

VIOLENCE AGAINST WOMEN

Paper by the Department of Justice, Canada

1. Violence against women has been a major concern for Commonwealth Ministers Responsible for Women's Affairs since their First Meeting in Nairobi in 1985. When they met in Cyprus in 1993, Ministers requested the Commonwealth Secretariat to continue its work as a clearing house on information concerning violence against women and girls, and to disseminate materials and manuals on women's rights as human rights to Commonwealth governments and non-governmental organisations (NGOs).

2. The Commonwealth Plan of Action on Gender and Development, which was fully endorsed by Heads of Government in Auckland in November 1995, has as one of its key strategic objectives for governments, "to promote and defend women's rights as human rights and outlaw all violence against women and girls". Specific measures for governments under the new Plan of Action relate to "women's rights as human rights, the elimination of violence against women, the protection of the girl child and the outlawing of all forms of trafficking in women and girls".

3. On the part of the Gender and Youth Affairs Division (GYAD) of the Secretariat, a number of training and resource materials on violence against women have been developed, including three manuals which have been widely disseminated and used. These are *Confronting Violence: A manual for Commonwealth Action*, *Guidelines for Police Training on Violence against Women and Child Sexual Abuse*, and

Violence Against Women: Curriculum Materials for Legal Studies. A *Commonwealth Annotated Bibliography on Violence against Women* was also published for use in training and public awareness programmes and information on measures being taken by governments, NGOs and other organisations to combat violence against women in the Commonwealth. The paper, *Combating Violence Against Women: A Commonwealth Experience*, distributed at this meeting, contains more interesting information on activities/approaches implemented by the Commonwealth Secretariat.

4. At their 1996 Meeting in Kuala Lumpur, Commonwealth Law Ministers gave special attention to the human rights of women in the context of their discussion of Commonwealth fundamental values. Ministers acknowledged that violence undermines women's fundamental human rights and freedoms and that no matter what the context, violence against women is unacceptable. At that Meeting, they supported the need for more work to be undertaken at both the national and international levels to address the issue of violence against women and welcomed proposals setting out a range of practical measures, including a comprehensive review of the criminal justice system, designed to achieve the elimination of violence against women.

5. The issue of the elimination of violence against women had never been substantially addressed in the criminal law context, until recently when the United Nations Commission on Crime Prevention and Criminal Justice

included it as a priority item on its work agenda and invited the 9th United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1995) to consider this matter. As one of the two principal sponsors that introduced the resolution concerning the elimination of violence against women at the 9th Congress, Canada wholeheartedly supported the need for more work to be undertaken at the international level to address the issue of violence against women. However, the multifaceted nature of violence against women suggested that different strategies were required to deal with different manifestations of violence and the various contexts in which it occurs.

6. Therefore, at the Kuala Lumpur Meeting, Canada submitted a document concerning practical-oriented measures, strategies and activities that could be introduced in the field of crime prevention and criminal justice to address the problem of violence against women, in order to facilitate discussion on this issue. The document had also been submitted to the Secretary-General of the United Nations as a Canadian proposal to be discussed within the United Nations Commission on Crime Prevention and Criminal Justice.

7. In April 1997, Canada succeeded in having the Commission adopt the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. The Model Strategies are annexed to a resolution concerning "Crime prevention and criminal justice measures to eliminate violence against women", which was adopted as Resolution 52/86 by the General Assembly on 12 December 1997.

8. The Model Strategies are a model of guidelines to be used by governments and other entities in their

efforts to address, within the criminal justice system, the various manifestations of violence against women. They are divided into 11 sections dealing with criminal law, criminal procedure, police, sentencing and corrections, victim support and assistance, health and social services, training, research and evaluation, crime prevention measures, international co-operation and follow-up activities.

9. Besides suggesting follow-up action on the adoption of the Model Strategies, the General Assembly Resolution also proposes that the issue of violence against women be considered at the high-level segment of one of the forthcoming sessions of the Economic and Social Council in the context of its discussion on the human rights of women. The Resolution further requests the Secretary-General to transmit the Model Strategies to other relevant United Nations organisations and bodies and to invite them to develop their own Model Strategies in their area of expertise. It also requests the Secretary-General to submit to the General Assembly at its fifty-fourth session (1999), through ECOSOC, a report on the implementation of the Resolution.

10. Because of its leadership role in raising the profile of the issue of violence against women at the international level, Canada is now being asked to collaborate with other states, United Nations institutes and NGOs in their efforts to combat violence against women in the field of crime prevention and criminal justice. Most recently, the Vancouver-based International Centre for Criminal Law Reform and Criminal Justice Policy, with the financial assistance of the Department of Justice, Canada, developed a Resource Manual, which is available to participants at this Meeting, to assist the implementation of the Model Strategies at the international level.

11. The Manual is meant to offer concise information on the experiences acquired in various countries in successfully implementing the Model Strategies. Throughout the Manual, each provision of the Model Strategies is summarised in plain language, followed by a statement of the challenges entailed, a description of initiatives from around the world which address each provision, and, where applicable, a discussion of what is known about the impact of implementation efforts. This approach has been used in an effort to make the Manual as accessible as possible.

12. The Manual was distributed at the 8th session of the United Nations Commission on Crime Prevention and Criminal Justice (Vienna, 26 April - 7 May 1999). During that meeting, Canada asked that comments be forwarded to the Vancouver Centre before September 1999 in order for the final version of the Manual to be printed and distributed in preparation for the workshop on "Women in the criminal justice system" which will be held during the 10th United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Vienna, 10-17 April 2000).

13. Another useful and complementary tool that is presently being developed by the Vancouver Centre is the Compendium of Promising Practices on the Model Strategies. The purpose of this Compendium is to help identify and share examples of how the Model Strategies are being implemented in various social, economic and cultural contexts and legal traditions around the world. The Compendium is not intended to exhaustively survey current practices, but to disseminate criminal justice and crime prevention projects and initiatives, including resource people and organisations with their contact information, that have been compiled through a process of international

consultation and information gathering. The initial Compendium will be designed and produced in a way that will anticipate its potential growth over the years and facilitate the progressive additions of new information as it becomes available, with the ultimate objective of establishing this document as a virtual document on the Internet.

14. Upon completion of both documents, Canada would offer to make the final version of the Resource Manual, as well as the Compendium, available to the Commonwealth for distribution. These documents are useful partners to the *Strategies for Confronting Domestic Violence: A Resource Manual* that was published by the United Nations in 1993. Although these documents may have their limitations in covering the whole spectrum on what should be done to eliminate violence against women from a crime prevention and criminal justice perspective, they are a valuable starting point for policy makers in governments and criminal justice agencies that have the interest and political will to implement the Model Strategies.

15. Canada believes that the Model Strategies should be used widely, within the Commonwealth, by all those involved in the criminal justice system. Law Ministers may wish to discuss ways by which Commonwealth action and resources can be channelled to address this problem. Canada also welcomes the involvement of other Commonwealth members in funding technical co-operation projects dealing with violence against women. Both at home and within the international community, we must ensure that women's rights are recognised as human rights and that in concept and practice, these rights acknowledge the realities of women's lives and women's continuing efforts to achieve equality. By working together to achieve this goal, we might be able to better

confront violence against women and
find solutions contributing to its
elimination.

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