

1996/12. Elimination of violence against women

The Economic and Social Council,

Welcoming the proclamation by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

Reaffirming the Vienna Declaration and Programme of Action³⁷ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and its confirmation that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights, as well as its affirmation that gender-based violence and all forms of sexual harassment and exploitation are

incompatible with the dignity and worth of the human person and must be eliminated,

Recognizing that violence against women both violates human rights and fundamental freedoms and impairs or nullifies the enjoyment by women of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms,

Strongly condemning all forms of violence against women as set out in article 2 of the Declaration on the Elimination of Violence against Women,

Recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 34/180 of 18 December 1979, contributes to the elimination of violence against women and that the Declaration strengthens and complements that process,

Bearing in mind that, as stated in article 4 of the Declaration on the Elimination of Violence against Women, States should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to the elimination of violence against women,

Recalling that the General Assembly, in its resolution 48/104, recognized that violence against women was a manifestation of historically unequal power relations between men and women which had led to domination over and discrimination against women by men and to the prevention of the full advancement of women and that violence against women was one of the crucial social mechanisms by which women were forced into a subordinate position compared with men,

Recalling Commission on Human Rights resolutions 1995/85 of 8 March 1995³⁸ and 1996/49 of 19 April 1996³⁹ on the elimination of violence against women,

Welcoming the adoption by the General Assembly of resolution 50/166 of 22 December 1995 on the role of the United Nations Development Fund for Women in eliminating violence against women,

Recalling the appointment by the Commission on Human Rights of the Special Rapporteur on violence against women, its causes and consequences, and the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, as outlined in Commission on Human Rights resolution 1996/49,

³⁸ See *Official Records of the Economic and Social Council, 1995, Supplement No. 3* and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

³⁹ *Ibid.*, 1996, *Supplement No. 3 and corrigendum* (E/1996/23 and Corr.1), chap. II, sect. A.

³⁷ A/CONF.157/24 (Part I), chap. III.

Also recalling the statement of the Special Rapporteur that pornography is perhaps the extreme manifestation of the media's violence against women,⁴⁰

Commending the Crime Prevention and Criminal Justice Division of the Secretariat for its work on the elimination of violence against women and its ongoing cooperation with the Special Rapporteur,

Welcoming the Beijing Declaration²¹ and the Platform for Action,¹⁴ adopted by the Fourth World Conference on Women and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls, including in armed conflict,

Recognizing the need to implement the Beijing Declaration and Platform for Action in the field of crime prevention and criminal justice and to develop practical measures, strategies and activities in that field,

Reaffirming that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide,⁴¹

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to address the problem of violence against women,

Recognizing that various groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict and other situations of violence, foreign occupation, war of aggression, civil war and terrorism, including hostage-taking, are also particularly vulnerable to violence,

Welcoming the role of non-governmental organizations, women's equality-seeking organizations and community agencies in addressing and working towards the elimination of violence against women, in particular in drawing attention to the nature, severity and magnitude of violence against women and in assisting women who are victims of violence,

1. *Urges* Member States to ensure that all forms of violence against women are, in the absence of existing laws, legislatively proscribed;

2. *Also urges* Member States to review or monitor legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have an adverse or negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

3. *Further urges* Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in areas such as social development, environmental design and educational programmes in crime prevention;

4. *Urges* Member States to promote an active and visible policy of ensuring that a gender perspective is brought to the development and application of all policies and programmes that address violence against women so that, before decisions are taken, an analysis may be made of their effects on women and men, respectively;

5. *Also urges* Member States to adopt measures to ensure that acts of violence against women, whether in public or private, are recognized as criminal matters that are, as appropriate, open to public scrutiny and intervention;

6. *Further urges* Member States and international and regional organizations to take all measures required for the protection of women and children from rape, systematic rape, sexual slavery and forced pregnancy in the conduct of armed conflict and to strengthen mechanisms to investigate and punish all those responsible for the perpetration of such crimes and to bring the perpetrators to justice;

7. *Encourages* the Crime Prevention and Criminal Justice Division of the Secretariat and other crime prevention bodies and mechanisms to avail themselves of the information and materials on violence against women, including violence in the family, violence in the community and violence by the State that are being gathered by Governments and United Nations treaty bodies, other special rapporteurs, the specialized agencies, bodies and organs, and intergovernmental and non-governmental organizations, including women's equality-seeking organizations;

8. *Calls upon* the Commission on Crime Prevention and Criminal Justice, through the Crime Prevention and Criminal Justice Division and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to coordinate with all relevant organs, bodies and other entities of the United Nations system their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

9. *Calls upon* the institutes comprising the Programme network to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

⁴⁰ E/CN.4/1995/42, para. 69.

⁴¹ General Assembly resolution 260 A (III), annex.

10. *Urges* United Nations entities and the institutes comprising the Programme network to continue and to improve training concerning the human rights of women and issues of gender bias and violence against women for all United Nations personnel and officials, especially those in human rights and humanitarian relief, peacekeeping and peacemaking activities, and to promote their understanding of the human rights of women so that they can recognize and deal with violations of the human rights of women and can fully take into account the gender aspect of their work;

11. *Requests* the Commission on Crime Prevention and Criminal Justice to ensure that *Strategies for Confronting Domestic Violence: A Resource Manual*,⁴² which has been published in English, is published in the other official languages of the United Nations, subject to the availability of regular budgetary or extrabudgetary funds;

12. *Calls upon* Governments, international organizations and non-governmental organizations, as appropriate, to translate *Strategies for Confronting Domestic Violence: A Resource Manual* and to ensure its wide dissemination for use in training and education programmes;

13. *Welcomes* the report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women,⁴³ commends the work of the institutes comprising the United Nations Programme network in undertaking practical measures to eliminate violence against women, and urges them to continue their work on this issue;

14. *Welcomes* the report of the Secretary-General on the draft plan of action on the elimination of violence against women,⁴⁴ and takes note of the revised document prepared by the Commission on Crime Prevention and Criminal Justice at its fifth session, entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women",⁴⁵

15. *Requests* the Secretary-General to seek the views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations, on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women and, taking into account the views received, to submit a report containing the text of the draft practical measures, strategies and activities, as well as a report on the views received, to the Commission on Crime Prevention and Criminal Justice at its sixth session so that it may be discussed by the open-ended in-session working group of the Commission;

16. *Calls upon* Member States, in providing their views, as noted in paragraph 15 above, to include the multidisciplinary views of their ministries, departments and agencies that have responsibilities related to the elimination of violence against women;

17. *Decides* that the Commission on Crime Prevention and Criminal Justice should continue to consider the elimination of violence against women within its priority themes and that the Commission should consider, at its sixth session, the reports of the Secretary-General referred to in paragraph 15 above and the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women.

*45th plenary meeting
23 July 1996*

⁴² ST/CSDHA/20.

⁴³ E/CN.15/1996/12 and Corr.1.

⁴⁴ E/CN.15/1996/11 and Corr.1.

⁴⁵ E/CN.15/1996/CRP.12.