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Guiding Package

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**Abstract**

 Gender-based violence against women is a form of discrimination and a violation of their fundamental freedoms and rights. It includes all acts of violence against women that are likely to result in, physical, sexual and psychological harm to women, whether occurring in public or in their private life. Gender-based violence includes violence in relationships, sexual violence (including rape, sexual assault and harassment), psychological and economic violence, trafficking in women, forced prostitution, slavery, and different forms of harmful practices, such as child and/or forced marriages, female genital mutilation, forced abortion and forced pregnancy.

 Lately, there appears to be a continuous increase in the number of crimes committed against women. While progress has been made by some countries in certain areas, there are still many hurdles to effectively prevent and eradicate violence against women. Due to weaknesses in criminal legislation, poor enforcement of criminal laws and regulations, lack of proper capacity in the criminal justice system, diminishing and discriminatory attitudes among relevant professionals and lack of sufficient and sustainable dedicated resources, in many countries the justice chain is still failing women victims of violence. This failure results in a high level of cases of violence going unreported and unprosecuted, in a profound lack of confidence and trust in the criminal justice institutions, as well as in a high percentage of victims whose needs for assistance, protection and redress are neither recognized nor met.

**Introduction**

 Violence against women and girls is one of the most universal and widespread violations of human rights worldwide. It takes place in every country, in peacetime as well as in situations of conflict and crisis, and affects women and girls regardless of age, ethnicity, or socio-economic status.

 Violence against women and girls is a complex and multifaceted problem that cannot effectively be addressed from a single vantage point. The prevention of, and response to, such violence requires coordinated action across multiple sectors. However, most countries are mainly focused on either preventing this problem or protecting its victims.

 Victims of violence of any type fear stigmatization or societal disrespect and thus often hesitate to report crimes. The length of the litigation process in crimes of violence is also a major deterrent for women to report incidences, lacking the confidence that justice will be attained in a timely manner. The issue is compounded by the fact that for women and children, perpetrators are often people they know and because some criminal justice systems lack laws and regulations protecting victims.

 The trauma faced by women victims of violence at the hands of perpetrators is sometimes repeated when they interact with criminal justice systems that are immature or unprofessional (secondary victimization). Fear of secondary victimization that happens when women interact with the justice system and the forensic medical practitioners is found to be a key issue preventing thousands of women and girls from accessing justice. Moreover, a girl’s family is often reluctant to deal with the demeaning treatment they face at the hands of unethical forensic service staff or at the hands of the prosecutors themselves that ‘victimize’ the women victim once more.

 Finally, when cases of violence are reported, the criminal justice systems of member states aren’t well developed to offer two basic services: prosecution of cases and protection of victims. Gender-sensitive systems need to evolve tremendously from only focusing on prosecuting the perpetrators and establishing forensic evidence, to offering survivors of violence a multitude of social and psychological support services such as psychosocial counselling, shelter and protection services.

**Definition of key terms:**

1. **Criminal justice system:** a set of legal and social institutions for enforcing the criminal law in accordance with a defined set of procedural rules and limitations. Criminal justice systems include several major subsystems, composed of one or more public institutions and their staff: police and other law enforcement agencies; trial and appellate courts; prosecution and public defender offices; probation and parole agencies; custodial institutions (jails, prisons, reformatories, half-way houses, etc.); and departments of corrections (responsible for some or all probation, parole, and custodial functions).[[1]](#footnote-0)
2. **Rape:** unlawful sexual activity carried out forcibly or under threat of injury against a person's will or with a person who is beneath a certain age or incapable of valid consent because of mental illness, mental deficiency, intoxication, unconsciousness, or deception[[2]](#footnote-1)
3. **Gender based violence (GBV):** violence that is directed at an individual based on his or her biological sex or gender identity. It includes physical, sexual, verbal, emotional, and psychological abuse, threats, coercion, and economic or educational deprivation, whether occurring in public or private life.[[3]](#footnote-2)
4. **Prosecutor:** a person, especially a public official, who institutes legal proceedings against someone.[[4]](#footnote-3)
5. **Forensics:** scientific tests or techniques used in connection with the detection of crime. Made by the “forensic team”.[[5]](#footnote-4)

**Background information:**

Violence against women has moved from the private domain to the attention of the public and became the responsibility of the state thanks to largely grassroots activities by women's organizations and movements around the world. These activities brought to light the fact that violence against women is not the result of acts individual and spontaneous misconduct, but that it is deeply rooted in the structural relationship of inequality that exists between women and men. The interaction between the advocacy activities of women and UN initiatives has been one of the main factors that has fact that violence against women has become one of the fundamental rights on the international agenda. Considerable progress has been made in developing agreed international standards and criteria. Legal instruments international policies have clarified the obligations to prevent, eradicate and punish violence against women. But everywhere in the world, states do not meet international legal and political requirements.

 It is clear that violence against women is a problem worldwide: 71 countries carried out a survey at less on violence against women. But there is an urgent need to strengthen the knowledge base that will enable the development of policies and strategies. Many countries do not have reliable data and it is not always possible to compare significantly much of the existing information. Few countries regularly collect data, which would make it possible to quantify the changes in time. It is necessary to gather information without delay about how different forms of violence affect various groups of women; this requires data that has been broken down by factors such as age and ethnicity. We only have little information needed to evaluate the measures taken to fight against violence against women and to judge the impact. It would be necessary to establish a set of international indicators on violence against women based on reliable data and widely available at national level, using methods comparable to define and quantify violence.

 Involved countries have a clear and concrete obligation to work towards resolving the problem of violence against women, that this violence is made by state agents or non-state actors. They also have responsibilities to the women themselves, to the citizens and the international community. They have the duty to prevent acts of violence against women; to investigate these acts when they occur and to prosecute and punish the perpetrators; and compensate and help the victims. If circumstances and constraints require different types of action taken by the country; they do not excuse inaction on the part of the State. Yet, all over the world, countries do not fully implement international standards on violence against women. When they do not hold perpetrators of violence accountable for their actions, this not only has the effect of encouraging abuse, but the message thus transmitted is that the violence of men with women is acceptable or normal. This impunity therefore, constitutes not only a denial of justice towards the victims or survivors, but also reinforces the inequalities that other women and girls suffer.

**UN Involvement :**

* **United Nations Office on drugs and crime :** UNODC offers assistance in strengthening crime prevention and criminal justice system responses to violence against women. Such responses include more efficient laws and policies and enhanced capacity of criminal justice systems to prevent, investigate, prosecute and punish related crimes, to provide access to justice and legal aid and to assist and protect victims and witnesses. UNODC provides legal and policy advice, training and capacity building to Member States upon request. In the Asia-Pacifc region, UNODC delivered a Training of Trainers on Effective Prosecution Responses to Violence against Women for prosecutors from 10 South-East Asian countries, in collaboration with UN Women and the Thailand Institute of Justice. In Kenya, UNODC developed a training curriculum on “Ending Sexual and Gender-based Violence: The Role of the Prosecutor” and organized a series of training-of-trainers courses for prosecutors, followed by peer training conducted by the participants at the local level. Through a multi-year police reform programme, the UNODC is assisting the Kenyan National Police in gender mainstreaming, strengthening capacity to respond to gender-based violence and enhancing oversight mechanisms. In Egypt, UNODC developed training manuals for all relevant criminal justice actors and is conducting training of senior prosecutors and forensic doctors to support changes in attitudes and practices in handling cases of violence against women. UNODC also supported the Offce of the Prosecutor General to put in place a data management system for violence against women cases and supported the National Council of Women’s complaints offce through the provision of training for staff to act as advocates for survivors.
* **United Nations Development Program :** UNDP’s access to Justice Programme took a multi-pronged approach to address the hurdles facing gender sensitive justice. The programme helped strengthen civil society organizations’ capacity, including the capacity of hundreds of women community leaders, to protect women and children from SGBV, protect and improve women’s access to land and property rights and monitor and evaluate the performance of the justice sector on these issues. They also provided legal aid to women and their communities at local court levels, where most cases in the formal system are handled. In more remote areas, UNDP supported mobile courts, which have greatly increased the number of cases brought forward and resolved.

**Major countries involved :**

**The United States of America:** On September 13, 1994, President Bill Clinton signed into law the Violence Against Women Act (VAWA), The Act granted $1.6 billion of funding for investigating and prosecuting violent crimes directed towards women, making compensation from those convicted automatic and mandatory. In 2005, the American Civil Liberties Union expressed that "VAWA is one of the most effective pieces of legislation enacted to end domestic violence, dating violence, sexual assault, and stalking. It has dramatically improved the law enforcement response to violence against women and has provided critical services necessary to support women in their struggle to overcome abusive situations. Nowadays, The U.S. government has just released its much-anticipated global strategy to prevent and address gender-based violence. The strategy, and accompanying Executive Order, will help ensure that the United States effectively prevents and responds to gender-based violence globally. This new strategy for the first time puts the full weight of U.S. foreign policy and international assistance behind efforts to end this global human rights violation. The U.S.’s new strategy will strengthen the U.S.’s response to this global epidemic by prioritizing coordination and prevention. The strategy’s four key goals are:

- Increase coordination among U.S. government agencies and other stakeholders such as human rights organizations;

- Fully integrate gender-based violence protection and response efforts into existing U.S. government work;

- Improve research and data collection to improve gender-based violence prevention efforts; and

- Expand and enhance U.S. government programming that addresses gender-based violence.

 The release of the U.S. strategy is a victory for women and girls around the world and is cause for celebration. If implemented fully, the strategy has the capacity to truly bring together the whole of the U.S. government to prevent and respond to gender-based violence and help end violence against women and girls globally.

**People's Republic of China:** China also has its own coalition of Chinese women’s rights and gender equality activists and experts. Its content is based on the documentation and research undertaken by the China VAW Concern Group in consultation with other human rights NGOs, academics and lawyers. The CEDAW Committee has repeatedly urged China to “ensure that all forms of violence against women and girls, both in the public and private spheres, constitute a crime punishable under criminal law” and has called upon China “to provide immediate means of redress and protection to women and girls victims of violence. The Committee has also encouraged the Chinese government to “enhance victims’ access to justice and redress” and to “strengthen its system of data collection in regard to all forms of violence against women and to include such information in its next report. Although the China VAW Concern Group welcomes the steps that the Chinese government has taken to address pervasive domestic violence in China, it regrets that Chinese authorities continue to interpret “violence against women” only as spousal violence, to the exclusion of the many other forms of violence that women in China face.

**Republic of Finland:** Finland is establishing an effective mechanism at the Governmental level to coordinate national activities to combat all forms of violence against women in accordance with Article 10 of the Istanbul Convention. The coordination mechanism will be established in connection with the Ministry of Social Affairs and Health and will be composed of representatives of various Government Ministries, as well as representatives of several Governmental and State Agencies. It will also cooperate with non-governmental organizations. The coordination mechanism will draft an action plan for a term of four years, including plans on detailed cross-ministerial monitoring.

**Possible Solutions:**

* Take all necessary measures to ensure that collection of forensic evidence (including medical evidence) and information is carried out according to standardized protocol and forms.
* Ensure that the victim feels safe and that her privacy is protected, while ensuring that the offender is given the information necessary to have a fair trial.
* Develop different investigative techniques for different forms of violence against women.
* Update investigative rules to take into account new forms of technology and use of social media.
* In accordance with national law, ensure that criminal justice agencies inform and advise the victim on her right to legal assistance and about the conditions to access free legal aid.
* Assure that, where police cannot arrest the suspect immediately, they ensure the safety of the victim, such as identifying a safe place for her and arranging transportation.

**Guiding questions:**

1. How can your country’s criminal justice system improve its ways of taking care of violence against women?

2. What are the main problems that women face when it comes to violence ?

3. What have the organizations done until now to solve the issue? How have those efforts improved the situations?

4. What are the solutions that could solve the problem from its roots?

5. Has your country done any efforts concerning the problem? If Yes, what are those efforts?

**Useful links:**

* <https://www.unodc.org/documents/justice-and-prison-reform/Gender/16-09583_ebook.pdf>
* <https://www.vawgresourceguide.org/terminolgy>
* <https://www.un.org/womenwatch/daw/vaw/violenceagainstwomenstudydoc.pdf>

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1. What is a criminal justice system?, available on: <https://guides.temple.edu/criminaljustice> [↑](#footnote-ref-0)
2. Definition of rape, available on: <https://www.merriam-webster.com/dictionary/rape> [↑](#footnote-ref-1)
3. What is gender based violence?, available on: <https://www.womenforwomen.org/blogs/series-what-does-mean-gender-based-violence> [↑](#footnote-ref-2)
4. Definition of prosecutor, available on: <https://www.merriam-webster.com/dictionary/prosecutor> [↑](#footnote-ref-3)
5. Definition of forensic, available on: <https://www.merriam-webster.com/dictionary/forensic> [↑](#footnote-ref-4)