

## **Summary of United Nations "Good Practices in Legislation on Violence against Women"**

[\*Good practices in legislation on violence against women\*](#) will assist States in “enhancing existing and developing new legislation on violence against women.” Advocates in CEE/FSU countries and other stakeholders should review and discuss ways to incorporate [\*Good practices in legislation on violence against women\*](#), a report of the expert group meeting organized by the [United Nations Division for the Advancement of Women](#) and the [United Nations Office on Drugs and Crime](#), released in November 2008.

The expert group was convened in response to the [Secretary-General's 2006 in-depth study on all forms of violence against women](#) and [General Assembly resolution 61/143](#). Under current international law, States must address violence against women, including through the enactment of legislation, but at present, only about one-half of the member states of the United Nations have specific legal provisions on domestic violence.

### **Goal of the Model Framework**

The group studied different legislative approaches to violence against women and developed this model framework for legislation based upon best practices and lessons learned. They agreed that the goal of legislation on violence against women should be:

- To prevent the violence,
- To ensure the accountability of perpetrators and
- To protect and support the victims/survivors.

The group recommended that drafters consult with stakeholders who will implement the legislation in order to determine the best legislative response, and that drafters also consult with those who will be affected by the legislation. The expert group called upon drafters to use a human rights perspective in their work. All legislation, new or existing, should be in compliance with international human rights standards. The group stated that legislation is just a first step to combat violence against women, and that it must be implemented effectively before it can be declared a success.

### **Recommendations for Drafters of Legislation on Violence Against Women**

According to the model framework, drafters should:

- Study reliable data on the scope and prevalence of violence against women,
- Be aware of the causes of such violence, and the consequences incurred by victims/survivors and
- Study the legislation of other countries which demonstrates good practices.

By taking all of this knowledge into account, drafters will improve their law and enhance its effectiveness.

## **Model Framework Recommendations (excerpts only)**

The model framework includes recommendations for all forms of violence against women, and also those which are specifically directed at domestic violence or sexual violence. Each recommendation is followed by an explanation and by examples of promising practices worldwide. Please refer to [Good practices in legislation on violence against women](#) for the full set of recommendations.

### Recommendation 1 C

*Legislation should: be comprehensive and multidisciplinary, criminalizing all forms of violence against women, and encompassing issues of prevention, protection, survivor empowerment and support (health, economic, social, psychological), as well as adequate punishment of perpetrators and availability of remedies for survivors.*

### Recommendation 2 A

*Legislation should: provide for the amendment and/or removal of provisions contained in other areas of law, such as family and divorce law, property law, housing rules and regulations, social security law, and employment law that contradict the legislation adopted, so as to ensure a consistent legal framework that promotes women's human rights and gender equality, and the elimination of violence against women.*

### Recommendation 2 C

*Legislation should: mandate the allocation of a budget for its implementation by:*

- *creating a general obligation on Government to provide an adequate budget for the implementation of the relevant activities; and/or*
- *requesting the allocation of funding for a specific activity, for example, the creation of a specialized prosecutor's office; and/or*
- *allocating a specific budget to non-governmental organizations for a specified range of activities related to its implementation.*

### Recommendation 2 D

*Legislation should: provide a deadline regarding the length of time that may pass between its adoption and entry into force.*

### Recommendation 2 E

*Legislation should mandate:*

- *regular and institutionalized gender-sensitivity training and capacity-building on violence against women for public officials*
- *specific training and capacity-building for relevant public officials when new legislation is enacted, to ensure that they are aware of and competent to use their new duties; and*
- *that such training and capacity-building be developed and carried out in close consultation with non-governmental organizations and service providers for complainants/survivors of violence against women*

The UN model framework also includes specific recommendations on defining and preventing violence against women and the response to such violence, including: protocols, specialized courts, police, prosecutors, penalties, and sentencing issues; monitoring the effectiveness of the laws; victim rights and support; protection orders; family law cases which involve domestic violence; civil lawsuits and asylum cases. [\*Good practices in legislation on violence against women\*](#) also includes commentary on legislation on violence against women from a number of countries.

For further study and additional resources, please visit the [United Nations Division for the Advancement of Women, Expert Group Meeting on good practices in legislation on violence against women](#) website.