal justice stakeholders are held to discuss problems and ensure efficient management of cases.

### *7. Verdict and sentence hearing*

Once the trial is concluded, the judge, or in some cases the jury, reads or releases the verdict. Either the accused is acquitted or convicted. At a sentencing hearing the judge determines the nature and duration of penalties to impose. The defendant has a right to appeal, which may be on an error in law, error in fact or the penalty imposed.

States should consider undertaking the following measures related to the verdict and sentence hearing phase:

#### **Sentencing hearings**

- For sentencing hearings, ensure that all relevant information and evidence is before the courts.
- Develop policies and/or checklists for types of relevant information for sentencing hearing.
- Take into account, in the sentencing process, the severity of the physical and psychological harm and the impact of victimization. This could be achieved through victim impact statement, orally addressing the court, writing a letter to the judge, having family, friends or others address the court, or work with officials to prepare a pre-sentence report.
- Take into account, in the sentencing process, the offender's risk of repeat offending at the time of sentencing (i.e. current risk assessment).
- Take into account the whole prior criminal record of the offender, including any past "failure to appear".
- At the time of sentencing, take into account any other information, including:
  - Information on the nature and gravity of offence;
  - History of abuse;

- Previous efforts at rehabilitation;
  - Defendant's character;
  - Current rehabilitation needs; and
  - Any aggravating factors.
- In jurisdictions which allow it, ensure that pre-sentence reports are prepared.

### **Sentence strategies and guidelines**

Ensure that sentencing policies and procedures take into consideration the following:

- Hold offenders accountable for their acts;
  - Denounce and deter violence against women;
  - Stop violent behaviour;
  - Promote victim and community safety;
  - Take into account the impact on victims and family of the sentences imposed;
  - Provide sanctions that are commensurate with the severity of the offence;
  - Provide reparations for harm; and
  - Promote rehabilitation of perpetrator, as appropriate.
- Not reduce sentencing for “honour-related” crimes or where the victims are viewed as particular types, such as sex workers or non-virgins.

Provide guidance on what constitutes substantial and compelling circumstances. For example, not consider in mitigation those arguments that detract from the character of a victim or are based on negative gender myths and stereotyping.

- Develop guidelines to consider specific circumstances as aggravating factors for sentencing purposes, and include the following:
  - Repeated violent acts;
  - Abuse of a position of trust or authority;
  - Perpetration of violence against a spouse or a person in a close relationship with the perpetrator or former relationship;
  - Violence against or in the presence of a child;

Offence committed against a person vulnerable by particular circumstances;

Offence committed by two or more people acting together;

Offence preceded or accompanied by extreme levels of violence;

Offence committed with the use or threat of a weapon;

Offence which resulted in severe physical or psychological harm for the victim; and

The fact that the offender had previously been convicted of offences of a similar nature.

### **Intrusive versus less intrusive dispositions**

- Consider more intrusive dispositions (incarceration, work release, electronic monitoring and conditioned probation) rather than less intrusive sentences of fines or suspended sentences without probation.
- Ensure that careful consideration is given on whether fine disposition is appropriate in domestic violence cases, where the offender maintains a continuing obligation to pay child support or alimony or the victim and her children are continuing to live with the offender, and the victim believes that a fine would negatively impact her ability to support herself and her children.
- Ensure that caution is exercised when sentencing “first time” offenders of violence against women to conditional discharges.

### **Treatment or rehabilitation programmes**

- Establish guidelines as to when courts should order treatment or rehabilitation programmes as part of the sentence and which programmes to consider.
- When considering such programmes before a disposition is made, ensure that the court requires an appropriate suitability assessment of offender prior to the acceptance on the programme with ongoing risk assessment.
- Establish that such disposition is part of a conviction rather than an alternative to criminal record and includes provisions for court supervision and court sanction if offenders do not satisfactory complete the programme.
- Make sure that the following considerations are followed when deciding which programmes to consider:

Programmes that are adequately funded;

Programmes that have trained staff to ensure timely monitoring and immediate enforcement;

Programmes which are accredited with an organization that supports victim feedback as to whether the violence continues;

Programmes that are committed to working within a gendered structural analysis of violence against women, as opposed to a simplistic or individualized anger management paradigm; and

Programmes committed not to engage in any relationship counselling or mediation.

- Make sure that the disposition ordering treatment or rehabilitation programmes for offenders prioritizes the safety of victims.

#### **Other measures**

- Where certain registries are established, such as sex offender registry or firearms control registry, as part of the sentence, require the offender to register, where appropriate according to the individual case.

#### **Issues of restitution and reparations**

- Ensure that both the procedural and substantive aspects of the right of victims to reparations are defined as expansively as possible, according to the national legal framework.
- Where domestic law permits, provide that restitution to the victim is considered as part of the sentencing hearing.
- Make sure that the victim's actual damages and costs incurred as a result of the crime are given as expansive a meaning as possible following national principles of criminal law. Consider including assessing physical and mental damage; lost opportunities, including employment, education and social benefits; material and moral damages; measures of rehabilitation, including medical and psychological care, as well as legal and social services.
- Prioritize restitution ahead of court costs, fines and penalties.

## *8. Corrections*

Corrections include prison services as well as community corrections. This part covers corrections considerations for perpetrators of violence against women

as well as how these agencies handle female offenders who may be victims of violence or vulnerable to violence within the prisons or detention centres.

In this area, States should consider taking the following actions:

### **Corrections considerations for perpetrators**

- In situations where the prisoner is restricted from communicating with the victim in accordance with any court ordered condition or active protective order, ensure that this is included in the warrant files to the prison/ correctional centre.
- Ensure that the victims are notified of the offender's release from detention or imprisonment. Victims should be given the opportunity to indicate that they do not wish to receive such information.
- Develop partnerships/protocols between police, civil society and correction officials in relation to perpetrators who are being supervised in the community.
- Ensure that all treatment/rehabilitation programmes for perpetrators prioritize safety of victims, whether these programmes are based in prisons or in the community.
- Create a specialist risk assessment tool to enhance the validity of the risk-targeting criteria for the offending behaviour programmes.
- Ensure that judicial and correctional authorities, as appropriate, monitor perpetrator's compliance with any treatment/rehabilitation orders.
- Ensure that adequate responses are available to treat and rehabilitate individuals, both through the criminal justice system and other referral routes.
- Develop strategies for offender management re-integration and develop guidance for offender managers working with different forms of violence against women perpetrators.
- Ensure that convicted sex offenders are managed in the community with strategies that prioritize the prevention of future sexual victimization. Such strategies could include in-depth treatment provided by qualified practitioners, intensive supervision and monitoring by specially trained probation and parole officers and community prevention and education on respectful interactions.
- Consider the use of teleprocessing tracking devices as they can provide an effective means for the real protection of the victim, and it has a clear deterrent effect on the offender.

**Measures to support female offenders who have been victims of violence**

- Develop prison or detention facility policies and practices for female prisoners that reflect current research indicating that significant numbers of female prisoners have histories of sexual abuse and/or domestic violence.
- Provide for training for prison staff in relation to the needs of female prisoners who have experienced violence against women.
- Develop measures to identify and prevent further victimization of female prisoners during visits by abusive intimate or former intimate partner.
- Ensure that periodic inspections of the prisons should be carried out by inspectorates, visiting or monitoring boards or supervisory bodies which should include women members.
- Put in place effective measures to ensure that female prisoners' dignity and respect are protected during all prison activities. For instance, ensure that all personal searches are carried out only by female staff.
- Facilitate contact with the outside world.
- Provide that prison populations are segregated based on sex and adult/ juveniles.
- Put in place procedures to ensure that the female prisoner can seek recourse from judicial authorities for any violence against women experienced in prison and is informed of the procedures and steps and her right to do so. She should have access to legal assistance and be protected from any form of retaliation.
- Ensure that female prisoners have access to specialized psychological support or counselling, as well as immediate protection.
- Make sure that all reports of violence against women by female prisoners are investigated in a timely manner by competent and independent authorities, with full respect for the principle of confidentiality.
- Ensure that a range of gender-sensitive community alternatives to custody are available to the judiciary, such as adequate single-sex hostels (for women and their children), intensive supervision and electronic surveillance.
- Commission women community services.

### *9. Crime prevention*

Crime prevention is recognized as a core component of any strategy to end violence against women. Prevention strategies should be comprehensive

and broad in order to create a safe and secure environment for women. Prevention strategies and activities should be multisectoral and address the root causes of violence, both the de jure and de facto discrimination against women in all spheres of life, and promote the realization of women's human rights, including economic, social and cultural rights. This includes measures to empower women and strengthening their economic independence.

Crime prevention strategies should also be mindful that violence also affects women who are educated and financially independent. The broadest definition of violence against women should infuse efforts to prevent and respond to this type of violence. Developing and delivering crime prevention strategies can engage a wide range of stakeholders such as communities, religious and community leaders, civil society and women's organizations, men and boys, young people and the private sector, including the media.

This Blueprint for Action focuses on preventive actions that criminal justice agencies should undertake and be involved with. Criminal justice agencies need to recognize that crime issues cannot be addressed in isolation from but rather within the social context. There has to be an understanding as to how they can transform the cultural attitudes and values within their own agencies as well in their communities. Preventative approaches include stopping violence at its source, intervening at the earliest possible time to protect victims and identifying wider opportunities to challenge and change attitudes and behaviours that underpin violence against women.

In 2002 the United Nations adopted the Guidelines for the Prevention of Crime,<sup>13</sup> which should be read together with the framework below.

In order to develop effective and comprehensive crime prevention strategies related to violence against women, States should consider implementing the following measures:

### **Challenging the attitudes and behaviours**

- Ensure that criminal justice agencies are partners in public awareness campaigns on violence against women as well as in promoting gender equality and challenging gender stereotypes and social norms that perpetuate such violence.

---

<sup>13</sup> Economic and Social Council resolution 2002/13, annex.

- Make sure that criminal justice agencies are involved in setting up outreach programmes for offenders or persons identified as potential offenders in order to promote non-violent behaviour and attitudes of respect for women.
- Provide that police, prosecutors and judges collaborate and cooperate closely with all institutions, mainly educational and welfare bodies, in general campaigns and in specific awareness-raising activities and training for children and youth. The focus could include the importance of relationships of equality and the need to eradicate violence.
- Invite police, prosecutors and judges to contribute to the development of education curricula on gender equality, healthy relationships, sexual consent, respect for human rights and equality between women and men and containing information on different forms of violence against women and the role of the criminal justice system.
- If possible and in the respect of relevant national legislation, invite criminal justice agencies to work closely with media regulators and stakeholders across industry to ensure that suitable media content protections are maintained.
- If possible and in the respect of relevant national legislation, provide that criminal justice agencies work with journalists to produce guidance for journalists reporting on issues relating to violence against women.
- Consider the development and implementation of appropriate measures to challenge and discourage social media sites that enable or allow promotion of violence against women.

**Increase personal safety of women**

- Ensure that criminal justice agencies develop community safety strategies that shift the focus toward creating safe private and public spaces for women.
- Make sure that criminal justice agencies contribute to women safety audits to assist in designing gender-sensitive urban infrastructure and develop urban safety guidelines.
- Develop programmes to assess perceptions of public safety and developing safety planning, environmental design and management of public space in order to reduce risk of violence against women. Provide that criminal justice agencies to work with women's and local communities towards this end.

- Consider ways to increase personal safety for women, including initiatives to improve women perceptions of personal safety.
- Increase criminal justice agencies awareness of initiatives to tackle crime and anti-social behaviour on public transport and other public spaces and develop partnerships with civil society groups who are engaged in these initiatives.

### **Gender mainstreaming in institutional policies, regulations, protocols and guidelines**

- Ensure that all institutional policies, procedures, regulations, protocols and guidelines that guide the operation of the various criminal justice agencies promote gender equality and mainstream gender.
- Ensure that the attitudes and beliefs of the executive officers and senior managers of criminal justice agencies promote equality and do not perpetuate tolerance of gender stereotyping and inequality.
- Provide that all recruitment, training and training material are reviewed to ensure that it does not contribute to perpetuating tolerance of gender stereotyping and inequality.

### **Codes of conduct for personnel in criminal justice agencies**

- Provide that codes of conduct for the criminal justice agencies prohibit violence against women, including sexual harassment; ensure equality treatment and gender mainstreaming; and include safe complaint and referral procedures.
- Advocate gender mainstreaming policies in criminal justice agencies and ensure that no sexual harassment is tolerated and condoned in police forces, prosecution services or judiciary and courts administrations.

### **Criminal justice communications strategies**

- Ensure that communication strategies and the way in which each agency responds to media are developed in a way that does not reinforce gender stereotyping.
- Solicit criminal justice agencies to develop proactive press strategies, to have press officers to develop media strategies that promote positive image of victim, raise awareness of the role of the criminal justice system, and information to encourage reporting of violence against women incidents.

### **Section three. Elements for an integrated and coordinated criminal justice response**

Given the differing mandates of each agency, a coordinated response is essential to changing the manner in which the criminal justice system as a whole traditionally has responded to violence against women.

A coordinated approach ensures that all criminal justice agencies understand the dynamics of gendered violence and transforms the institutional culture of the criminal justice system away from institutional goals to one focusing on the safety and empowerment of women.

The burden of confronting the impunity of violence against women must shift from the victim to the criminal justice institutions to whatever extent possible and without coercing the victim into certain courses of action.

Coordination sets transparent standards and expectations from each agency and contributes to better communications and linkages between the different criminal justice agencies and service providers. It minimizes the silo effect of each agency's mandate by articulating a shared understanding of how to respond to violence against women. It contributes to actions by different criminal justice agencies complementing each other rather than undermining each other. From the perspective of a victim, this means that she will be met with the same understanding of her rights and her situation and receive the same high-quality response from all criminal justice officials. As such, the victim will have greater confidence in the system and increase her willingness to cooperate with the investigation and prosecution.

While this Blueprint for Action focuses on improving the coordination and working relationship among the different criminal justice agencies, the importance of a multisectoral response to violence against women is not far away. The reality is that an effective crime prevention and criminal justice response requires close cooperation between the criminal justice agencies and others, such as health and education sectors, and women's and community groups.

#### *1. Coordination mechanisms*

Coordination can take many forms. Some are highly structured, formal and involve representatives from all relevant agencies and groups. Others

may have specifically defined goals, be more informal and involve fewer agency representatives. At a minimum, there is a need to develop and maintain effective working relationships among the key criminal justice stakeholders. Information sharing, information flow and referral mechanisms are essential as well as exploring one another's mandates, procedures and limitations.

Coordination mechanisms might range from a multidisciplinary structure established by legislation with a clear and extensive mandate to a looser structure established through a series of protocols or memorandums of understanding amongst the criminal justice stakeholders. Whatever the mechanism, information sharing among police, prosecutors, courts and victim services—in line with the law and with the necessary ethical considerations—is critical to ensuring the safety of victims and the accountability of perpetrators. It also enables early intervention and secondary preventive strategies as information sharing can enhance case management and coordination.

## *2. The essential elements for an integrated and coordinated criminal justice response*

Notwithstanding the design and structure of the coordination mechanism or approach taken in a particular country, States should consider undertaking the following actions to ensure an integrated and coordinated criminal justice response.

### **Consistent and shared understanding of violence against women**

- Ensure that relevant definitions are agreed upon by all criminal justice stakeholders.
- Promote a shared understanding of the factors that increase the risk of violence against women.

### **Shared philosophical framework on violence against women response**

- Recognize that violence against women is different from other crimes due to the gendered nature of such crimes and deserves to be handled in a unique manner.
- Acknowledge that the current criminal justice processes have not proven to manage these crimes in an effective way that reduces their occurrence or the extent of harm to the victim, families and communities.

- Recognize that a coordinated and multi-agency approach is essential to obtain best outcomes for victims.
- Recognize that victims are central participants in the criminal justice process and they deserve timely, compassionate, respectful and sensitive treatment.
- Acknowledge that victims have the right to be well informed in order to make their own decisions about participation in all stages of the criminal justice system. The criminal justice response is to ensure victim safety and help them to manage the risk. All actions should be applied in a manner that empowers individual women who are victims of violence and avoid “re-victimizing” the victim.
- Promote human rights and gender equality and mainstreaming.
- Promote offender accountability and rehabilitation.

### **Governing principles**

- Set out each agencies’ mandates, procedures and limitations. All participating agencies should hold each other accountable for their responses to victims.
- Share information, within the privacy and confidentiality requirements. Generally, agencies may disclose information for the purpose for which it was obtained or compiled or for a use consistent with that purpose. An informed consent should be used whenever possible.
- Share and coordinate resources in the best interest of all agencies and victims.
- Adopt a multi-disciplinary or multi-agency approach.
- Ensure that responses are evidence led and that all criminal justice agencies collaborate to ensure enhanced data collection and analysis, as well as to promote independent evaluations and research.
- Promote transparency of operations, policies and procedures as well as in publishing and monitoring data.

### **Elements for an integrated system and response options for the criminal justice system**

- Invite national agencies to discuss the components of coordinated response whose components could include:
  - Pro-arrest policies;
  - Risk assessment and protection measures;

Follow-up support and advocacy for victims;

Pro-charge and comprehensive investigations;

Prompt prosecution;

Commensurate sentencing policies; and

Active monitoring of offender compliance with treatment/rehabilitation programmes or sentencing conditions.

- Spell out which agency will be responsible for which step and clarify which partnerships is needed to ensure effective implementation (both with other criminal justice agencies and organizations outside the criminal justice system).
- Develop protocols, referral pathways and information sharing mechanisms.
- Conduct interdisciplinary training.
- Consider specialist and multisectoral structures (i.e. one-stop centres, special police units, prosecution units and courts, etc.) as resources and funding permit.
- Set regular meetings (i.e. case conferencing) to identify gaps and barriers and work together to seek solutions.
- Develop best practices on how to work together and in a coordinated effort to reduce incidents of violence against women and increase individual safety.
- Increase the ability of the criminal justice system to manage incidents of this type of violence in a way that minimizes the possibility of re-victimizing the victim.
- Increase the safety of victims by having comprehensive risk assessments.

### **Understanding each other's roles**

- Clearly articulate each agency's role in the response system, identify key relationships and align the integrated response with specific policies and codes of practices of each criminal justice agency.
- Determine what additional requirements are needed for particular agencies to build role clarity across the different agencies and ensure a standardized approach.
- Develop, if necessary, model protocols for adoption by particular agencies to govern certain interactions.

**Monitoring and accountability mechanisms**

- Oversight of the coordination approach should be arms-length, independent, accessible to public and victims.
- Make sure that the coordination plan has clear targets and indicators for ongoing monitoring and assessing impact.

## **D. Data collection and analysis, monitoring and evaluation**

Research and evaluation is essential for furthering criminal justice agencies' understanding of violence against women and improving the response through evidence-based reform. Monitoring and evaluating the implementation of laws, policies and programmes require data and analysis. Data collection and monitoring systems should enable identification of cases of violence against women and permit monitoring of interventions, repeat victimization, case flow and outcomes.

### *1. Reliable, systematic and regular data collection*

With a view to developing a system for the reliable, systematic and regular collection of data, States should consider undertaking the following measures:

#### **Setting up and strengthening mechanisms for systematic and coordinated data collection**

- Ensure that existing relevant agencies/mechanisms/organizations have mandate to collect, analyse and publish data and information.
- Collect and analyse data and information for carrying out needs assessments, taking decisions and developing policy in the field of crime prevention and criminal justice.
- Enhance the capacities of the national statistical agencies to compile sex and age-disaggregated data, in an ethical, safe and gender-sensitive manner, including by providing qualified staff and sufficient funds.
- Encourage disaggregated data concerning specific groups of women, who may suffer from multiple and intersecting forms of discrimination.
- Consider establishing observatories, special institutions or committees to be responsible for collecting and analysing data and information on violence against women to identify gaps and propose new policies.
- Develop procedures for collecting, storing and transferring collected data to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.

- Ensure that data on violence against women are collected in a way that respects the confidentiality and human rights of women and does not jeopardize their safety.

### **Publication and dissemination of public reports**

- Provide that annual reports are published on the number of cases of violence against women reported to the police as well as other criminal justice agencies, including arrest and clearance rates, prosecution and case disposition of the offenders and the prevalence of this type of violence, based on different data collection methodologies.
- Ensure that such reports disaggregate data by sex, age and type of violence, including, for example, information on the sex and age of the perpetrator and his or her relationship to the victim. Reports should also indicate whether any specific groups of women have suffered from higher incidence of violence or specific types of violence.
- Ensure that caution is exercised when reporting data and crafting of communication. (For example, need to appreciate that increase numbers of reported cases might be positive rather than negative and does not correlate to increase violence.)

### **Criminal administrative data standards**

- Coordinate the collection of criminal administrative data which is generated by police, prosecution services, the courts and corrections, including arrest and clearance rates, prosecution, case disposition of the offenders and recidivism rates.
- Ensure the compatibility of the collection methodology and classifications used by criminal justice agencies and others for comparable analysis.
- Consider introducing statistical procedures for marking violence against women cases consistently and tracing them through the criminal justice system or introducing a “structured information on crime model” which develops a uniform set of provisions for compiling already existing data systems of criminal justice agencies to allow for following of this type of violence cases through the criminal process.
- Ensure that the minimum data to be collected include:
  - Distinguishing violence against women cases from other cases;
  - Sex and age of victim and perpetrator;
  - Relationship between victim and perpetrator;

Type of violence (according to criminal code offence);

Outcome of cases;

The number of cases that are discontinued and the reasons for unsuccessful completion (i.e. key witness/victim does not support the case, victim fails to attend unexpectedly, victim refuses to give evidence or retracts, essential legal elements missing, etc.); and

The number of cases that go to trial and their outcome.

- Consider including equity and diversity information for accused and victims to ensure adequate additional assistance is provided to specific groups (including gender, age, religion or belief, ethnicity and disability).
- Consider gathering information about what happens to cases after a victim has retracted her statement. (For example, does the case proceed with other evidence, using victim statements only or through victim summons? Does the defendant plead guilty or is the case unsuccessful?)
- Consider gathering information as whether support was provided to victims by specialist agencies.

### **Violence against women population surveys**

- Undertake, at least every 10 years, one dedicated survey, such as a violence against women survey using the nine core indicators below to gather the following detailed information on the extent of different forms of violence against women:

Total and age-specific rate of women subjected to physical violence in the last 12 months by severity, relationship to the perpetrator and frequency;

Total and age-specific rate of women subjected to physical violence during lifetime by severity of violence, relationship to the perpetrator and frequency;

Total and age-specific rate of women subjected to sexual violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency;

Total and age-specific rate of women subjected to sexual violence during lifetime by severity of violence, relationship to the perpetrator and frequency;

Total and age-specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner in the last 12 months by frequency;

Total and age-specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner during lifetime by frequency;

Total and age-specific rate of women subjected to psychological violence in the past 12 months by the intimate partner;

Total and age-specific rate of women subjected to economic violence in the past 12 months by the intimate partner; and

Total and age-specific rate of women subjected to female genital mutilation.

- If implementing a dedicated survey on violence against women is not possible, consider using the module developed by the Friends of the Chair of the United Nations Statistical Commission.
- Consider expanding the categories of statistics to include: gender-related killings of women and harassment-related issues, such as cyber-harassment.

**Other studies—qualitative data generated by government and non-government sources**

- Make sure that criminal justice institutions facilitate specific studies by providing access to relevant data, by conducting and publishing their own studies and by forming research partnerships with the academia and research centres.
- Consider conducting studies on the cost of violence against women (distinguish difference costing for purposes of budgeting versus impact costing).
- Evaluate how effective the criminal justice system is in meeting the needs of the victims as a whole and for each agency. This should include victims' opinions on the quality of services in the criminal justice system and cooperation between justice, health and support sector.
- Support research that develops a greater understanding of the extent and nature of attrition.
- Support an understanding of the incidence, reporting and prosecution of false allegations or perverting the course of justice in violence against women cases.
- Evaluate offenders treatment programmes.

### **Coordinated efforts**

- Ensure multisectoral, coordinated approach to the development, implementation, monitoring and evaluation of data-collection initiatives.

### **Assist international efforts to develop a set of indicators for the collection of administrative crime data to measure violence against women**

- Assist the development of a United Nations crime classification systems that provide basic information on the number of violence against women crimes reported to different authorities. This will provide a rough measure of criminal justice systems action and victims' willingness to report.

### *2. Types of data and information to collect for needs assessment and policy development*

In order to identify what types of data and information to collect for needs assessments and policy development, States should consider drawing upon the updated Model Strategies and Practical Measures which call on States to gather the following data and information:

- The different forms of violence against women.
- Their causes, risks, protective factors and levels of security of such violence and the consequences and impacts of such violence, including on different population subgroups.
- The extent to which economic deprivation and exploitation are linked to violence against women.
- The patterns, trends and indicators of this type of violence, women's feeling of insecurity in the public and private spheres and factors that can reduce such feelings of insecurity.
- The relationship between the victim and the offender.
- The effect of various types of interventions on the individual offender and on the reduction and elimination of violence against women as a whole.
- The use of weapons and of drugs and other substances in cases of violence against women.

- The relationship between victimization or exposure to violence and subsequent violent activity.
- The relationship between the violence experienced by women and women's vulnerability to other types of abuse.
- The consequences of violence on those who witness it, particularly within the family.

## **Annex. List of selected United Nations instruments and resources**

### **Treaties**

Convention on the Elimination of All Forms of Discrimination Against Women (General Assembly resolution 34/180)

Convention on the Rights of the Child (General Assembly resolution 44/25)

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (United Nations, *Treaty Series*, vol. 2171, No. 27531)

Convention against Transnational Organized Crime (United Nations, *Treaty Series*, vol. 2225, No. 39574)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention against Transnational Organized Crime (United Nations, *Treaty Series*, vol. 2237, No. 39574)

### **Other United Nations documents**

Declaration on the Elimination of Violence Against Women (General Assembly resolution 48/104)

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex)

Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20 of 22 July 2005)

Updated Model Strategies and Practical Measures for the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 65/457, annex)

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

### **Tools**

UNODC, *Handbook and Training Curriculum on Effective Police Responses to Violence against Women* (UNODC Criminal Justice Series, 2010) found at [www.unodc.org/documents/justice-and-prison-reform/hb\\_eff\\_police\\_responses.pdf](http://www.unodc.org/documents/justice-and-prison-reform/hb_eff_police_responses.pdf).

UNODC, *Handbook on Effective Prosecution Responses to Violence against Women and Girls* (forthcoming)

UNODC, *Anti-Human Trafficking Manual for Criminal Justice Practitioners*.

UNODC and UNICEF, *Handbook for Professionals and Policymakers on Justice in matters involving child victims and witnesses of crime*, at [www.unodc.org/documents/justice-and-prison-reform/hb\\_justice\\_in\\_matters\\_professionals.pdf](http://www.unodc.org/documents/justice-and-prison-reform/hb_justice_in_matters_professionals.pdf).

UN-Women, *Handbook for National Action Plans on Violence against Women* (NY: 2012) found at [www.un.org/womenwatch/daw/handbook-for-nap-on-vaw.pdf](http://www.un.org/womenwatch/daw/handbook-for-nap-on-vaw.pdf).

UN-Women, *Handbook for Legislation on Violence against Women* and its supplement on *Harmful Practices against Women* (NY: 2010) found at [www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf](http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf).

UN-Women, the various modules and information in the Virtual Knowledge Centre to End Violence against Women and Girls relating to the criminal justice response to violence against women, found at [www.endvawnow.org](http://www.endvawnow.org).

### Other resources

Special Rapporteur on Violence against women, including its causes and consequences – various reports found at [www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx](http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx).

United Nations (2006) “Secretary-General’s In-depth Study on Violence Against Women”, A/61/122/Add.1 found at [www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm](http://www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm).

UN-Women, *Progress of the World’s Women: In Pursuit of Justice: 2011–2012* (UN-Women: 2011) found at [www.progress.unwomen.org/pdfs/EN-Report-Progress.pdf](http://www.progress.unwomen.org/pdfs/EN-Report-Progress.pdf).







# UNODC

United Nations Office on Drugs and Crime

Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria  
Tel.: (+43-1) 26060-0, Fax: (+43-1) 26060-5866, [www.unodc.org](http://www.unodc.org)