

**FIRST DRAFT**  
**Convention on Eliminating Violence Against Women and Girls**

(DOCUMENT DEVELOPED IN CONSULTATION with  
EVERY WOMAN TREATY, November 2021)

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## **Preamble**

The States Parties to the present binding Convention,  
Affirming the global commitment to prevent, protect, eliminate and condemn all forms of violence against women and girls of all ages, which is a violation of their basic human right to live a life free from violence across their life cycle, in every sphere, including but not limited to public, private and online locations,

Welcoming Sustainable Development Goal (SDG) 5 and its indicator 5.2, which calls on States to eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation,

Recalling that the rights of women and girls have been recognized in international and regional human rights instruments, notably in the:

Universal Declaration of Human Rights;

International Covenant on Civil and Political Rights;

International Covenant on Economic, Social and Cultural Rights;

Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol;

Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;

Convention on the Rights of the Child;  
Convention on the Rights of Persons with Disabilities;  
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the UN Convention against Transnational Organised Crime;  
Rome Statute of the International Criminal Court;  
Beijing Declaration and Platform for Action;  
Declaration on the Elimination of Violence Against Women;  
Declaration on the Rights of Indigenous Peoples;  
Declaration of Commitment to End Sexual Violence in Conflict;  
UN Principles for Older Persons and Madrid International Plan on Ageing;  
UN Guiding Principles on Business and Human Rights;  
UN General Assembly Resolution on Sexual Harassment;  
UN Commission on the Status of Women's 2013 Agreed Conclusions on the Elimination of All Forms of Violence against Women and Girls;  
UN Security Council Resolutions 1325, 1820, 1888, 1889, 1960, 2016, 2122, 2242, 2272, 2467;  
and  
International Labour Organization's Violence and Harassment Convention, 2019 (No. 190) and Recommendation (No. 206)  
as well as the following regional instruments:  
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women;  
Cairo Declaration on Human Rights in Islam;  
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;  
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; and  
ASEAN Declaration on the Elimination of Violence Against Women in the ASEAN Region;

Welcoming the general recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) regarding violence against women Nos 12 (1989), 19 (1992), 27 (2010), 30 (2013), 35 (2017) and 38 (2020),

Welcoming also the general comments relating to violence against women and girls of the Committee against Torture (CAT Committee) of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment Nos 2 (2008) and 3 (2012),

Nevertheless, deeply concerned that despite these instruments, recommendations and goals, normative gaps exist and that extensive, endemic and systemic violence against women and girls of all ages persists without State support and leadership that ensures adequate multi-sectoral community responses, implementation, monitoring measures including dedicated data collection and analysis, access to justice, and services including but not limited to prevention education,

And deeply concerned by the culture of impunity in many parts of the world that enables perpetrators to evade accountability, as well as perpetuating the culture of silence that discourages survivors of violence,

Also deeply concerned that violence against women and girls has increased during the COVID pandemic,

Proclaiming that violence against women and girls of all ages violates the principles of equality of rights and respect for human safety, equality, autonomy and dignity, hampers growth and prosperity of societies and the family, and impedes the full development and realization of women and girls' potential,

Highlighting that in many parts of the world girls and women of all ages have the least access to food, water and nutrition, health, safety, education, training, jobs and income-generating opportunities, justice, governance and political processes, and that this is exacerbated by extensive, endemic and systemic violence against women and girls in situations of poverty, health crises, armed conflict, war, transitional, transnational and extranational contexts as well as climate emergencies,

Stressing the necessary role of men and boys as part of the solution in securing effective frameworks to eliminate violence against women and girls,

Resolved that the adoption of a binding Convention on elimination of violence against women and girls of all ages within the human rights framework will strengthen the protection of the rights of women and girls and promote the full implementation of laws, policies and measures by States Parties so that violence-free societies are established and maintained for the wellbeing of all human beings,

Have agreed as follows,

## **PART 1 - Purposes, Definitions, General Principles & General Obligations**

### **Article 1: Purposes of the Convention**

With a view to filling the normative gaps regarding the elimination of violence against women and girls in the current legal instruments, the purposes of this Convention are to:

- 1) elucidate the norms to prevent, protect, eliminate and condemn all forms of violence against women and girls of all ages, during their life cycle in public, private, online and all other spheres;
- 2) provide guidance for States Parties to design comprehensive and inclusive frameworks, policies and measures to enable an effective and measurable multi-sectoral community response for the prevention, protection, elimination, and condemnation of violence against women and girls, with particular consideration given to marginalized individuals and communities including those living with intersecting issues of race, color, language, religion, political or other opinion, nationality, national or social origin, ethnicity and indigenous status, property, marital status or widowhood, sexual orientation and gender identity, HIV/Aids status,

migrant or refugee status, age, state of health or disability that are additional dimensions of disadvantage;

3) offer States Parties guidance on inclusive frameworks for bilateral, multilateral, regional and international cooperation to eliminate violence against women and girls;

4) support States Parties to offer knowledge and training to government and non-government organizations, including but not limited to the justice and law enforcement sector, security sector, health sector, social services, education sector, local government, world of work and media, in order to cooperate effectively and implement in practice an integrated multi-sectoral community response to end violence against women and girls;

5) provide comprehensive and measurable monitoring and reporting guidelines for States Parties to prevent, protect, eliminate and condemn all forms of violence against women and girls and holding perpetrators accountable; and

6) establish an independent monitoring body to which States Parties shall submit cyclical reports on the application of this binding Convention in law and in practice.

## **Article 2: Definitions**

1) **Violence** refers to a range of unacceptable behaviors and practices, or threats of such acts, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual, emotional or economic harm.

2) **Violence against women and girls** includes behavior, or threats of such acts, whether a single occurrence or repeated, that restricts or nullifies the human rights and fundamental freedoms of women and girls of all ages and prevents them from obtaining equality and self-fulfilment. It includes and is not limited to violating the dignity of women and girls. Violence against girls and women (VAWG in this draft) applies to all forms of violence against women and girls and includes abetment or acquiescence of such violence and the omission to prevent or stop the commission of such behavior.

3) **Violence with particular reference to women and girls with disabilities** includes, but is not limited to , practices such as: forced institutionalization; forced and coerced sterilization; forced and coerced abortion; forced removal of children on the basis of their mother having disabilities; forced contraception; forced and coerced psychiatric interventions; forced imposition or withholding of medication; withdrawal of essential technical aids; denial of provision of essential care; medical exploitation; chemical and physical restraint; violations of privacy; forced isolation; seclusion; deprivation of liberty; humiliation; and denial of their legal capacity.

4) **Domestic violence** refers to physical, psychological, economic and sexual violence and coercive control, applied as an act or pattern of acts of assault, sexual coercion, torture, threats, neglect, humiliation and intimidation or other abuse that is used to harm, punish or frighten a person by individuals who are or have been in an intimate relationship and individuals with family relationships to one another and members of the family household. This control includes a range of acts designed to make the targeted persons afraid, subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behavior.

5) **Economic violence** is characterized by controlling women's income, money, inheritance and economic security, including restricting women's right to work and access to employment, and a manifestation of unequal power that undermines women's autonomy, dignity and safety.

6) **Girl child** is defined as a female under 18 years of age.

7) **Harmful practices** are practices in every sphere including the public, private and online domains that exclude, restrict, impair or nullify the fundamental human rights and equality of women and girls in relation to men and boys including, but not limited to, child and early marriage, forced marriage, criminalization of adultery, female genital mutilation (FGM), female infanticide, prenatal sex selection, virginity testing, HIV-Aids cleansing, so-called "honor" crimes, acid attacks, crimes committed in relation to bride-price and dowry, widow maltreatment, levirate, breast ironing, forced pregnancy, and witchcraft trials against females, whether perpetrated by non-State or State actors.

8) **Human rights** are rights inherent to all human beings, regardless of race, color, sex, language, religion, political or other opinion, nationality, national or social origin, ethnicity and indigenous status, property, marital status or widowhood, sexual orientation and gender identity, HIV/Aids status, migrant or refugee status, age, state of health or disability or any other characteristic. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone without discrimination is entitled to these rights.

9) **Inclusive** is used to emphasize that all people are valued, heard and treated equally.

10) **Indigenous** includes:

a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions; and

c) peoples who self-identify as indigenous or tribal.

11) **Intersectionality** occurs when multiple grounds of discrimination interact with each other and produce specific experiences of discrimination; in the case of VAWG this interaction of multiple types of discrimination compounds the risk and increases the potential for physical, psychological, sexual, emotional or economic harm.

12) **Marginalized** describes those persons or groups of persons who experience persistent inequality and adversity resulting from discrimination, social stigma and stereotypes often linked to or arising from a particular circumstance in their lives.

13) **Multi-sectoral community response** refers to agreements to work in a coordinated manner at the national, provincial or local government and municipal levels, guided by survivors' experience and voice so as to create and implement policies to end VAWG, as well as respond to individual cases of VAWG.

14) **Older women** are defined as females 60 years of age or older.

15) **Sexual harassment in the world of work** refers to unwelcome physical, verbal and non-verbal behaviors of a sexual nature, or threats of such acts, whether a single occurrence or repeated, that involve a demand for sexual acts as a condition for gaining or remaining in employment (qui quo pro harassment), or create a hostile, intimidating or humiliating work environment.

16) **Sphere** is the location where violence is perpetrated, whether that location be public, private, urban, rural, workplaces, education and health care institutions, homes, prisons, transport, online, or virtual.

17) **State actors** include but are not limited to persons and entities, whether formal, informal or customary, which exercise State authority or jurisdiction as the public administration, security and justice providers, dispute, mediation and oversight bodies, or any other legal actors, entities or systems representing the State.

18) **Non-State actors** include but are not limited to persons and entities, whether legal entities, customary or informal communities, such as businesses, academic institutions, think tanks, media and communication technologies, not directly operating as a representative or quasi-representative of the State and include:

- a) current and former intimate partners;
- b) parents, grandparents, siblings, biological and foster children, extended family members;
- c) community members;
- d) faith-based leaders or representatives;
- e) healthcare workers;
- f) members of non-governmental or other civil society organizations;
- g) academics and researchers enjoying intellectual independence;
- h) terrorists, militias and warlords.

19) **Torture** is defined as cruel, inhuman or degrading treatment or punishment, whether physical or psychological, whether perpetrated by State or non-State actors in all spheres including public, private, domestic and online locations.

20) **Transitional justice** is the full range of processes and mechanisms associated with an attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, deliver justice, achieve reconciliation and prevent any reoccurrence.

21) **Women and girls with a disability** refers to persons who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

### **Article 3: Scope**

1) This Convention shall apply to all forms of violence against women and girls of all ages in times of peace and situations of conflict, pre- and post-conflict.

2) This Convention shall apply to all forms of harmful practices on women and girls of all ages.

3) This Convention shall apply to all forms of State and non-State torture on women and girls of all ages.

4) This Convention shall

- a) apply to all women and girls, at every life stage, without discrimination on the grounds listed in Article 2(8); and

b) cover targeted measures for particular groups of women and girls to include marginalized communities where requested, specified or appropriate so as to effectively prevent, protect, eliminate and condemn all forms of violence against women and girls.

#### **Article 4: General Principles of the Convention**

These general principles set, as a minimum, that

- 1) All women and girls have the right to life, liberty, dignity, autonomy, equality and security of the person and a life cycle free from violence.
- 2) The right of women and girls to a life free from violence is indivisible from and interdependent with other human rights, including the right to life, liberty, dignity and security of person; the right to health; the right to equality and equal protection within the family; the right to freedom from torture; the right to work and to education, and the rights to privacy, freedom of expression, movement, participation, assembly and association.
- 3) All women and girls are equal before the law and are entitled without any discrimination to equal protection of the law.
- 4) All women and girls have the right to an effective remedy by the competent national procedures, including tribunals for acts violating the fundamental rights granted them by this Convention.

#### **Article 5: State Obligations**

- 1) States shall refrain from engaging in all acts of violence against women and girls in every sphere and ensure that public authorities, officials, agents and institutions execute a multi-sectoral community response to act in conformity with the general principles above.
- 2) States shall ensure appropriate and inclusive financial and human resources in every sphere for the successful implementation of their national frameworks (policies, laws and practices) and the general principles above.
- 3) States shall make strong, inclusive, political commitments at the national, regional and international levels to develop and support comprehensive multi-sectoral measures to eliminate violence against women and girls, taking into consideration:
  - a) the need to take effective measures to protect women and girls from all acts of violence in every sphere or exposure to such acts of violence;
  - b) the need to take inclusive, legal and social measures to prevent the initiation, commission, instigation of and acquiescence in violence against women and girls in all spheres;
  - c) the need to promote well-planned, targeted social programs and media campaigns at all socio-economic levels in all spheres, to raise awareness of the consequences of violence against women and girls;
  - d) the need to ensure processes for effective judicial intervention that recognize and mitigate the risk of secondary victimization in all spheres for all acts of violence against women and girls to keep survivors safe, hold perpetrators accountable and deliver sufficiently dissuasive sanctions and remedies.
- 4) States shall recognize that regional and international cooperation, particularly in transfer of knowledge and data, sharing of law enforcement and judicial measures and legislation and provision of legal, public health, and social expertise, are important and shall engage in such



cooperation taking into consideration the role of cultural, social, economic and political factors in such cooperation.

#### **Article 6: Inclusion of Survivors and Civil Society**

- 1) States shall acknowledge that the participation of survivors, women's groups and civil society organizations working to end violence against women and girls is essential in achieving the objectives of this Convention.
- 2) States shall consult closely with and actively involve women and girls of all ages, including through non-governmental organizations, civil society, and survivor stakeholder consultations, in the development and implementation of legislation and policies to give effect to this Convention, and in other decision-making processes relating to women and girls who are subject to or at risk of violence.
- 3) States shall also involve, as appropriate, an inclusive range of organizations and groups especially those working in the areas of legal aid, gender and development, youth, sexual health, adolescents and masculinity.

#### **Article 7: Equality and Non-Discrimination**

- 1) It is recognized that, in addition to constituting a violation of women's and girls' human rights, violence against women and girls is a manifestation of historically unequal power relations between men and women.
- 2) When States promote, condone or ignore inequality and discrimination against women and girls, VAWG is an inevitable consequence. Therefore States shall adopt new, or strengthen existing, national policies to end discriminatory practices which have the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women and girls, irrespective of their marital status or age, of their civil, political, economic, social and cultural rights.
- 3) Culture, custom, religion, tradition or so-called "honor" may not be applied, invoked or referred to under any circumstance to justify or allow any form of harmful practice or violence against women and girls.

#### **Article 8: Comprehensive Legal Coverage**

States shall ensure that national legislation is inclusive, multidisciplinary and comprehensive, criminalizing all forms of violence against women and girls and includes prevention, protection and support (including health, psychological, economic and social measures) for survivors, family members and witnesses, as well as punishment of perpetrators.

#### **Article 9: State failure deemed condoning**

A State that fails to take all appropriate measures to prevent, protect, eliminate and condemn acts of violence against women and girls when its authorities know or should know of the danger of violence, or that fails to investigate, prosecute and punish perpetrators and to provide reparation to survivors of such acts, is deemed to provide tacit permission or condone such acts of violence which constitute human rights violations.

## **PART 2 - Prevention and Protection**

### **Article 10: Duty to Prevent Violence Against Women and Girls**

- 1) States shall adopt prevention measures as an ongoing, integrated strategy that addresses diverse risk factors and corresponding protections in relation to violence against women and girls.
- 2) Prevention shall include an inclusive and measurable multi-sectoral community response with legislative, administrative, executive and other measures.
- 3) States shall promote measurable access to justice for women and girls by:
  - a) establishing a broad range of effective protection and resolution mechanisms;
  - b) eliminating institutional, structural and systematic discrimination and abuse of power in all national laws, systems and structures, and promoting sex and gender responsiveness within institutions, structures and systems in every sphere;
  - c) eliminating barriers to access to justice for women and girls including, but not limited to, requiring witnesses or medical evidence of the violence, and unreasonable delays in the justice process;
  - d) allocating funds to support women and girls in need, particularly within the legal system such as to cover the cost of legal representation;
  - e) establishing a legal framework for women and girls to speak of their experience, inclusive of all forms of violence whether inflicted by State or non-State actors;
  - f) protecting and advancing the legal capacity of women and girls to seek redress in a manner that ensures their safety, protects their privacy, respects their dignity, and provides compensation and assistance.
- 4) States shall ensure that women and girls of all ages, especially survivors of violence, have the right to:
  - a) free, equal and safe access to medical care, healing care and public health through public services;
  - b) equal access and equal opportunities to education, vocational training, decent work and career development;
  - c) equal access to custody of their children;
  - d) own and independently control their property, financial and economic resources;
  - e) make independent decisions regarding their health, education and economic opportunities;
  - f) access reliable information from all sources, including the internet and all forms of technology and media, so that they are able to express their opinions, issues and needs without fear of retaliation or unequal treatment.

### **Article 11: State Duties - Policy Implementation and Collection of Data**

- 1) States shall take the necessary measures to establish, or strengthen an existing national institution to implement, coordinate, monitor progress and ensure compliance with the provisions of this Convention. This institution shall:
  - a) be allocated adequate resources to be effective at national, regional and international levels, including but not limited to financial support and access to data and technical experts;

- b) consult with civil society organizations, including but not limited to survivor- and women-focused groups, and human rights organizations with representation from marginalized communities;
- c) be authorized/empowered to hear individual complaints as well as conduct its own inquiries concerning the implementation of and compliance with the provisions of this Convention, and refer the matter to the appropriate State and local authorities with the power to provide civil, criminal, administrative, or other types of remedies;
- d) develop and oversee, as appropriate, national action planning and data collection regarding policy development and implementation and dissemination related to violence against women and girls.

2) States shall collect, analyze and disseminate baseline and ongoing data at regular intervals on the causes, consequences, frequency of all forms of violence against women and girls, and on the effectiveness of measures to prevent, protect, punish, and eliminate violence against women and girls.

3) States shall use the above-mentioned data to establish and refine policy, legislation, judicial guidance, service delivery and national action planning, and to enhance accountability.

4) Data shall be disaggregated by characteristics including but not limited to sex, race, ethnicity, age and disability, and any other characteristics that relate to particular vulnerability. Data protection shall be maintained across all phases and platforms in accordance with UN Statistical Commission protocols on anonymity and confidentiality.

5) States shall make publicly available all results and analysis of the collected information across multiple platforms and shall publicize the availability of more detailed results if warranted. Both methodology and results shall be transparent, explained clearly and incorporate globally inclusive styles of analysis of community change.

6) Types of data collected include but are not limited to:

- a) legislation passed and common law evolution;
- b) civil and criminal justice system data (police reports, arrests, charges, convictions, dismissals, plea agreements, sanctions, probation records, protection orders, violations of protection orders, femicides);
- c) health documentation and data, respecting confidentiality, from hospitals, emergency rooms and clinics, as well as labor inspection reports on workplace health, safety and sexual harassment (injuries from sexual assault, torture, domestic violence, female genital mutilation, acid attacks, psychological anguish, mental health pathologies);
- d) social services provided by government and civil society, including but not limited to numbers of shelter beds, number of clients served by crisis centers, advocacy and legal services, and number of hotline calls;
- e) information obtained directly from survivors;
- f) media reports;
- g) documentation on government funding to address violence against women and girls, including but not limited to survivor services, judicial systems, and reparations to survivors;
- h) documentation on creation, implementation and monitoring of protocols for coordination of services at local, provincial and national levels;

i) sector-specific policies and procedures, if any, covering women working in at-risk domains such as hospitality, entertainment, emergency services, social care services, domestic work, education and transport.

#### **Article 12: Penal, Civil and Administrative Reinforcement**

1) States shall provide regular and ongoing mandatory training for all State officials involved in judicial and non-judicial processes related to violence against women and girls to ensure that discriminatory behaviors are eradicated, and stereotypical attitudes are addressed effectively.

2) Training shall be directed at but not be limited to:

a) public officials engaged in the administration of the State, law enforcement, security sector, health sector, social services, education sector, local government and media in all spheres;

b) members of the armed forces and peacekeeping forces;

c) specific training regarding new legislation, policies and measures to ensure that officials understand and are able to implement new measures in all spheres; and

d) particularly healthcare workers, given their unique role as first points of contact for survivors, dedicated training, certification, support and reporting processes that prioritize understanding the needs of older women, indigenous women, women with disabilities and marginalized women and girls survivors.

3) Training courses and capacity-building programs shall be developed and conducted in consultation with women-focused non-governmental organizations and survivor groups whose mission is to promote the human rights of women and girls.

#### **Article 13: Training and Mandatory Education Relating to Violence Against Women and Girls**

1) States shall implement age-appropriate, mandatory and recurrent education and training to prevent, protect, eliminate and condemn violence against women and girls. This shall include training for the media including the underlying causes, risk factors and mitigation measures regarding VAWG, with due respect for their independence and freedom of expression.

2) States shall monitor this education and training regularly to assess effects and results.

3) States shall develop and implement comprehensive educational curricula, in consultation with women-focused non-governmental organizations and survivor groups, to address and change discriminatory, violating and potentially violating patterns of behavior, as well as derogatory stereotypes relating to women and girls.

4) Content shall include, but not be limited to:

a) the human rights of women and girls and in particular, the right of women and girls to live their lives free from violence;

b) the root causes of violence against women and girls, including gender inequality and derogatory stereotypes relating to women and girls, rigid gender roles and violence-supportive attitudes in society;

c) risk factors for violence against women and girls, including structural discrimination which forces them into situations of vulnerability;

d) direct and indirect effects of violence on survivors and the costs of such violence for individuals, families, societies and economies;

- e) the role of men and boys in prevention and protection, with single-sex programs for men and boys designed and delivered by male champions of change as well as programs for men and boys delivered by women and men together;
- f) learners shall be provided with documentation of their successful completion of a training program, documenting the main areas covered by the training.

#### **Article 14: Advocacy and Rights-Based Programs**

- 1) States shall approach violence against women and girls of all ages as a structural problem and acknowledge violence against women and girls as a manifestation of unequal power relations between men and women and a violation of women's and girls' human rights.
- 2) States shall promote, develop, conduct and evaluate for effectiveness, on a regular basis, programs to raise public awareness of women's and girls' human rights, including equality of opportunity and treatment irrespective of sex and the right of women and girls to live their lives free from all forms of violence.
- 3) States shall develop and implement awareness-raising campaigns and programs in cooperation with national human rights institutions and equality bodies, civil society and non-governmental organizations, especially women's and survivor groups, and with marginalized communities, where appropriate, to increase understanding among the general public of the different manifestations of VAWG under this Convention, the consequences for children and society, and the urgency to prevent, protect, eliminate and condemn such violence.
- 4) States shall raise awareness through all available communications, tools, and measures in all spheres to safely promote information to the general public on the existence and costs of violence against girls and women, prevention channels, existing and new legal remedies, access to justice and services, and all measures available to prevent, protect, eliminate, and condemn such violence.
- 5) States shall allocate sufficient ongoing funding for public awareness-raising programs on violence against women and girls.

### **PART 3 - Investigation, Prosecution, Reparations**

#### **Article 15: Holistic response**

- 1) The relevant government agencies shall collaborate to ensure an effective and measurable multi-sectoral community response in all spheres to include the police, prosecutors, lawyers, judges, healthcare professionals, social services, the education sector, the world of work, and non-governmental organizations, especially women's and survivor groups and media.
- 2) States shall develop regulations, protocols, guidelines, instructions, directives and bench books, including standardized user-friendly forms for the comprehensive safe and timely implementation of the policy and legislation with particular attention given to marginalized individuals and communities to include older women, indigenous women, women with disabilities and widows.
- 3) Where possible, States shall ensure that such regulations, protocols, guidelines, instructions, directives and bench books are freely available in accessible formats.

#### **Article 16: Investigation and Jurisdiction**

Policy and legislative measures include, but not be limited to, the following:

- 1) Establishment of specialized police and prosecutorial units, being
  - a) designated units on violence against girls and women that are funded sufficiently to initiate and maintain a multi-sectoral community response, accomplish their mandate and conduct training of staff in a measurable manner;
  - b) designed so that a complainants/survivor may communicate with female police officers or prosecutors if she so wishes;
  - c) where possible, a unit of women police officers in each police station trained to initiate a multi-sectoral community response, provide support to complainants or survivors.
- 2) Police officers trained and responsible for
  - a) responding promptly to every request for assistance and protection in cases of violence against girls and women even when the person who reports such violence is not the complainant/survivor;
  - b) prioritizing complainant/survivor safety and perpetrator accountability;
  - c) initiating an effective and measurable multi-sectoral community response;
  - d) assigning the same priority to calls concerning cases of violence against women and girls as to calls concerning other acts of violence and assigning the same priority to calls concerning domestic violence as to calls relating to any other form of violence against girls and women;
  - e) upon receiving a complaint, conducting a coordinated risk assessment of the crime and responding accordingly in a language understood by the complainant;
  - f) limiting interviews of the complainant/survivor to the minimum necessary to adequately conduct the investigation, and using trauma-informed techniques when carrying out survivor interviews;
  - g) maintaining disaggregated data in accordance with Article 11 of this Convention.
- 3) Prosecutors having the duty to
  - a) participate and cooperate in an effective and measurable multi-sectoral community response, and initiate this response if not currently existing;
  - b) establish that responsibility for prosecuting violence against women and girls lies with prosecution authorities and not with complainants or survivors of violence, regardless of the level or type of injury and ensure that the cooperation of the survivor should not be a requirement for prosecution to proceed;
  - c) ensure that all legal proceedings are available in the whole territory of the State, and are provided irrespective of complainant's residence status;
  - d) ensure that violence against women and girls is not referred to alternative dispute resolution (ADR) procedures, including mediation and conciliation, in lieu of criminal prosecution, and that when settlements outside formal legal systems are agreed to, non-disclosure clauses are not permitted;
  - e) inform survivors of the progress of the case and ensure the availability of legal aid attorneys to support survivors during the proceedings if requested;
  - f) maintain disaggregated data in accordance with Article 11 of this Convention.

### **Article 17: Shifting the burden of proof**

Complaint and alternative dispute resolution mechanisms for violence against women and girls shall include shifting the burden of proof once a *prima facie* case is established by the complainant, to the alleged perpetrator to demonstrate that the act was not a violation of the national prohibition on violence against women and girls, except for criminal proceedings.

### **Article 18: Remedies and Reparations**

- 1) States shall ensure accountability of perpetrators, reparations for survivors and the families of victims of femicide, and dissemination measures regarding the national policy to eliminate violence against women and girls, which could include fines, protection orders, cease and desist orders, imprisonment, and in complaints from the world of work the right to resign with compensation, reinstatement, compensation for lost wages and damage/injury suffered, orders concerning related medical and counseling expenses and legal fees and costs, as well as orders to undertake awareness training regarding violence against women and sexual harassment in the world of work.
- 2) The policy and legislative measures to provide restitution and compensation for violence against women and girls shall include, but not be limited to the possibility of:
  - a) sentencing in criminal cases with an order for the payment of restitution and compensation from the perpetrator to the survivor woman or girl or the family of the femicide victim;
  - b) a statement that compensation alone does not substitute for other penalties, such as imprisonment, for perpetrators of violence against women and girls;
  - c) no ceiling limit on amounts of compensation for injury suffered and assurance that damages amounts shall be adequate, holistic, proportionate to the gravity of the injury suffered, and promptly paid;
  - d) creation of a government-sponsored compensation fund, enabling women and girls who have survived violence to receive a fair amount of compensation.
- 3) The policy and legislative measures regarding perpetrators of violence against women and girls shall include, but not be limited to:
  - a) establishing intervention programs and alternative sentencing for perpetrators and that the operators of such programs are mandated to work in close cooperation with complainants or survivors and appropriate service providers;
  - b) when perpetrators are men and boys, designing and delivering men's non-violence programs aimed at behavior change, counseling and other dedicated measures with a view to preventing a reoccurrence of such violence, and facilitating their reintegration as respectful members of society in due course;
  - c) clarifying that alternative sentencing and intervention programs are appropriate only in cases in which a risk assessment indicates that the perpetrator is not a danger to the survivor and where the perpetrator will be monitored continuously by justice officials to ensure the complainant/survivor's safety and the effectiveness of the sentence.
- 4) States shall include public apologies as an option within complainants' reparation packages.
- 5) States shall enact legislation to allow women or girl complainants to bring civil lawsuits against perpetrators without requirements of family member's or husband's consent, and amend

guardianship laws that deprive women of legal capacity or restrict the ability of women with disabilities to testify in court.

6) Following the Universal Declaration of Human Rights acknowledgement that everyone has the right to seek and enjoy, in other countries, asylum from persecution, States shall enact legislation to ensure that survivors of violence against women and girls are deemed to have been persecuted, and that such survivors constitute “a particular social group” for the purposes of asylum law.

#### **Article 19: Intersections with Conflicting Law**

1) States shall provide for the removal of provisions contained in other areas of law such as family law, property law, housing rules and regulations, social security law, health law and labor law that are in conflict with this Convention and the national policy on VAWG, so as to ensure a consistent legal framework that promotes women's human rights, and the prevention, protection, elimination, and condemnation of violence against women and girls.

2) States shall ensure that laws do not prevent or deter women from reporting violence, and do not allow prosecution of the woman complainant when the perpetrator is acquitted.

3) States shall establish that where there are conflicts between customary and/or religious law and the formal justice system, the matter shall be resolved with respect for the human rights of the woman or girl and in accordance with internationally agreed standards.

4) States shall ensure that the processing of a case under customary and/or religious law does not preclude it from being brought before the formal justice system.

5) States shall promote research and disseminate good practices on access to justice for marginalized women and girls to include older women, indigenous women, women with disabilities and widows.

### **PART 4 - Specific Situations**

#### **Article 20: Violence Against Girls**

1) Recognizing that girl children are disproportionately affected by violence perpetrated by family members and intimate partners in a domestic setting, States shall enact legislative measures to prevent domestic violence in all its forms, protect girls who have been subjected to or who have witnessed domestic violence, and ensure full access to justice and services for all survivors of domestic violence.

2) Recognizing that girl children are at particular risk of violence through neglect, States shall incorporate the principle of “best interests of the child” from the Convention on the Rights of the Child (1989) into domestic policies, laws and institutions that address and/or impact girl children.

#### **Article 21: Violence Against Marginalized Groups of Women and Girls**

1) In accordance with Article 2(12), marginalized groups of women and girls include, but are not limited to, immigrants, migrant workers, women and girls living with HIV/Aids, refugees and asylum seekers, widows, stateless women and women and girls who have endured torture by non-State or State actors, as well as older women, indigenous women and women with disabilities.

2) Recognizing that some groups of women and girls are at particular risk of violence, including torture, perpetrated by State and non-State actors, in all spheres, States shall:



- a) review and amend all national legal frameworks to ensure the rights of women and girls in situations of marginalization are fully protected;
- b) adopt measures to address intersectionalities that increase risk among marginalized populations, such as sexual violence and the transmission of HIV and other sexually transmitted diseases.

#### **Article 22: Violence and the right to a healthy life**

1) Acknowledging that health is a universal human right and understanding that women and girls have rights to health that include sexual and reproductive health, States have an obligation to respect, protect and fulfill these rights. States shall adopt legislative measures to ensure access to comprehensive, non-discriminatory, rights-based health services for all women and girls, regardless of their social, sexual or health status.

2) The legislative measures shall:

- a) include training and information on types of violence against women and girls for frontline sexual and reproductive healthcare workers and ensure that both mobile and fixed clinics have current referral information on access to justice, services and resources for survivors;
- b) prohibit all forms of forced marriage including, but not limited to, inheritance and abduction marriage;
- c) prohibit forced maternity, forced contraception, sterilization or pregnancy termination for any girl or woman;
- d) recognize the additional risk factors facing women and girls with disabilities;
- e) initiate training and other medical activities to reduce obstetric violence and promote respectful treatment of women during childbirth;
- f) improve women's and men's knowledge of, access to and use of modern contraceptive methods in order to reduce unintended pregnancies and thus reduce the incidence of abortions or unplanned births.

#### **Article 23: Domestic violence**

1) Recognizing the wide prevalence of domestic violence against women and girls that increases during times of crisis as seen during the COVID pandemic, States shall enact and implement legislation to prevent such violence by intimate partners, family members and others within the household.

2) Such legislation shall provide that

- a) protection orders are available to survivors without requiring that the survivor institute other legal proceedings such as criminal or divorce proceedings against the perpetrator;
- b) protection orders are to be issued in addition to, and not in lieu of, any other legal proceedings and may be issued in both civil and criminal proceedings;
- c) the issuance of a protection order may be introduced as a material fact in subsequent legal proceedings;
- d) protection orders may contain the following measures: restrain the perpetrator from causing further violence to the survivor, her children, dependents or other relations; order the perpetrator to stay a specified distance away from the survivor and those referred to in this Article; instruct the perpetrator to vacate the family home regardless of ownership

of such property and/or to hand over the use of a vehicle for transportation and other essential personal effects of the survivor; order the perpetrator to provide financial assistance to the survivor including for payment of medical bills related to the violence, counseling or shelter fees, mortgage and insurance installments; prohibit the perpetrator from contacting the survivor directly or through a third party; prohibit the perpetrator from purchasing, possessing or using a firearm or any other weapon specified by the court; and prohibit the perpetrator from removing a survivor from the family home against her will;

e) Where there is an allegation of immediate danger of violence, legislation should provide for the issuance of an emergency protection order, which shall include that the process may occur on an *ex parte* basis without a hearing; live testimony or a sworn statement of the survivor is sufficient evidence for such issuance; survivor safety is prioritized over property rights; and relevant officials have the authority immediately to order a respondent out of the family home and to stay away from the survivor.

3) States shall ensure that violation of protection orders is a criminal offence, and shall prohibit recourse to mandatory alternative dispute resolution (ADR) processes, including mediation and conciliation, in cases of domestic violence.

4) States shall adopt specific criminal legislation for domestic violence and /or increase sanctions for general assault crimes in cases of domestic violence.

#### **Article 24: Violence in family law contexts**

1) States shall ensure the following guarantees:

- a) divorce or judicial separation from a violent husband without the need for the spousal agreement and adequate alimony to women and children;
- b) the woman's right to stay in the family dwelling after divorce and widowhood;
- c) social insurance and pension rights of women who divorce the perpetrator;
- d) prohibition of eviction of a widow and her children from her marital home by a landlord or family as a result of becoming widowed;
- e) prohibition on disallowing a widow to return to her maternal home or marital home following her abduction and/or forced marriage, in peacetime and in conflict;
- f) legal recognition of half-widows and functional widows whose husbands are permanently missing as a result of political, civil, religious, or social unrest to be implemented 18 months after the husband's disappearance;
- g) expedited distribution of property, and other relevant procedures upon widowhood;
- h) careful screening of all custody and visitation cases so as to determine whether there is a risk of ongoing violence and guaranteeing that the exercise of any awarded visitation or custody rights does not jeopardize the rights and safety of the survivor or children;
- i) a statutory presumption against awarding child custody to a perpetrator;
- j) availability, in appropriate cases, of professionally supervised visitation centers;
- k) a woman who has suffered violence and who has acted in self-defense, or fled in order to avoid further violence, shall not be classified as a perpetrator, or have a negative inference drawn against her, in custody and visitation decisions.

- 2) Recognizing that older women are at particular risk of domestic violence and neglect, States shall ensure the availability of criminal justice mechanisms and implementation of civil remedies for older women who are abused by relatives.
- 3) States shall ensure that widows and single mothers of all ages and all women who bear children out of wedlock have access to the same rights and protections as married women.
- 4) Recognizing that widows of all ages and especially child widows face vulnerabilities due to stigmatization and harmful stereotypes and are at particular risk of violence and neglect, States shall ensure the availability of criminal justice mechanisms and implementation of civil remedies for widows who are abused and/or disinherited by relatives.
- 5) States shall adopt measures to minimize the risks posed by international marriage brokers, including but not limited to:
  - a) regulating the operations of international marriage brokers including removal of license to operate upon proven violations of the national policy and laws on VAWG;
  - b) prohibiting use by men with a criminal history of abuse of international marriage brokers;
  - c) ensuring that women who are recruited through international marriage brokers are above the age of majority and have given voluntary and informed consent;
  - d) providing every recruited woman with information about her prospective spouse and her legal rights in the country of destination.

#### **Article 25: Violence Against Women and Girls in Armed Conflict**

- 1) States shall recognize that situations of armed conflict exacerbate all forms of violence against women and girls, including but not limited to intimate partner violence and sexual violence, and reduce their access to support services and recourse to justice, and shall condemn this human rights violation.
- 2) States shall recognize that conflict-related sexual violence against women and girls is a tactic of war and that under the terms of the Rome Statute for the International Criminal Court, rape and other types of sexual violence of comparable gravity are crimes against humanity.
- 3) States shall take all necessary policy and legislative actions to ensure that all women and girls are free from sexual violence in situations of armed conflict, including but not limited to the following measures:
  - a) define sexual violence in conflict to include rape, mutilation, sexual slavery and forced prostitution, pornographic exploitation, forced marriage, pregnancy and sterilization and design measures against it, such as Protection from Sexual Exploitation, Sexual Abuse and Sexual Harassment (PSEAH) programs;
  - b) acknowledge that such violence may be perpetrated by State security forces that include both military and police, supranational forces, and non-State actors such as paramilitaries, rebels, and militia organizations;
  - c) also acknowledge that violence may be carried out by national and international humanitarian workers and security and peace-keeping forces;
  - d) strengthen training regarding armed forces' and humanitarian workers' mandate to protect civilians;
  - e) prosecute perpetrators of sexual violence against women and girls at national or international levels.

4) States shall recognize “secondary” violence as new episodes of violence resulting from a first, initial act. Secondary violence is common, but not limited to, cases of sexual violence, including:

- a) so-called “honor” crimes and killings, aimed at restoring a family’s honor after a sexual assault, including, but not limited to, rape;
- b) maternal deaths as a result of rape;
- c) HIV-Aids infection as a result of rape;
- d) social exclusion and denial of rights to medical, legal or any other form of support;
- e) community exclusion and stigmatization.

5) States shall recognize violence that is not perpetrated by combatants, but is instead a consequence of the social context created by the conflict in which violence increases while response systems become weaker, such as the following:

- a) violence associated with greater prevalence of and access to firearms;
- b) violence that occurs while fleeing from conflict or during displacement;
- c) increased rates of domestic and intimate partner violence;
- d) impunity for perpetrators who are affiliated with armed combatants, military, police or peacekeeping forces;
- e) limited access to law enforcement, healthcare and other response systems;
- f) increased rates of forced early and child marriage.

6) States shall address violence against women and girls in different types of conflict, including low intensity conflicts and those that involve paramilitary, organised crime and other non-State actors.

7) States shall affirm the role and full inclusion of women in conflict prevention, negotiation and reaching agreements to end conflict, and include them as equal partners in demobilization, disarmament and reintegration processes in order to achieve long term and sustainable solutions, as well as in developing and implementing security sector reform.

8) States shall implement, evaluate and monitor programs to protect women and girls in conflict, including in the time periods before and after conflict is openly declared. These programs shall include but not be limited to:

- a) reviewing access to justice and all related services for survivors, undertaking reform, and implementing monitoring and evaluation mechanisms with input from women experts and survivors and non-government stakeholders;
- b) assessing and improving existing healthcare facilities and other systems of support for survivors of violence in conflict, particularly regarding practitioner training to address the post-traumatic effects of violence;
- c) disseminating information about rights and resources available to survivors of violence in conflict.

9) States shall establish partnerships with and provide adequate support to national civil society organizations whose mandate is related to strengthening women’s and girls’ social equality, including but not limited to:

- a) women’s and girls’ political activism and participation;
- b) rule of law and improvement of national legal frameworks related to women’s and girls’ protection from violence, especially during armed conflict and post-conflict crises;

c) youth organizations engaged in education programs influencing positive behavioral changes within communities and society.

11) States shall recognize the status of “victim of war” of all women and girl survivors of violence in conflict as a mandatory element of peace reconciliation, transitional justice and social cohesion processes after the conflict.

### **Article 26: Types of Violence Against Women and Girls**

1) States shall recognize that women and girls are at risk of many types of violence in their life cycles, including but not limited to domestic and workplace violence, sexual violence including sexual assault and sexual harassment, violence in situations of armed conflict, human trafficking and slavery, violence sponsored by the State or perpetrated by State actors, either on their territory or extra-territorially, and harmful practices.

2) States shall acknowledge that all types of violence, including torture, against women and girls can be committed by businesses and civil society in addition to individuals and State actors.

3) States have a duty to protect against violence caused by the extraterritorial acts of businesses and civil society, as well as a corresponding duty to address and provide adequate remedies for acts of violence perpetrated by businesses and civil society.

4) When ***nationality laws*** disadvantage women and girls by making them more at risk of violence and less able to obtain treatment and justice, and when refugee or asylum seeking, immigrant and stateless women and girls are at particularly high risk, States shall enact legislation to:

- a) adopt a gender-responsive, non-discriminatory approach in asylum processes, understanding that women and girls may be fleeing life-threatening violence in their home countries or trafficking, while in their host country;
- b) allow all adult women to apply for legal immigration status independently without requiring permission from spouses, or male family members, and allow refugee or asylum seeking, immigrant and stateless women who have survived violence to apply confidentially for legal immigration status independently of the perpetrator;
- c) ensure that women and girls survivors of violence of all ages shall not be deported or subjected to other punitive actions related to their immigration status when they report such violence to police or other authorities;
- d) allow survivors of violence to report any violence against them to police or other authorities without requiring permission from other persons, including but not limited to, family members, their employers or asylum institutions;
- e) establish procedures that allow women seeking asylum to present their claims in safety, before female case officers.

5) When ***online*** violence occurs by perpetrators using social media and other internet communication to threaten, slander, extort or harm a woman or girl through deliberate and hostile behavior, States shall address this online violence by:

- a) ensuring that the law takes account of new technologies and providing remedies through both criminal and civil actions;
- b) encouraging digital technology companies to strengthen or adopt measures with a view to eliminating violence and sexual harassment online;

- c) updating policies and laws against harassment, intimidation, extortion, stalking and other forms of violence against women and girls to take account of online settings.
- 6) States shall address **sexual violence** by enacting legislation that:
- a) replaces existing offences of rape and “indecent” assault with a broad offence of *sexual assault* based on harm;
  - b) provides for aggravating circumstances including but not limited to, the age of the survivor, the relationship of the perpetrator and survivor, the gravity of the violence, the presence of multiple perpetrators, and grave physical or mental consequences of the attack on the survivor;
  - c) removes any requirement that sexual assault be committed by force and any requirement to prove penetration, and minimizes secondary victimization of the complainant/survivor in proceedings;
  - d) criminalizes sexual assault within a relationship such as marital rape;
  - e) criminalizes sexual harassment, both *qui quo pro* and hostile work environment, in accordance with labor law norms;
  - f) prohibits, with limited exceptions, introduction into evidence of a survivor’s sexual behavior, history, or reputation in civil and criminal proceedings.
- 7) Because **sexual harassment** in the world of work impairs equality in employment and compromises women’s safety and health at work, States shall end sexual harassment by enacting legislation, either criminal, civil, administrative, non-discrimination, occupational safety and health or labor law, that:
- a) follows ILO’s Violence and Harassment Convention, 2019 (No. 190);
  - b) proclaims a clear prohibition of sexual harassment;
  - c) requires employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment, including a workplace policy developed in consultation with workers and their representatives;
  - d) identifies, in consultation with employers’ and workers’ organizations, the sectors, or occupations and work arrangements in which women workers are at greater risk and institutes measures to mitigate the risk and ensure that they are effectively protected.
- 8) States shall take all necessary policy and legislative actions to combat **trafficking** in human beings, for labor or commercial sexual exploitation and slavery, including but not limited to the following:
- a) establish or strengthen domestic systems of investigation and prosecution related to trafficking and slavery consistent with international treaties related to trafficking;
  - b) prohibit punishment of survivors of trafficking and slavery;
  - c) increase advocacy for trafficking and slavery to be treated as an issue of local, national and international priority, considering the economic and social cost of trafficking and slavery as a deterrent to social development and a just society.
- 9) Understanding that controlling a woman’s money and **economic security** is a manifestation of unequal power and violence, States shall take measures to address forms of exploitation and coercive control, including but not limited to economic, physical and psychological violence that undermine women’s autonomy, dignity, safety, and economic security, including through:

- a) maintenance of a legal framework to protect women's rights to access and use assets, their right to full inheritance of wealth, land, property, children and nationality and their right to buy and sell land on their own behalf;
- b) the guarantee that women and girls have equal access to economic resources, education, training and life skills for income generation, and employment;
- c) implementing women's right to equal remuneration for work of equal value alongside men and elimination of gender pay gaps;
- d) provision of paid maternity leave, benefits and continuation of service once leave is completed and prohibition of pregnancy-related dismissal;
- e) establishment of new or strengthening of existing monitoring bodies such as labor inspection to hold private and public employers accountable, creation of a monitoring and evaluation framework, and collection and analysis of disaggregated data so as to generate informed decision-making.

10) States shall recognize that VAWG through ***harmful practices*** exists in all spheres including public, private, formal, informal, rural, urban, community, customary and educational settings, and that harmful practices can depend on or relate to region, country and culture. In order to curtail and ultimately eradicate harmful practices, States shall:

- a) acknowledge that harmful practices are not social issues but criminal offences to be prohibited and enact legislation to provide remedies, including but not limited to criminal and civil remedies, for any instances in which harmful practices cause harm to any girl or woman of any age;
- b) ensure that such national legislation to eradicate harmful practices shall apply regardless of race, color, sex, language, religion, political or other opinion, nationality, national or social origin, ethnicity and indigenous status, property, marital status or widowhood, sexual orientation and gender identity, HIV/Aids status, migrant or refugee status, age, disability or any other characteristic;
- c) ensure that survivors of harmful practices are able to fully exercise their right to justice and legal remedy.

## **PART 5 - State Implementation**

### **Article 27: State Obligation of Due Diligence**

- 1) States shall exercise due diligence to prevent, investigate, punish and provide mechanisms for legal redress and reparation for violence against women and girls in accordance with the present Convention.
- 2) States shall refrain from engaging in acts of violence against girls and women and ensure that all its officials, agents, authorities and institutions act in conformity with this obligation. States shall act with due diligence to ensure accountability for State-sponsored violence and undertake expeditious investigations and impose penalties when State-sponsored violence is identified.
- 3) States have a positive obligation to:
  - a) develop, implement, periodically review, and update if necessary, relevant legislation and policies, and prevention strategies and programs regarding violence against women and girls;

b) monitor judicial proceedings to assess access to justice for the survivors and victims' families and the appropriateness of convictions of perpetrators.

#### **Article 28: Budget**

- 1) States shall mandate the ongoing allocation of an adequate budget for implementation of this Convention by assigning a minimum of percentage of Gross Domestic Product, in the form of:
  - a) creating a general obligation to provide adequate budget at national, provincial and local levels for the realization of the relevant activities;
  - b) allocating funding for a specific activity through, for example, the creation of a specialized prosecutor's office and police units;
  - c) allocating a specific budget to non-governmental organizations for a specified range of activities related to its implementation, including permission of non-governmental organizations to receive additional local and international funding;
  - d) establishing specific reparation funds for survivors in accordance with Article 18(2) of this Convention.
- 2) States shall provide financial resources in order to enable and support the design and implementation of anti-violence interventions including:
  - a) implementation of laws, policies, national action planning, and programs in the form of an effective multi-sectoral community response and measurement of the reduction in rates of violence against women and girls;
  - b) effective access to justice mechanisms for all women and girls;
  - c) appropriate social, health, psychological, legal, and other support services and financial aid for survivors;
  - d) training and capacity building for relevant State and non-State actors dealing with complainants/survivors or perpetrators;
  - e) education and awareness-raising campaigns on violence against women and girls;
  - f) data gathering, analysis, research and monitoring of violence against women and girls;
  - g) funding of materials for journalists and other media entities which report on violence against women and girls with due respect for their independence and freedom of expression.

#### **Article 29: Access to Justice**

- 1) States shall take all necessary measures to guarantee justiciability, availability, accessibility, accountability and quality of justice systems. These systems must provide effective remedies and integrated approaches to ensure that survivors have full access to justice.
- 2) States shall ensure:
  - a) safe, affordable and effective access through legal standing as individuals with legal identity for women and girls to all existing legal systems in the country whether State, quasi-State and traditional/non-State systems or alternative dispute resolution mechanisms;
  - b) the removal of institutionalized restrictions related to religious, social and cultural barriers on the rights of women and girls based on their origin, citizenship, social, marital, work or other status;



- c) execution of effective punitive action and corrective measures against perpetrators;
  - d) special support measures for facilitating effective access to justice for women and girls from marginalized groups and those at risk to include older women, indigenous women, women with disabilities and widows.
- 3) In particular, States shall uphold the right to protection of indigenous women and girls through integration of indigenous and customary law with laws of the State, clarification of the relationship with existing laws on jurisdictional indigenous domain, and well-funded access to justice for indigenous survivors of violence.
- 4) Protection measures shall include services to prevent further violence following immediate risk assessment and safety management analysis and appropriate multi-sectoral referral mechanisms, staffed by appropriately trained female personnel.
- 5) States shall prohibit retaliation for whistle-blowing, lodging complaints and engaging in judicial proceedings to redress violence against women and girls.
- 6) States shall ensure that the legally provided sentences are commensurate with the gravity of violence perpetrated against women and girls and that sentencing is applied consistently.
- 7) Legislation shall:
- a) contain enhanced penalties for repeated or aggravated crimes of violence, including but not limited to cases of harmful practices, non-State torture and multiple violations of protection orders;
  - b) remove existing provisions which allow for reduced penalties or excuse perpetrators in cases of so-called “honor” crimes or exculpate the perpetrator if that person subsequently marries the survivor.

### **Article 30: Protective procedures in criminal and civil hearings**

- 1) States shall enact legislation that ensures timely and expedited legal proceedings and fast-tracking of cases of violence against women and girls where appropriate.
- 2) The judicial system shall provide for free legal aid and court support, including independent legal counsel and intermediaries in order to ensure access to justice and avoid secondary victimization. Court support shall include:
- a) the right of complainants/survivors to be accompanied and represented in court by specialized support or an intermediary that is free and without prejudice to their case;
  - b) free access to a qualified, impartial interpreter and translation of legal documents, where requested or required;
  - c) the complainant/survivor’s right to decide whether or not to appear in court or to submit evidence by alternative means, non-confrontation of perpetrator through separate waiting areas for complainants and defendants and staggered arrival and departure times;
  - d) the possibility of closed courtroom proceedings, a gag on all publicity, and testifying only as many times as is necessary;
  - e) a ban on the tabling of evidence of complainant/survivor's sexual history;
  - f) measures to ensure the timely testing of collected medical and forensic evidence.
- 3) States shall adopt legislation abolishing penalties for so-called false reporting and the cautionary warning/corroboration rule with regard to complainants in cases of domestic violence and sexual violence by either stating that “it shall be unlawful to require corroboration of the

complainant's evidence" or "the credibility of a complainant in a sexual violence case is the same as the credibility of a complainant in any other criminal proceedings".

4) States shall not impose a pre-condition on a complainant/survivor's access to services on her cooperation with the criminal prosecution of the perpetrator.

### **Article 31: Response, Protection and Support Services**

States shall adopt policy and legislative measures to:

- 1) address risk factors that increase exposure to serious forms of violence, including access to weapons, such as acid and firearms;
- 2) at the expense of the State, provide for immediate safe access to comprehensive and integrated services, including pregnancy testing, emergency contraception, treatment for sexually transmitted diseases, geriatric health, treatment for all types of injuries, post-exposure prophylaxis and psycho-social support, for survivors of domestic violence and sexual violence;
- 3) mandate screening for torture, violence, abuse, sexual exploitation, and neglect, particularly for girl children, older women, indigenous women, women with disabilities and widows, as part of all primary health care facilities using for such screening evidence-based screening guidelines;
- 4) establish crisis centers and shelters that include qualified counselors, legal support and specialized services for all women and girls who are subjected to violence and provide funding to autonomous women's crisis centres and shelters;
- 5) locate such services so as to allow equitable access for women and girls in indigenous, rural, remote, and marginalized populations, as well as for women and girls with disabilities;
- 6) Establish statewide, round-the-clock, free, confidential helplines to provide advice and support to women and girl callers who have experienced violence;
- 7) prohibit discrimination in housing against women and girls who have survived violence, including by prohibiting landlords from evicting a tenant, or refusing to rent to a prospective tenant, because she has survived an incident of violence.

## **PART 6 - Monitoring Mechanisms**

### **Article 32: Conference of the Parties**

- 1) A Conference of the Parties is established to keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation. The Conference of Parties shall examine States Parties' reports submitted under this Part.
- 2) The first session of the Conference of the Parties shall be convened by the UN Office of the High Commissioner of Human Rights not later than one year after the entry into force of this Convention, in Geneva.
- 3) The Conference of the Parties shall meet in regular session biennially, commencing the year following its inaugural session. Regular sessions shall not exceed two weeks' duration.
- 4) Extraordinary sessions of the Conference of the Parties may be held at such other times and in such other places as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one-third of the Parties.
- 5) The Conference of the Parties shall adopt by consensus its Rules of Procedure and reporting guidelines and elect its officers at its first session.

6) The Conference of the Parties shall by consensus adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the Secretariat. At each regular session, it shall adopt a budget for the financial period until the next regular session.

7) In implementing the proceedings for individual complaints and inquiries under Articles 35 and 36, the Conference of the Parties may decide to establish a Roster of Experts in the field of violence against women and girls, having regard to geographical and gender balance in appointing such experts. When assigning Experts from the Roster to assist in a particular proceeding, the Conference of the Parties shall ensure that no Experts of the concerned country are assigned to that case.

8) The members of the Roster of Experts, when assigned to a proceeding, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the UN Convention on the Privileges and Immunities.

### **Article 33: Secretariat**

1) The Office of the High Commissioner for Human Rights (OHCHR) shall be the permanent secretariat.

2) Secretariat functions shall be to:

a) make arrangements for sessions of the Conference of the Parties and any subsidiary bodies and to provide them with services as required;

b) provide support to the States Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

c) design and maintain, under the supervision of the Conference of the Parties, a monitoring system with benchmarks and indicators capturing information on VAWG in order to support the development of tailored policies which cater to the needs of States and different groups within States, and prepare from that system regular reports listing countries with highest prevalence and good practices in prevention and protection measures, from which a scorecard may be extracted for evaluation and replication purposes, where appropriate;

d) under the Conference of the Parties' supervision design and deliver when States' Parties request, a range of easily-accessible capacity-building resources such as model legislation, guidelines, codes of practice, curricula content, public campaign messaging and practical initiatives such as how to create free helpline services and minimum standards for shelters;

e) prepare reports on its activities under the Convention and submit such reports to the Conference of the Parties in accordance with its rules of procedure, and for further dissemination as required by this Convention; and

f) perform other secretariat functions specified by the Convention and by any of the Conference of the Parties rules of procedure and such other functions as may be determined by the Conference of the Parties.

### **Article 34: Reports of States Parties**

- 1) States parties shall submit to the Conference of the Parties, via the Secretariat a report on the law and practice for complying with this Convention as follows:
  - a) a first, baseline report within one year from the date of entry into force of the Convention for the State concerned;
  - b) every two years after that first report.
- 2) State Parties' reports shall follow an outline established by the Conference of the Parties, developed at its first meeting and made available online, and should cover at a minimum:
  - a) information on legislative, executive, administrative, judicial or other measures taken to implement the Convention;
  - b) information on any constraints or barriers encountered in the State Party's implementation of the Convention, and on the concrete measures taken to overcome these barriers;
  - c) information, quantitative and qualitative, on financial and technical assistance provided as regards activities to end violence against women and girls, including regarding any national fund established and details of training courses (annual delivery rate, numbers of each sex trained, examples of curricula and profiles of trainers);
  - d) up-to-date data and statistics disaggregated by sex, race, ethnicity, age, disability and other relevant characteristics, covering but not limited to the number of VAWG cases reported, investigated and prosecuted; number of helplines and shelters for survivors (with location, staffing and budget data); and types of sanctions applied when court decisions against perpetrators are issued.
- 3) The UN Secretary-General shall make the reports available to all States Parties.

### **Article 35: Individual Complaints Mechanism**

- 1) Communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of a State Party, claiming to be subject to a violation by that State Party of any of the rights set forth in this Convention, to the Conference of the Parties.
- 2) Where a complaint is submitted on behalf of an individual or group of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent such as when the victim is deceased.
- 3) To be admissible, the complaint must:
  - a) be signed, not anonymous;
  - b) be in writing;
  - c) specify the Article(s) which are alleged to be violated, with supporting facts;
  - d) not be the same matter that has already been examined by the Conference of the Parties or has been or is being examined under another procedure of international investigation or settlement;
  - e) be submitted after the exhaustion of all effective national remedies, subject to an exception where the application of the national remedies is recognized to be unreasonably prolonged or unlikely to bring effective relief, and be submitted within one year after such exhaustion of, except in cases where the author can demonstrate that it had not been possible to submit the complaint within that time limit;

- f) not be an abuse of the right of submission of such complaints nor be incompatible with the provisions of the Convention;
  - g) not be manifestly ill-founded or insufficiently substantiated; and
  - h) not concern facts that occurred prior to the entry into force of the Convention for the State Party concerned, unless those facts continued after that date.
- 4) The Conference of the Parties shall adopt specific rules concerning this complaint process, and shall ensure that receivable complaints are registered so that treatment and follow-up are easily tabulated, with time lines adhered to and final decisions published confidentially to the attention of the State party concerned as soon as possible.
- a) The rules shall protect the privacy and confidentiality of those individuals or group of individuals concerned if so requested, as well as prohibiting retaliation against complainants, survivors, witnesses and whistle-blowers if involved;
  - b) in particular, the rules shall ensure that the identity of any individual or group of individuals concerned shall not be revealed publicly without their express consent.
- 5) The rules shall detail the transmission of the admissible complaint to the State Party concerned, the time limit for that State Party to submit its written explanations or replies clarifying the matter and the remedy, if any, that may have been provided by that State Party, as well as the deadline under which the Conference of the Parties shall consider all the documentation submitted to it under the present Article being as quickly as possible.
- 6) When examining an admissible complaint, the Conference of the Parties may consult relevant documentation emanating from other United Nations entities, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems.
- 7) The Conference of the Parties shall hold closed meetings when examining complaints received under the present Article.
- 8) The Conference of the Parties
- a) may adopt a decision regarding the complaint and make recommendations for remedies and other measures to the State Party concerned, or it may adopt a decision calling for further information together with interim measures, or it may decide that the matter raised in the complaint did not amount to a violation and the complaint is therefore closed;
  - b) shall, after reaching its decision, transmit its decision, together with its recommendations, if any, to the parties concerned without delay;
  - c) shall incorporate summaries of its decisions, respecting the privacy and confidentiality of complainants if requested, in its annual reports and in its scorecard process;
  - d) may, when its decision calls for further action on its recommendations, invite the concerned State Party within 12 months of the date when the decision was transmitted to that State Party, to submit further information about any follow-up measures taken in response to the decision's recommendations and/or about any new measures in law and in practice that the concerned State Party considers germane to implementation of the decision of the Conference of the Parties.

### **Article 36: Inquiry Procedure for grave or systematic violations**

- 1) If the Conference of the Parties received reliable information in written and signed format indicating grave or systematic violations by a State Party of any of the rights set forth in this Convention, the Conference of the Parties shall immediately inform the concerned State Party of the allegations with a copy of the text and invite the State Party to cooperate in the examination of the information; and the State Party shall be asked to submit its observations with regard to the information concerned without delay, and in any case within one month of the sharing of the text.
- 2) Taking into account any observations that may be submitted by the concerned State Party, as well as any other reliable information available to it, the Conference of the Parties may designate one or more of its members to conduct an inquiry, and may assign Experts from the Roster of Experts, and to report back urgently to the Conference of the Parties on the findings of this Inquiry Procedure.
- 3) Where warranted and with the consent of the State Party, the Inquiry Procedure may include a visit to its territory. If the Inquiry Procedure includes a visit to its territory, the State Party shall provide the members undertaking the visit with all the means and facilities needed for the successful completion of the visit.
- 4) Such an Inquiry Procedure shall be conducted confidentially, with the support of the secretariat and the cooperation of the State Party shall be sought at all stages of the proceedings.
- 5) After examining the findings of such an Inquiry Procedure, the Conference of the Parties shall transmit without delay these findings to the concerned State Party, together with its conclusions and recommendations, including a timetable for implementation of such recommendations that require State action.
- 6) The concerned State Party shall, within six months of receiving the findings, conclusions and recommendations transmitted by the Conference of the Parties, submit to the Conference of the Parties an implementation report on any measures taken to give effect to the requested actions with reference to the timetable; if no action has been taken on certain or all of the recommendations within the referenced timetable, the State Party report shall explain why this is so.
- 7) After an Inquiry Procedure has been completed and the implementation report received, the Conference of the Parties may, after consultation with the concerned State Party, decide to include a summary account of the proceedings and the results achieved in its annual report provided for in Article 32(9) of this Convention. It may also decide to make its full report public. In any event, in the interest of transparency, that annual report shall include a section listing any Inquiry Procedures initiated during the reporting period and give the name of the State Party concerned and the Articles of this Convention invoked.

### **Article 37: Cooperation with the multilateral system**

- 1) The United Nations entities, specialized agencies, funds, programmes and mechanisms shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandates. The Conference of the Parties may invite them to submit written reports on the implementation of the Convention in areas falling within the scope of their mandate, and may request them to send observations on

alleged grave or systematic violations relating to their mandates under the Inquiry Procedure above.

2) To ensure improved implementation of this Convention, States in the multilateral system shall engage in collaboration, coordination and communication at every level. States Members of international and regional bodies shall coordinate and assume a cross-agency approach in preventing, protecting and enforcing the General Principles of this Convention, and seek mutually-supporting frameworks and processes within each mandate to end VAWG.

## **PART 7 - Final Provisions**

### **Article 38: Minimum standards**

- 1) Nothing in this Convention shall prevent a State from imposing stricter requirements that are consistent with its provisions and are in accordance with international human rights law.
- 2) No reservations may be made to this Convention.

### **Article 39: Relationship with other International Instruments**

- 1) The present Convention shall not affect obligations arising from other international instruments to which Parties to the present Convention are Parties or shall become Parties and which contain provisions on matters governed by the present Convention.
- 2) The Parties to the present Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in the present Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

### **Article 40: Signature, Ratification, Accession and Depositary**

- 1) The Convention shall be open for signature by all States.
- 2) The Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3) The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
- 4) The UN Secretary-General shall be the depositary of the present Convention, including for the Arabic, Chinese, English, French, Russian and Spanish texts of the Convention which are equally authentic.

### **Article 41: Entry into Force**

The Convention shall enter into force on the thirtieth day after the date of deposit with the UN Secretary-General of the twentieth instrument of ratification or accession.

### **Article 42: Revision and Amendments**

- 1) A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the UN Secretary-General.
- 2) The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

**Article 43: Settlement of Disputes as to interpretation or application of the Convention**

1) In the event of a dispute between two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall seek through diplomatic channels a settlement of the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation, or conciliation.

2) Failure to reach agreement by good offices, mediation or conciliation shall not absolve the Parties to the dispute from the responsibility of continuing to seek to resolve it.

**Article 44: Denunciation**

1) At any time after two years from the date on which this Convention has entered into force for a Party, a Party may denounce the Convention by written notification to the UN Secretary-General.

2) The denunciation shall become effective one year after the date of receipt of the notification by the UN Secretary-General.

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FIRST DRAFT