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Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Albania*, Andorra*, Armenia*, Australia*, Austria, Azerbaijan*, Belgium*, Benin,
Bosnia and Herzegovina*, Canada*, Costa Rica, Côte d'Ivoire, Croatia*, Denmark*,
Djibouti*, Estonia, Finland*, France*, Georgia*, Greece*, Honduras*, Hungary*,
Ireland, Italy, Kyrgyzstan*, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*,
Norway*, Monaco*, Montenegro, Netherlands*, New Zealand*, Paraguay*, Poland,
Serbia*, Slovenia*, Somalia*, Spain, Switzerland, Thailand, the former Yugoslav
Republic of Macedonia*, Togo*, Turkey*, United Kingdom of Great Britain and
Northern Ireland*, United States of America: draft resolution**

23/... Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Convention on the Elimination of All Forms of Discrimination
against Women,

Reaffirming the Vienna Declaration and Programme of Action, the Declaration on
the Elimination of Violence against Women, the Beijing Declaration and Platform for
Action, the Programme of Action of the International Conference on Population and
Development, Human Rights Council resolutions 7/24 of 28 March 2008, 14/12 of 18 June
2010, 16/7 of 24 March 2011, 17/11 of 17 June 2011 and 20/12 of 5 July 2012, as well as
those of the Commission on Human Rights on the elimination of all forms of violence
against women, and recalling relevant resolutions of the General Assembly and relevant
resolutions and the agreed conclusions of the Commission on the Status of Women,¹

Recalling Security Council resolutions 1325 (2000) of 31 October 2000, 1820
(2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009
and 1960 (2010) of 16 December 2010, on women, peace and security, 1674 (2006) of 28

* Non-member State of the Human Rights Council.

¹ *Official Records of the Economic and Social Council, 2013, Supplement No. 7 (E/2013/27).*

April 2006, and all relevant Security Council resolutions on children and armed conflict, including resolutions 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011;

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Outraged by the prevalence of rape and other forms of sexual violence, which disproportionately affect women and girls, and occur in all spheres of society, in public and private life, in peace time, during periods of civil unrest or political transition, and in conflict and post-conflict situations,

Recognizing that rape or any other form of sexual violence is unlawful in all circumstances and in all places, ,

Underscores the fact that shame, stigma, fear of reprisals and negative economic consequences, such as loss of livelihood or reduced household income, prevent many women from reporting cases of rape and other forms of sexual violence, and from seeking justice for these crimes,

Stressing the importance of law enforcement pursuing adequate investigations and prosecutions for rape and other forms of sexual violence perpetrated on any ground against women and girls, and recognizing that a lack of accountability unacceptably reinforces social normalization of and tolerance for these crimes,

Acknowledging that the forced marriage of women and young girls is a violation or an abuse of their human rights and makes them particularly vulnerable to violence, including sexual violence,

Deeply concerned that child, early and forced marriages expose young married girls to a greater risk of HIV and sexually transmitted infections, often lead to early childbearing and increase the risk of disability, stillbirth, obstetric fistula and maternal death, and reduce their opportunities to complete their education, gain comprehensive knowledge or develop employable skills, and violate and impair the full enjoyment of the human rights of women and girls, preventing women and girls from becoming full, contributing members of society,

Recognizing that violence against women has both short- and long-term adverse consequences for their health, including their sexual and reproductive health, and the enjoyment of their human rights, and that respecting and promoting sexual and reproductive health, and protecting and fulfilling reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences is a necessary condition to achieve gender equality and the empowerment of women to enable them to enjoy all their human rights and fundamental freedoms, and to prevent and mitigate violence against women,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Emphasizing the responsibility of all States to comply with their relevant obligations to put an end to impunity and to effectively use all appropriate means to thoroughly investigate and prosecute those subject to their jurisdiction that are responsible for such crimes,

Stressing that women's empowerment, including women's economic empowerment and full and equal access to resources, women's full integration into the formal economy, in particular in economic decision-making, and their full and equal participation at all levels of public, political and cultural life is essential for addressing the underlying causes of violence against women, including sexual violence,

Recognizing the important role of the United Nations system, in particular of the United Nations Entity for Gender Equality and the Empowerment of Women, in addressing discrimination and violence against women and girls at the global, regional and national levels and in assisting States, upon their request, in their efforts to eliminate and prevent all forms of violence against women and girls,

1. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women;

2. *Expresses deep concern* at rape and other forms of sexual violence in all their manifestations, which often target victims associated with communities, ethnic groups or other groups regarded as antagonistic to or insufficiently supportive of the group or entity whose forces commit the crime, and are frequently calculated to humiliate, dominate, instil fear in, disperse and/or forcibly relocate members of such groups, including, but not limited to, the victims and their families, and can be used as a form of ethnic cleansing;

3. *Also expresses deep concern* at the use of rape and other forms of sexual violence to intimidate, harass, deter and commit reprisals against women and girls, including women human rights defenders, in public spaces, and calls upon States to ensure that women and girls are enabled to participate as members of civil society without fear of reprisal, coercion, intimidation or attacks;

4. *Urges* States to take meaningful steps to address the harmful attitudes, customs, practices, stereotypes and unequal power relations that underlie and perpetuate rape and other forms of sexual violence by, inter alia:

(a) Publicly condemning, at the highest levels, rape and sexual violence against women and girls on any grounds, and providing visible and sustained leadership, by men and women alike, to support effective prevention;

(b) Engaging all segments of society, including community and religious leaders, civil society organizations, the private sector and the media, in prevention efforts, such as awareness-raising and education campaigns targeting the general public to increase their understanding of the harmful effects of violence;

(c) Engaging, educating, encouraging and supporting men and boys to take responsibility for their behaviour and to become active partners in the prevention and elimination of all forms of discrimination and violence against women and girls, and to end the stigmatization of victims by encouraging a change in attitudes, norms and behaviour through the promotion of gender equality;

(d) Measuring the effectiveness of policies and programmes to prevent sexual violence, including by carrying out regular evaluation and monitoring, and collecting and disseminating data disaggregated by sex, age, disability and other relevant factors;

5. *Also urges* States to increase measures to protect women and girls from all forms of violence, including sexual violence, by addressing their security and safety, including through, inter alia, awareness-raising, involvement of local communities, crime

prevention laws, infrastructures, public transportation, sanitation facilities, street lighting and improved urban planning;

6. *Stresses* that women should be empowered to protect themselves against sexual violence and, in this regard, that women have the right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence;

7. *Calls upon* States to ensure that all forms of rape and sexual violence are criminalized in national law, and to take appropriate legislative and policy steps to ensure the prompt and adequate investigation, prosecution and accountability of perpetrators, including by strengthening the capacity of the criminal justice system;

8. *Urges* States to ensure that national laws and policies are in compliance with their international human rights obligations and are non-discriminatory by, inter alia, permitting prosecution of marital rape and repealing provisions that require corroboration of testimony; enable perpetrators of rape to escape prosecution and punishment by marrying their victim; and subject victims of sexual violence to prosecution for moral crimes or defamation;

9. *Affirms* the need for States to take practical steps to ensure women's access to justice, including by creating an enabling environment where women and girls can easily report incidents of violence, including sexual violence, through, inter alia, victim services, testimonial support and the possibility of publication bans, by improving victim and witness protection, protecting confidentiality and privacy rights, and providing law enforcement officials and first responders with human rights training;

10. *Underscores the importance* for States to address all health consequences, including physical, mental and sexual and reproductive health consequences, of rape and other forms of sexual violence against women and girls by providing accessible health-care services that are responsive to trauma and include affordable, safe and effective treatment;

11. *Calls upon* Governments, in cooperation with the private sector, non-governmental organizations and other civil society actors, as appropriate, to address the long-term consequences faced by victims of rape and other forms of sexual violence, including legal discrimination and social stigmatization, as well as the effects on children born as a result of rape or who witness such violence;

12. *Stresses the need* for States and relevant United Nations agencies to ensure that measures to provide protection to victims and witnesses of rape and other forms of sexual violence extend to and address the specific needs of those most vulnerable to these forms of violence, including indigenous, disabled, refugee and internally displaced women and girls, women in custody, women and girls forcibly recruited by armed forces and armed non-State actors, and trafficked women and girls, including those forced into sexual exploitation and slavery;¹³ *Underlines* that, in situations of peaceful protest, civil unrest, public emergency or political transition, States must continue to take all necessary measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual violence, and must ensure that such acts, whether or not committed by State or non-State actors in the course of achieving political or military objectives or, as a means of intimidation or repression, are promptly and effectively investigated and, if grounds for it are established, prosecuted;

14. *Condemns* all acts of sexual exploitation, abuse and trafficking of women and children by military, police and related civilian personnel, including those involved in United Nations operations, and affirms the need for personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including by ensuring that appropriate training is provided, that any allegations of rape or

other forms of sexual violence against any such personnel are investigated and prosecuted, and that perpetrators are held accountable;

15. *Calls upon* States to demonstrate their commitment to preventing sexual violence by promoting and protecting women's human rights and the equal participation and full involvement of women in society and by ensuring that women are active participants in decision-making processes, including peace, transitional justice, political transition and constitutional reform processes;

16. *Takes note* of the efforts to develop a non-binding international protocol on the investigation and documentation of sexual violence in conflict, drawing on existing local, regional and international guidance, to set out international standards for the investigation of rape and sexual violence to ensure that the strongest possible evidence is collected and that victims receive sensitive and sustained support;

17. *Affirms its intention* to ensure that, where appropriate, the mandates of future fact-finding missions or commissions of inquiry require them to devote specific attention to violence against women and girls in their reports and recommendations, or upon renewal of existing mandates;

19. *Invites* the Office of the United Nations High Commissioner for Human Rights, within its mandate, to make expertise promptly available to investigate allegations of mass rape or systematic sexual violence, including by utilizing existing regionally diverse and gender-balanced multilateral rosters of readily deployable trained professionals, such as the United Nations Entity for Gender Equality and the Empowerment of Women/Justice Rapid Response joint roster of international investigators of sexual and gender-based crimes;

20. *Invites* the Office of the High Commissioner to include, during the annual full-day discussion on women's human rights to be held during the twenty-ninth session of the Human Rights Council, a discussion on the outcome of the meeting of the open-ended intergovernmental expert group to be convened by the Secretary-General in 2014 and organized by the Commission on Crime Prevention and Criminal Justice on ways and means to more effectively prevent, prosecute and punish gender-related killings of women and girls, and on the work carried out on good and promising practices, such as the non-binding model protocol and the best practices guide for the investigation of gender-related killings in Latin America;

21. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences and of the Special Representative of the Secretary-General on Sexual Violence in Conflict, and takes note with appreciation of the report of the Special Rapporteur on State responsibility for eliminating violence against women;²

22. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequence, as set out by the Human Rights Council in its resolution 16/7, for a period of three years;

23. *Also decides* to continue consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

² A/HRC/23/49/Add.5.