



Commission on Crime Prevention and Criminal Justice

Twenty-second session

Vienna, April 2013

Sponsors:

Signatories:

Topic: "Femicide"

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution by the General Assembly:

Working towards a reform of the criminal justice system: fighting femicides

The General Assembly,

Recalling that the United Nations Charter expresses faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Aware that every human being has the inherent right to life, as stressed in the International Covenant on Civil and Political Rights. This right shall be protected by law and no one shall be arbitrarily deprived of his life,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Bearing in mind the provisions of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

Stressing the commitments included in the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly in 1979, which requires States Parties to take all appropriate political, social, economic, and cultural measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men,

Emphasizing the importance of the Declaration on the Elimination of Violence against Women (A/RES/48/104, 1993), which defines violence against women as 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,

Mindful of the Declaration of Basic Principles of Justice Victims of Crime and Abuse of Power (A/RES/40/34, Annex), which defines victims as persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts of omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power,

Taking into consideration the Beijing Platform for Action (1995), which identifies violence against women as an obstacle to the achievement of the objectives of equality, development and peace, while emphasizing that it both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms,

Reaffirming the commitment undertaken by Heads of State and Government in the United Nations Millennium Declaration (A/RES/55/2), to promote gender equality and empower women,

Noting further the United Nations 2005 World Summit Outcome (A/RES/60/1), where States resolved to promote gender equality and eliminate pervasive gender discrimination by eliminating all forms of discrimination and violence against women and the girl child, including by ending impunity and by ensuring the protection of civilians, in particular women and the girl child, during and after armed conflicts in accordance with the obligations of States under international humanitarian law and international human rights law,

Believing in the inherent right to life of the child and drawing on State Parties' obligation to ensure to the maximum extent possible the survival and

development of the child, as stressed in the Convention on the Rights of the Child, as well as the jurisprudence of the European Court of Human Rights with respect to the child's right to life,

Bearing in mind the Security Council resolution 1325 (2000) on women, peace and security emphasizes the need to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflicts, as well as the Security Council resolutions 1820 (2008), 1888 (2009) and 1889 (2009) specifically addressing sexual violence in conflict and post-conflict situations,

Recalling the General Assembly resolutions addressing various aspects of violence against women such as: traditional or customary practices affecting the health of women and girls (A/RES/54/133); domestic violence against women (A/RES/58/147); the elimination of crimes against women and girls committed in the name of honour (A/RES/59/165); trafficking in women and girls (A/RES/63/156); all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century" (A/RES/59/167); violence against women migrant workers (A/RES/62/132); eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations (A/RES/62/134); and the intensification of efforts to eliminate all forms of violence against women (A/RES/61/143, A/RES/62/133, A/RES/63/155 and A/RES/64/137),

Reaffirming the actions to be taken by States to meet their international obligations with respect to putting an end to violence against women, as identified by the Secretary General of the United Nations in the In-depth Study on all Forms of Violence against Women (A/61/122/Add.1),

Welcoming regional commitments against violence against women, as those included in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution,

Keeping in mind the provisions of the Geneva Declaration on Armed Violence and Development, which identifies the living free from the threat of armed violence as a basic human need, and precondition for human development, dignity and well-being, underlying States' core responsibility to provide for the human security of their citizens,

Taking into account the work of UN Women against gender violence, as well as that of the United Nations Office on Drugs and Crimes, as in the Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice (A/RES/65/228, Annex), and the research data collected on femicide (Global Study on Homicide 2011),

Noting further the report of the UN Economic and Social Council on *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*, which calls on Member States to include women in the design of programmes to prevent violence against women, and to engage in continual review and strengthening of policies and programmes using the UN's Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

Recalling the resolution on *Promoting Strategies and Measures Addressing Specific Needs of Women in the Context of Comprehensive and Integrated Drug Demand Reduction Programmes and Strategies* (E/CN.7/2012/L.8/Rev.1), adopted at the fifty-fifth session of the Commission on Narcotic Drugs, which calls on Member States to consider incorporating female-oriented programmes in their drug policies and strategies,

Viewing with appreciation the considerable input of many civil society organizations, as well as academia in addressing the different forms of violence against women, through research and direct action in their respective communities, also recognizing the needs of the families of these victims,

Alarmed by the fact that violence against women is proportionately the least punished crime in the world, since in some countries many femicides are rarely reported, investigated and prosecuted,

Emphasizing that traditions and culture cannot be used as justifications for the violation of women's human rights, in particular the right to life and the right to be free from violence,

Deeply concerned about the failure to hold perpetrators of femicide accountable, and about their growing impunity that not only intensifies the subordination and powerlessness of women, but also sends a message to society that male violence against women is both acceptable and inevitable,

Reaffirming the commitment to work together towards putting an end to this crime, in full compliance with international and national legal instruments,

Bearing in mind that femicide is the killing of a female because she is a female,

1. *Urges* Member States to consider adopting and implementing legislation that specifically addresses violence against women, and femicide in particular;
2. *Calls upon* Member States to design, implement and evaluate programs aimed at reducing those vulnerabilities unique to the peril of femicide, to conduct research focused on public education and therapeutic interventions that can be aimed at these vulnerabilities, as well as to keep their respective legislations under constant review;
3. *Reiterates its invitation to the* Member States to promote the implementation of the updated Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice (A/RES/65/228, Annex);
4. *Encourages* Member States to collect and share relevant data and related information on femicide;
5. *Invites* the United Nations Office on Drugs and Crime, as well as relevant United Nations agencies, to assist and support Member States in developing and adapting measures and strategies at national, regional and international levels addressing the issue of femicide as a violation of the basic human right to life;
6. *Encourages* United Nations Office on Drugs and Crime and the institutes of the The United Nations Crime Prevention and Criminal Justice Programme Network to facilitate the gathering and dissemination of relevant and reliable data and other related information to be provided by Member States on their efforts to implement the present resolution;
7. *Requests* the United Nations Office on Drugs and Crime to raise awareness among United Nations agencies and Member States regarding femicide, in particular the gendered perspective that could be included in their criminal justice systems;
8. *Also requests* the United Nations Office on Drugs and Crime to collaborate with UN Women to raise awareness among United Nations agencies working in the fields of education, health, development, humanitarian aid, peacekeeping and peacebuilding, regarding femicide;
9. *Designates* the United Nations Office on Drugs and Crime to conduct relevant research on femicide, particularly in connection with data collection and analysis;

10. *Calls upon* civil society organizations and the academia to share information and relevant experiences with the United Nations Office on Drugs and Crime and Member States;
11. *Requests* the Secretary-General to convene an open-ended intergovernmental expert group meeting to discuss in-depth the question of femicide, exchange best practices and make practical recommendations to be included in a report to be presented at the next session of the Commission on Crime Prevention and Criminal Justice;
12. *Invites* Member States and other donors to consider providing extra-budgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.