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INTERNATIONAL EXPERTS GROUP MEETING ON THE DEVELOPMENT OF INSTRUMENTS TO IMPLEMENT AN INTERNATIONAL CRIMINAL JUSTICE STRATEGY TO ELIMINATE VIOLENCE AGAINST WOMEN

Vancouver, British Columbia, Canada
December 17 - 19, 1998

MEETING REPORT

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INTRODUCTION

The International Experts Group Meeting on the Development of Instruments to Implement an International Criminal Justice Strategy to Eliminate Violence Against Women was held in Vancouver, British Columbia, Canada, from December 17-19, 1998. The meeting was opened by Mr. Daniel Préfontaine, Q.C. the Executive Director of the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR & CJP). He welcomed the 45 experts who were from governmental, inter-governmental, non-governmental organisations, and academic institutions from sixteen countries representing all regions, including Africa, Asia, North America, Latin America and Eastern and Western Europe. A list of participants is attached as Annex 1 to this report. The meeting was a joint initiative of the ICCLR & CJP, the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention of the United Nations (CICP/ODCCP), the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) and the Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD). The meeting was made possible through the support of the Government of Canada and in particular the Department of Justice.

Mr. Préfontaine introduced the co-chairs of the meeting, Ms. Eileen Skinnider, Director of Human Rights (ICCLR & CJP) and Ms. Kristiina Kangaspunta, Programme Officer (HEUNI). Mr. Ralph Krech, Crime Prevention and Criminal Justice Officer (CICP/ODCCP) agreed to act as overall Rapporteur for the meeting. A copy of the meeting agenda is attached as Annex 2.

GOALS OF THE MEETING

The co-chairpersons summarized some of the past initiatives taken within the United Nations framework in the area of violence against women. The elimination of violence against women is one of the major cross-cutting issues addressed in the United Nations World Conferences and summits of the 1990's and other United Nations fora. At its sixth session, the United Nations Commission on Crime Prevention and Criminal Justice, took measures to implement the *Beijing Platform for Action* within its own field of competence of crime prevention and criminal justice and adopted the *Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice*¹ which was later approved by the Economic and Social Council and the General Assembly². These strategies are intended for use by Governments and other organisations to effectively address and eliminate, within the criminal justice system, the various manifestations of violence against women. To assist in the implementation of these strategies in specific legal, cultural and political systems, practical tools are needed. These tools should facilitate the sharing between countries of their own successful experiences in implementing these strategies.

Since March 1997, the ICCLR & CJP has been in the process of developing a draft of a resource manual and a compendium of promising practices based on the *Model Strategies*. Both instruments are designed to assist policy makers and practitioners work towards the elimination of violence against women in the implementation of the *Model Strategies*. The manual is meant to offer concise information on the overall experience acquired in various countries in successfully implementing the *Model Strategies*. The compendium is meant to provide interested parties with a selection of country specific examples on how to deal with the various issues of eliminating violence against women. To ensure that these instruments reflect initiatives from all countries representing a wide variety of cultural and legal contexts, the process of developing the resource manual included gathering information as well as consulting with experts internationally. A preliminary draft of the resource manual was sent to over 250 experts for comment. The goal of this meeting was to bring together some of these experts to review and enhance the second draft of the resource manual and discuss the format of the compendium. The elaboration of the resource manual and compendium, as practical and constructive guides for governments in meeting their commitments to eliminate violence against women, can assist at the Special Sessions of the General Assembly, one of which will

¹ Annex to Draft Resolution III "Crime Prevention and Criminal Justice Measures to Eliminate Violence Against Women" E/1997/30; E/CN.15/1997/21 p. 43.

² General Assembly Resolution 52/86 (12 December 1997)

review the progress of States in implementing the *Beijing Platform for Action* (June 2000, New York, USA). In addition these instruments can be potential resources for the planned workshop on women in the criminal justice system to be held during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (April 2000, Vienna, Austria).

Ms. Joan Nuffield, Consultant of ICCLR & CJP, briefed participants on the concept and methodology of the resource manual. Following the chapters set out in the *Model Strategies*, the resource manual is divided into eleven sections dealing with criminal law, criminal procedure, police, sentencing and corrections, victim support and assistance, health and social services, training, research and evaluation, crime prevention measures, international cooperation and follow-up activities. She explained that this version of the resource manual incorporated the comments and suggestions that had been received from experts prior to the meeting. It was pointed out that to facilitate discussion, the draft manual referred to individual countries. However, the plan was to delete most specific references to countries, thus focusing on the concepts of intervention. Participants were made aware of the fact that in developing this draft, issues such as the cultural context and examples of how different legal traditions deal with violence against women were addressed. One of the main challenges was to balance examples from developed countries with those from developing countries so as to ultimately end up with a globally relevant instrument. The importance and need of the manual to reflect a wide variety of national systems was pointed out in terms of assisting in technical assistance projects and international cooperation in the field of criminal justice.

OVERALL DISCUSSION OF THE RESOURCE MANUAL

The participants were then asked to introduce themselves and to make general suggestions to the draft resource manual. Participants expressed overall satisfaction on the amount of information contained in the manual and congratulated the drafters for having developed an excellent draft text. Overall discussion of the manual included suggestions as to the structure of the document and identifying gaps and areas which require further coverage. Some of the participants highlighted several controversial issues and expressed caution when dealing with these issues.

WORKING GROUP DISCUSSION ON THE RESOURCE MANUAL

The following day the group of experts were divided into four working groups, each addressing specific chapters of the resource manual. These working groups were each chaired and recorded by experts.

- A. Criminal Law and Criminal Procedure Model Strategies (Chair: Ms. Denyse Dufresne, Manager, Promotion & Public Education, National Crime Prevention Centre. Rapporteur: Dr. Julie Stubbs, Director, Institute of Criminology, University of Sydney);
- B. Police and Sentencing & Corrections Model Strategies (Chair: Ms. Renée Collette, Executive Vice-Chairperson, National Parole Board. Rapporteur: Dr. Evelyn Zellerer, Assistant Professor School of Criminology and Criminal Justice, Florida State University);
- C. Victim Support & Assistance and Health & Social Services Model Strategies (Chair: Ms. Susanne Keppler-Schlesinger, Counsellor, Permanent Mission of Austria to the United Nations. Rapporteur: Ms. Lily-Ann Gauthier, Director, Best Practices Bureau, International Centre for the Prevention of Crime); and
- D. Training, Research & Evaluation and Crime Prevention Model Strategies (Chair: Ms. Lily Artz, Senior Researcher, Gender, Law and Development Project. Rapporteur: Dr. Liz Kelly, Women and Child Abuse Unit, University of North London).

At the end of the working group sessions, a summary of the discussion and recommendations of each working group was presented in a plenary session followed by an open discussion. The working group summaries are attached as Annex 3 to this report.

Ms. Joan Nuffield summarized the overall understanding of the general discussion of the experts. This summary, Annex 4 to this report, was presented in a plenary session and accepted by the participants as their guiding comments for revisions to the draft resource manual. The participants suggested that there was a need for an expanded introductory section to include vision statements and statements of principles as well as highlighting the difficulty of addressing strategies to both developed and developing countries and diverse cultures. In addition, the

participants expressed the need to recognize the importance of the diverse kinds of research, evaluation, monitoring, funding, sustainability, and training in gender and cultural/religious sensitivity.

The participants felt that there was a need for greater clarity, accessibility, user-friendliness and “plain language” revisions. It was suggested that each of the *Strategies* be generally described in the main text while the original text of the *Strategies* be moved to an appendix. Changes to the document to increase accessibility, including formatting changes, were suggested. It was felt that the text should be presented following a uniform structure for each section which could address: 1) the problem, the challenge, the impact, or “what needs to be done”; 2) initiatives from around the world; and 3) the issues, concerns, pros and cons, relative merits, unintended consequences, contextual and operational aspects which may lead to greater or lesser success and sustainability. Other difficulties in the text concern the wording, and it was felt that additions or subtractions should be made.

There were suggestions that portions of the text be reordered and certain themes and findings be integrated throughout all sections of the text. These centered largely around accountability/monitoring/effectiveness measures, research findings about impacts, effectiveness and preventive objectives of all aspects. A number of participants proposed to include a section of definitions.

There were certain areas, which the participants thought required more coverage. There was a need for more examples and initiatives from around the world. Specific omissions and deficiencies were identified. Further areas that need to be strengthened included violence by the criminal justice system and other State officials, the role of communities, the presence of women in the criminal justice system and community-based policing. There were also concerns, that consideration should be given to pre-sentence reports and “social reports,” restorative justice, including mediation, reintegration of offenders and reconciliation with communities and crime prevention through environmental design, as well as conflict resolution training. Other issues raised included sectarian violence and its effects on women, sex traffic, under-reporting of incidents, diverse research and evaluation strategies and techniques, successful fund-raising strategies and other applicable international instruments.

Finally, the experts highlighted several controversial areas and cautioned the drafters when dealing with these issues. This discussion centered around the following issues: “zero tolerance” vs. “zero violence” language; whether the document should include “bad practices” or practices which have never been tried; and whether the document should prioritize these strategies for implementation by member States.

OVERALL DISCUSSION OF THE FORMAT OF THE COMPENDIUM

Mr. Yvon Dandurand, Director of Policy Development of the ICCLR & CJP, introduced the goal of the compendium and the proposed format. It was pointed out that the initial Compendium will be designed and produced in a way that will anticipate its potential growth over the years and facilitate the progressive additions of new information as it becomes available. The possibility of placing the compendium on the Internet was discussed. The potential users of the compendium will seek examples of projects or initiatives that have been attempted in a wide variety of cultural and legal contexts and a wide range of economic realities. Initiatives that may prove successful in one context may be unfeasible, ineffective or even counterproductive in another. Therefore, the compendium needs to offer a wide variety of examples chosen from various social and cultural contexts and legal traditions, with practical information on how they can be implemented and on the specific conditions under which they appear useful.

The introduction of the compendium was followed by general discussion. The experts had before them a proposed format of the compendium as well as a list of examples for inclusion into the compendium. A suggestion was made that the initiative in the compendium be described generally as well as listing the title of the initiative. It was also suggested that under the evaluation section, specific lessons learned or relevant advice or recommendations could be included. It was pointed out that there needs to be criteria established on when a project or initiative could be included in the compendium.

CONCLUSION OF THE MEETING

The co-chairpersons concluded the meeting by describing the next steps to be taken on the resource manual and the compendium. The participants' guiding comments for revisions to the draft will be taken into account in the next revisions to the resource manual. The revisions are to take place within one month and sent to the experts for their review. The Compendium is to be compiled by the ICCLR & CJP over the next two months. At the end of the meeting, the experts made a commitment to provide useful material for the compendium to the ICCLR & CJP by mid-January, 1999. Mr. Ralph Krech described the procedure that is followed by the United Nations Commission on Crime Prevention and Criminal Justice for such documents to be presented as conference room papers. The plan will be to present the resource manual at the eighth session of the UN Commission on Crime Prevention and Criminal Justice in April, 1999.

The meeting was concluded with words of thanks by Mr. Daniel Préfontaine who commended the experts for the work and commitment to the resource manual shown during the last few days.

ANNEX 1

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ANNEX 2

INTERNATIONAL EXPERTS GROUP MEETING ON THE DEVELOPMENT OF INSTRUMENTS TO IMPLEMENT AN INTERNATIONAL CRIMINAL JUSTICE STRATEGY TO ELIMINATE VIOLENCE AGAINST WOMEN

December 17 - 19, 1998
Sheraton Wall Centre, 1088 Burrard Street
Vancouver, BC

AGENDA

Thursday December 17, 1998

- 13:00 - 13:30* **REGISTRATION (Foyer of Ballroom D)**
- 13:30 - 13:45* **WELCOME AND INTRODUCTION OF CO-CHAIRS (Ballroom D)**
Daniel C. Préfontaine, Q.C., Executive Director
International Centre for Criminal Law Reform and Criminal Justice Policy
- 13:45 - 15:00* **PLENARY SESSION: OPENING ADDRESS**
Agenda
Introduction of Participants
Introduction of Working Group Chairs & Rapporteurs
Opening Remarks by the Co-Chairs
Summary of Draft Resource Manual
- 15:00 - 15:15* **BREAK**
- 15:15 - 17:00* **ROUNDTABLE DISCUSSION**
Initial Comments from Experts on the Draft Manual
- 17:15 - 19:30* **RECEPTION (Constellation Suite - 35th Floor)**

Friday December 18, 1998

- 08:30 - 08:45* **INTRODUCTION TO WORKING GROUP TOPICS (Ballroom D)**
- 08:45 - 10:15* **WORKING GROUPS**
- A. Criminal Law and Criminal Procedure Model Strategies
 - B. Police and Sentencing & Corrections Model Strategies
 - C. Victim Support & Assistance and Health & Social Services Model Strategies
 - D. Training, Research & Evaluation and Crime Prevention Model Strategies

- 10:15 - 10:30* **BREAK**
- 10:30 - 12:00* **WORKING GROUPS** (Continued)
 A. Criminal Law and Criminal Procedure Model Strategies
 B. Police and Sentencing & Corrections Model Strategies
 C. Victim Support & Assistance and Health & Social Services Model Strategies
 D. Training, Research & Evaluation and Crime Prevention Model Strategies
- 12:00 - 13:30* **LUNCH BREAK (Finback Room - 3rd Floor)**
- 13:30 - 15:00* **WORKING GROUPS** (Continued)
 A. Criminal Law and Criminal Procedure Model Strategies
 B. Police and Sentencing & Corrections Model Strategies
 C. Victim Support & Assistance and Health & Social Services Model Strategies
 D. Training, Research & Evaluation and Crime Prevention Model Strategies
- 15:00 - 15:15* **BREAK**
- 15:15 - 17:45* **PLENARY SESSION: SUMMARY BY RAPORTEURS**
 A. Criminal Law and Criminal Procedure Model Strategies
 B. Police and Sentencing & Corrections Model Strategies
 C. Victim Support & Assistance and Health & Social Services Model Strategies
 D. Training, Research & Evaluation and Crime Prevention Model Strategies
- 20:00* **DINNER**

Saturday December 19, 1998

- 09:00 - 10:15* **PLENARY SESSION: INTRODUCTION OF THE COMPENDIUM AND
GENERAL DISCUSSION ON THE COMPENDIUM
(Ballroom D)**
- 10:15 - 10:30* **BREAK**
- 10:30 - 12:00* **PLENARY SESSION: DISCUSSION OF THE RESOURCE MANUAL AND
SUMMARY OF WORKING GROUP COMMENTS ON REVISION OF DRAFT
RESOURCE MANUAL**
- 12:00 - 12:30* **REVIEW OF FINAL REPORT OF THE MEETING**

CONCLUDING REMARKS

ANNEX 3

WORKING GROUP SUMMARIES

The group of experts were divided into four Working Groups to review specific chapters contained in the draft resource manual.

- A. Criminal Law and Criminal Procedure Model Strategies;
- B. Police and Sentencing & Corrections Model Strategies;
- C. Victim Support & Assistance and Health & Social Services Model Strategies; and
- D. Training, Research & Evaluation and Crime Prevention Model Strategies.

The following summaries are the result of the discussions.

Working Group A

Criminal Law and Criminal Procedure Model Strategies

Chair:	Denyse Dufresne
Rapporteur:	Julie Stubbs
Student Rapporteur	Paula Barry

Criminal Law

The working group participants reiterated the need to pay attention to the different circumstances of women's lives and the different needs of women. In discussion of chapter one, criminal law, the participants suggested to consider the following when reviewing the document:

- The intersection of criminal law with other areas of law, and the relationship between criminal and civil law;
- Certain terms are felt to require definitions to ensure that the review is regular and timely;
- Reviews must involve women's equality seeking groups, and women's ngos;
- States should be encouraged to seek assistance and support for the review process from the UN and from like minded countries;
- The review should look to unintended consequences of criminal law and procedure, for example the effects of criminalizing spouse abuse on immigrant women who do not have resident status independent of their relationships with their abusers - [and recognize also the intersection between criminal law and immigration law]; and
- In formulating the final text, and to make the resource manual more reader friendly, there should be reference to the review body, the actual review process and building the review process to ensure monitoring and accountability.

The three categories used in the earlier draft were felt to impede discussion. Two broad categories, "violence in the family" and "violence outside the family", were recommended. All of the material currently under the heading violence by the state should be moved to the broader category of violence outside the family. In part this responds to limitations in sections such as violence against women in armed conflict and violence against refugees which can include both acts of states and acts of individuals.

Under the category violence in the family, and with regard to marital rape, states should criminalize all forms of non-consensual sexual behavior within a union. In the sub-section on homicide, the introductory paragraph should be re-drafted to reflect the gendered nature of homicide. In this context, it should be pointed out that the circumstances in which men and women kill within the family are very different. While men who kill typically do so after a series of escalating violent incidents committed by them on that person, women usually kill in response to domestic violence that they have suffered from the deceased. It was noted that homicides of women by their intimate partners is a frequent occurrence and that there is a challenge to develop a homicide law, which better reflects this reality. It was suggested that the paragraph on defenses was out of place in this sub-section and should be moved to the later section on defenses (p25).

Focusing on the sub-section of child abuse, it was found to cover too many diverse issues: it included violence within the family, outside the family, and in many contexts, of many kinds. There could be reference to children (or the girl child) under each heading in the document. In addition, it should be recognized that children should be involved in the process of review of criminal law and procedure to ensure that their interests, concerns and safety needs are reflected. The correlation between violence against women and violence against children should be emphasized.

Community consultation and active involvement of communities and education were needed to ensure that laws regulating traditional practices are effective and accepted by the communities they are intended to regulate. States which move to criminalize traditional practices such as female genital mutilation should also consider the range of people who might be engaged in organizing and carrying out such practices. There should be more emphasis on the links between criminal law and procedure and immigration law, and health law and service provision.

The new section on violence outside the family, which encompasses the earlier section on violence in the community and violence by the state, were commented upon as follows: the subsection on rape and sexual assault should be combined. There should be recognition that the terminology, rape and sexual assault, was used differently throughout the world and understood to encompass different practices in different places. With respect to marital rape, all forms of non-consensual sexual activity between people in a union should be criminalized. It was also noted that non-consensual sexual activity was criminal irrespective of attempts to render it otherwise, e.g. through practices such as marriage of the victim, or payment of a fee to the victim's family.

The section on women in armed conflict should reflect that some forms of rape/sexual assault were committed by the state. The working group was also concerned that some forms of rape/sexual assault to which women might be vulnerable, such as during sectarian violence, might not be adequately captured by the reference to armed conflict, or violence by the state.

With regard to sexual harassment and stalking these issues should be discussed separately as there was a need to recognize that the context for stalking is most commonly domestic violence. This section should therefore be moved forward to the violence within the family section. Dealing specifically with sexual harassment, there is a need for states, when reviewing their laws, to look at the intersection between criminal law and employment law.

As noted, above, some sexual harassment constituted criminal offences, and such behavior should not be rendered non-criminal because it occurs in some specific place or context such as the workplace.

With respect to trafficking in women and forced prostitution, states need to be committed to international cooperation and collaboration in criminalizing and prosecuting these practices and in extra-territorial legislation. Links need to be drawn between these practices and organized crime. There are special issues that relate to children. There should be reference to the optional protocol on the Convention on the Rights of the Child (CROC) which addresses these issues. State laws should ensure that women in these contexts are treated with respect, and their victimization recognized. They should not be treated as offenders. Those who traffic in or engage in forced prostitution of others should not have open to them the defense of consent.

The working group recommended that in the section on women in detention emphasis should be given to the fact that women in detention cannot give consent to sexual relations with any person who has authority over them. Such authorities should be subject to criminal prosecution.

In discussing women as refugees it should be clarified that this reference is intended to include internally displaced persons.

In terms of a general remark, the working group pointed out that it was important to note that the elderly and disabled being cared for by others are recognized as being at particular risk of violence. As a consequence, states, when reviewing their laws, should ensure that they respond to the special needs of such women.

With respect to firearms, the working group felt that the detrimental impact of firearms on violence against women and children should be acknowledged. In addition to looking at the criminal law and process, states should be encouraged to undertake broader reviews of regulations relating to firearms and other weapons. The text should make reference to other regulated weapons, in addition to firearms. The resource manual should ultimately reflect the many activities undertaken by the United Nations with respect to firearms and in particular small arms.

Criminal Procedure

With respect to prosecutorial power, responsibility should include the responsibility to obtain evidence independent to that of the complainant's account to facilitate matters going ahead should the complainant not testify. The manual should promote prosecutorial agencies, police and victims service working together more effectively and efficiently to support and facilitate the victim continuing with the process. To this end, training should be undertaken to encourage prosecutors in seeking alternative forms of evidence, and in promoting links with police and victims services.

In discussing the testimony of women in court, there was too much focus on domestic violence and limited recognition of the many issues that arise in sexual assault and child sexual assault, where much of the innovative work has been done.

In the area of court procedures, to facilitate testimony, more examples should be reflected in the manual as to sexual assault, e.g.: closing court to the public; allowing a support person to accompany the complainant in court; allowing testimony by closed circuit television; precluding the defendant from conducting the cross-examination in person; aids to assist disabled people to give their testimony in court; the provision of interpreters and translation of court proceedings.

As to the section on defenses, the working group suggested that a note be added that historically defenses have developed in a sex-biased way. Women have not had equal access to some defenses (e.g. self-defense) and other defenses have worked to the advantage of men (e.g. provocation). Laws should be reviewed to ensure that they are developed and especially be applied equally to men and women. The reference to Battered Woman Syndrome (BWS) (p26) should be replaced with "evidence concerning battering and its effects" to avoid the negative connotations of BWS and to reflect current research and practice.

With respect to protection and restraining orders, the working group found that the language used in classifying these orders was confusing and not universal. It was suggested that an alternative classification be used: criminal, civil and hybrid to better reflect the distinctions that existed in national schemes. An example of a hybrid scheme (quasi-criminal scheme) was that in some jurisdictions a duty is imposed on the police to seek an order on behalf of a complainant, even though the process is on the civil standard of proof. More prominence needed to be given in the manual to the enforcement of orders. It should be noted that costs can provide a significant impediment to women pursuing this action. Mechanisms to provide free or affordable legal representation should be promoted.

With regard to victim's safety measures, the working group wished to express that there is a need to understand that these arise beyond the criminal context, including in civil areas of law and processes such as counseling, etc.

In discussing release decisions, the working group recommended that police and prosecutors should have a duty to inquire into the safety needs of victims and to put this information before the court or bail decision-maker.

Working Group B

Police, Sentencing and Corrections Model Strategies

Chair:	Renée Collette
Rapporteur:	Evelyn Zellerer
Student Rapporteur	Barbara Clark

Police

There should be recognition that police have other roles beside enforcement, including protection and services to the community. Issues that require further attention include violence perpetuated by the police. This includes domestic violence, violence against women while under police investigation or detainment, corruption, and racism. The challenges are how to eliminate police misconduct and how to gain confidence and trust in the police.

The working group also considered that there are two separate but interrelated issues. One is the problem of reporting crimes of violence and the other is how police respond to these reported incidents. There are many challenges such as cultural traditions and attitudes that prevent reporting, lack of adequate support and protection of victims, and lack of resources.

What follows are key highlights of some of the issues raised by the working group's discussion of the specific strategies within the manual:

8(a) Consistent Enforcement

A difficulty was noted regarding the lack of understanding and knowledge of some police on how to respond to violence against women. Pro-arrest policies were seen as a positive initiative. Recognition should, however, be given to potential problems such as offenders countercharging victims.

8(b) Investigative Techniques

When it comes to crimes of violence against women, police often do not fully apply their investigative skills and knowledge. That is, they often treat these crimes differently than other crimes and their approach in investigation is not as thorough.

8(c) Police Procedures and Safety

In cases of domestic violence, women (and often their children) may be removed from their homes. This raises the issue of why women and children are forced to leave rather than the offender. In turn, removing the offender raises the concern that male abusers may be the economic providers for their families. The broader issues, in turn, are the need for socio-economic support for women and equality for women. The safety and support mechanisms for women should also include recognition of the role of kinship and clan networks, acknowledging both the strengths and weaknesses of such networks.

8(d) Prompt Police Response

Recognition needs to be given to the lack of resources in many jurisdictions. For example, there may be a lack of communication services and transportation. It should be noted that it is not only prompt responses that are necessary, but also appropriate responses.

8(e) Accountability of Police

Accountability mechanisms must focus on both internal and external review, but emphasis should be placed on the latter. Many jurisdictions may have few instruments for accountability. Such instruments and codes need to be developed, enforced, and translated into plain language. Accountability includes taking women's complaints seriously. It is also important to ensure the safety of women and children. Further recognition should be given not only to police responses but also to the standards and attitudes of the community.

8(f) Women in the Police Force

It is extremely important to have female officers. Challenges exist in both recruitment of women and retention of female officers. There were many issues to be addressed, including the harassment and abuse of female police

officers. Concern was raised about channeling female officers into specialized units and how this might affect their effective participation within the police force. The emphasis should be on treating female police officers as equal, full police members.

Sentencing and Corrections

It should be noted that imprisonment does not eliminate violence against women. Offenders typically come out of prison worse and their violence often continues. While it is recognized that sanctions are absolutely required for crimes against women, there should be some discussion of the potential and problems of restorative and community based justice.

As in the above section, the following are the specific points of discussion about the model strategies from the group:

9(a) The section on holding offenders accountable did not adequately cover the four points raised by the model strategy.

The discussion of “dangerous offender” is very problematic as it often led to the imposition of indefinite sentences and therefore had to be given further attention and caution. There also needs to be further discussion of indigenous communities and approaches to addressing violence. Recognition should be given to the uniqueness of each community.

9(b) With respect to notification of release, consideration must be given to the reintegration of offenders back into the community.

9(c) The discussion of the impact of victimization focused on victim impact statements but there are other means of expressing the impact of victimization that need to be considered. Again, victim safety is paramount, especially in cases of violence perpetrated by authorities of the state.

9(d) In discussing sentencing options, a list of sentencing practices around the world should not simply be given, particularly when some are legally questionable and inhumane. Information is needed about the pros and cons of particular sanctions, as well as their effectiveness in stopping violence against women.

9(e) and 9(g) Both of these strategies focus on the treatment of offenders.

Discussion should include education rather than just treatment. There was discussion raised concerning the term “treatment.” More emphasis should be placed on education or re-education of offenders. Attention has to be paid to the kind of programs that are given. For example, sending offenders to religious leaders may result in inappropriate messages being given about violence against women. Follow-up and monitoring are critical. Recognition must be given to the fact that many offenders may themselves have been victimized. Boys as well as girls experience high rates of child abuse. All the various forms of violence need to be addressed. There needs to be a distinction between the various kinds of sex offenders. There should be further discussion of the available research that informs those concerned of the effectiveness of different programs. There should also be discussion of the various challenges to providing effective schemes and education. For example, some cultures have a taboo on discussing sex.

9(f) Discussion of violence against detained women must include recognition of acts of torture. The work of Amnesty International is pertinent.

Working Group C

Victim Support & Assistance and Health & Social Services Model Strategies

Chair:	Susanne Keppler-Schlesinger
Rapporteur:	Lily-Ann Gauthier
Student Rapporteur	Lauren Marsden

General Comments:

The participants discussed the importance of ensuring gender-sensitive and viable options for victims of violence. It is essential that women are involved in the design, development, implementation and evaluation of laws, policies and programs. To make the manual practical, understandable and forward looking, it was indicated that there should be a comprehensive introduction under the headings that outline the general needs of the victim. It was suggested that under information on rights and remedies the need for information falls under three categories: general information about the justice system, case specific information and referral to services. Under formal complaints there was a proposal that it should be defined where the services are offered – prosecutor’s office, police, NGO’s, court and community agencies – and that concerns around safety, confidentiality/access, continuity of service and the linkage of the programs have to be more fully explored. It was further believed that if these services do not have the resources/personnel to meet the victim needs, there could be physical and psychological implications, such as further victimization.

Redress of harm needs to define compensation. For many cultures, this is not an easily grasped concept. It is, therefore, important that the four types of compensation are explicitly laid out. Compensation can be awarded through the state, the courts, civil suit and via advocacy groups. The reasons for compensation could be elaborated on and sources of funding other than general revenue, such as criminal fines and criminal fine surtaxes would provide cash-strapped governments with some innovative techniques to provide for victims of violence.

To make court procedures more gender-sensitive, there were three areas of needs identified. The facilities of courts should be more user-friendly for women who have been victimized, yet have to be in the same building as the offender, often with her children in tow. The process of proceeding through the system should be simplified and staff, throughout the system, must be trained in gender issues.

The registration system should have an opening paragraph explaining the purpose and function of such paperwork. It was decided that documentation should have cross-jurisdictional consistency and compatibility and the networks of local authorities and courts across jurisdictions must be enlarged on and strengthened. For registries to operate to their full potential, it is necessary to train personnel on the use and relevance of these information systems. It is also necessary to clarify accessibility to information as a balance between confidentiality and victim safety has to be established.

Attention should be paid to the special needs of elderly women, teenage girls, the physically/mentally challenged and the semi-literate or illiterate. The participants expressed their concern that it was difficult to ascertain what must be done to help women who are victims of violence, given the cultural and religious pressures that may be present. Therefore, it was important to bear in mind that what may work for some victims will not work for others. One illustrative example is the use of shelters by elderly women. They may feel uncomfortable and dislocated in a place which has children, up and down routines and a heterogeneous population.

A concern was that for programs to be successful in outreach and facilitation of victims’ needs, the service providing agencies had to be closely co-ordinated and have a sufficient number of appropriately trained staff.

There was general understanding that the community must be empowered to design and support shelters and safe places that meet the special needs of the women in their environment. However, because there is evidence that many women do not utilize shelters, these must be thought of as a last resort or as appropriate places for women with specific needs, such as those who have been victims of the trafficking in humans. There should be a priority on removing the offender from the home, or, if necessary, ensuring through legislation that those women who have been abused and wish to leave are given priority access to subsidized housing. Shelters raise a number of concerns

on around safety, confidentiality, and anonymity issues. Since different populations (homeless, sex trade workers, substance abusers) often use shelters as a respite the above issues are further clouded. The suggestion of private homes as safe places leaves a vulnerable victim open to dealing with untrained staff who may express value judgments.

Substance and alcohol abuse can often be a co-varying factor in incidence of violence against women. It is necessary to underscore, however, that there is no causal relationship between the two. Women are often stigmatized if they are substance abusers and programs geared to the female addict's needs must be developed. Staff who deal with violence against women victims and substance abuse counselors should be cross-trained in both fields so that a holistic understanding of the relationship between the offender, victim and substance abuse is developed.

There exists a wide range of health services that deal with women who have been victimized. Such services range from training on issues of violence against women, devising and using protocols, making appropriate referrals and in some cases being mandated to report all instances of domestic violence, thus removing the notion of judicially infantilizing women. Continued training and being aware of appropriate services in the community could strengthen all parts of this process.

Part of the training involves the development of specialized units which respond to a particular group of victims of violence. There are pros and cons in training specialized units. One of the pros of such specialized units was the heightened awareness of victims' needs to other groups, as well as providing concrete recognition and response to the different types of violence against women.

Working Group D

Training, Research & Evaluation and Crime Prevention Model Strategies

Chair:	Lily Artz
Rapporteur:	Liz Kelly
Student Rapportuer	Christine Kokanie

It was recommended that everyone at the meeting should make a list of the laws, measures and programs from their respective country, and others they knew about, before the end of the meeting. In the introduction to the resource document it should be noted that research can be the motivator for change in policy and law, as well as a tool for evaluation of innovative responses. It was also recommended that throughout this document monitoring and evaluative indicators should be integrated. As a basic principle it was proposed that states should have to monitor existing laws, procedure and interventions, and that no reform should take place without appropriate monitoring and evaluation. It was also noted that some of the best programs are characterized by incremental development - growing organically as they understand and confront the dimensions of the issues they are working on, with some of the best examples coming from Asia.

The working group used the suggested framework of gaps, challenges and recommendations to address each of the three areas that were to be worked on.

Research and Evaluation

Gaps

The working group began by exploring the models of research and evaluation. There is a danger in the international criminological community of the 'experimental' method becoming orthodox. This sidelines qualitative approaches and feminist research practices, which have been the source of much of the knowledge about violence against women. Evaluation must include women's voices. The following areas were highlighted as areas that needed more attention in terms of evaluation and research: innovative models, the economic costs of violence and evaluation of the effectiveness of current law/legal frameworks (including how violence against women is defined). The model of gender based analysis developed in some countries was offered as a tool for policy analysis.

The importance of secondary research was discussed - such as tracking reporting and conviction rates over a period of time - which can be important advocacy tools. It was proposed that all funders allocate a proportion of funding to evaluation, and that this be seen as an essential component of projects.

Challenges

The working group discussed surveys on women's victimisation and the potential problems of countries doing these before a climate has been created in which women feel able to speak. Thus the context in which research takes place determines how much is revealed. It appeared that it is harder to speak about sexualised violence on a global basis. The group wanted greater recognition for the contribution of feminist approaches/methods to research in this field, and was also concerned that research ensures that systemic issues are addressed. The critical importance of gender and age disaggregated statistics for the criminal justice system was emphasised, as without these there is no mechanism for monitoring the impacts of changes in policy and procedure. There was also strong support for an action orientated framework, that research and evaluation offer strategies for change. One way of ensuring the relevance of research and increasing evaluation is to enhance links and partnerships between NGO's and academic organisations. Another challenge is how to get states, state departments and NGO's to critically reflect on what they are doing and their effectiveness.

Baseline research priorities

The working group had a long discussion about the varying needs for research across the different contexts represented within the group. The resulting list enumerates the areas which there was understanding on - and that participants felt were needed in some form. Victimisation surveys of women on violence, as opposed to more general crime surveys, received the largest amount of support. These were considered vital advocacy tools at both national and international levels. An international survey would use a common core of questions, while leaving space for each country to supplement its own issues. The working group also thought that research into how victims are 'empowered' and participate in the criminal justice system was essential if these terms are to move beyond rhetoric. Developing the ability to conduct gender based analysis of law and policy is also vital. The group also saw as an essential element research into the levels of tolerance and acceptance of violence against women, including the impact of the media and cultural messages that draw on stereotypes of women and valorise violence. Research on the consequences of violence was also prioritized and within this working group included: the economic costs, the costs to women in terms of mental health, criminalisation, and why some women are resilient. Another important area was that women fight back against their abusers - not just in contexts of domestic violence, but also rape, child sexual abuse and trafficking/prostitution. Two crucial research questions became apparent. They included the questions of what makes women and girls safer and what makes men change.

On a broader level, there was strong support for the development and resourcing of national and regional research agendas/programs. Where this is not possible, national governments should endorse research done by the NGO sector through international funding.

Assumptions

There were a number of assumptions the group worked on. Research should have policy relevance, problems of under-reporting and under-recording should always be acknowledged, there is no one 'right' research method, each having advantages and disadvantages, and sometimes it may be a matter of what is possible within limited resources.

Researchers using international data need to know what they mean - if they do not have knowledge of the various cultural contexts misinterpretations can result (for example, assuming a lack of reporting means there is less violence, rather than that there are other informal routes which women might use). The working group also wanted to stress that there are complimentary kinds of data - official statistics, research and NGO data - with each having something to contribute to the understanding of the topic.

Dissemination of research and evaluation findings is critical if the international community is to learn lessons, and build on what it knows. Finding ways to creatively get information out to the widest possible audiences was stressed, including making short accessible summaries.

Crime Prevention

Gaps

The initial discussion centered on what the term means - it can end up being everything and nothing. All interventions ought to have a preventative aspect - the group wanted to 'mainstream' prevention, rather than it being an afterthought. As a simple baseline start point women's safety could be seen as the immediate goal and as a tool for assessment of success.

The Criminal Justice System (CJS) could and should be part of prevention - both through preventing recidivism and sending messages that perpetrators will be held accountable. Thus, an effective CJS is a central component of crime prevention. The goal of prevention, however, must be to prevent violence in the first place, and there is a need to think about this in terms of short, medium and longer-term measures. The first priority has to be building a consensus that violence against women is wrong.

Challenges

The working group's central challenge was to reach an understanding of the term crime prevention, while moving beyond rhetoric. There was a discussion on the definition of "victim empowerment" or the "empowerment of women". The question arose whether, if the term 'empowerment' is used, it must be specified in concrete terms. There was a discussion on emphasizing who is responsible for stopping violence.

The working group spent some time discussing the concept of 'zero tolerance' and whether it was preferable. Some group members thought the latter had little meaning and others felt that the former implied 'intolerance', which could in turn lead to violence.

The group did not reach agreement about work with violent men. For some countries where there are minimal services for women and girls, any interventions with men are seen as a luxury, and there was a strong sense that there was not yet any strong evidence that such interventions work. Particular concern was expressed about anger management approaches and men's programs, which do not have attached support services for women. Also, the stress on education with children and young people has a limited scope where large proportions of children are not in school.

The implications of the principle that violence against women is a crime was also explored, and whether this meant that some possibilities such as diversion are in contradiction with this. Another important challenge was how to evaluate or have appropriate measures of community-based interventions or public awareness programs.

Recommendations

An effective CJS, which sends a message that violence against women is not acceptable, is a pre-requisite for prevention. Besides this, the group supported hard-hitting, sustained national public awareness programs on all forms of violence against women. These could be funded through building social partnerships between the state, business, media and community based organisations. There was discussion of targeting young people through media which are most commonly used by this age group.

The working group also spent time discussing the particular position of refugees and displaced persons. The kinds of provision the group envisaged in this respect included some form of women only space/support in camps, peace keeping forces to include women skilled in work on sexual violence and controls over military and peace keeping forces to stop the sexual exploitation of women and children.

One way of highlighting whether the system is working as it should is by tracking women through systems. Other interventions/strategies which were suggested included: awareness training for staff, data collection, information and analysis, women only police stations, such as in India as preventing custodial rape, human rights and crime prevention as part of the core curriculum in education, crime prevention as a development/ stabilisation issue in terms of international funding, providing women with information, so that they are aware of what is available, and inspiring community based and religious/spiritual groups to act/speak out against violence.

The working group spent some time discussing community notification of sex offenders, and whether this did contribute to crime prevention. The point was made that children are actually more at risk from people they know, those who are already part of their community, so focusing on 'the outsider' moving in might make children less safe, or create an illusion of safety. Examples were cited where community notification is used as a way to achieve community education on what is known about the risks to children.

Training

Gaps

This section needs to lay out what the problems are. It must then be specified which form of training is needed at all levels for CJS personnel and others who may play a part in the processing of cases: basic professional training, in-service training, specialist development. The point was raised that training is also needed for diplomatic and consular staff.

Training seems to be thought of primarily in terms of offering it to professionals, rather than professionals offering it to women. In some jurisdictions, CJS personnel, including judges, coming to give training to women in communities was discussed. The professionals think they are offering something, but they are also being sensitised to the issues women face in the process. This led the working group to thinking about the importance of professionals, especially judges and policy makers, having direct contact with women and children affected by violence. Also, this highlighted the need to recognise NGO's as important connectors between women and criminal justice agencies.

A problem with the concept of 'gender sensitivity' in training was given. It was not helpful in engaging CJS personnel, since there was a much better response when the training was offered as 'to "Appropriate CJS responses to VAW."'

There was understanding that it is difficult to engage judges in training. One possibility would be to make these kinds of cases 'specialised' and that in order to hear them they have to 'qualify' through training. This is currently the case for child sexual abuse cases in the United Kingdom.

There is not much information on what makes training work or on how to manage the emotive and explosive issues, which this area raises.

Challenges

There is a question about whose responsibility it is to take on the challenge of training, to fund it, to ensure it happens and to evaluate it. The NGO sector should not be used for cheap/free trainers, but at the same time members of NGO's may be most qualified to design and deliver training.

Another matter of concern was how training can be monitored or evaluated, not just what people learned through it, but also how it translates into changed policy and practice. It must be known what difference, if any, training makes. Also, a focus on awareness training, hoping to change attitudes may be a waste of time and money, and it might be better to train in a more didactic way - what they are expected to do.

Other challenges include how to get training on violence against women institutionalised as part of mainstream activity and how to get to legislatures and civil servants. There was also some discussion on international exchanges and the importance of training offered being relevant to the country receiving it.

Recommendations

The group took the position that there should be an introduction to recognize that one cannot expect a change in the attitude of everyone, but that CSJ personnel should be trained in what should be done. Thus, training should be based on concrete protocols, policies, and procedures, and be backed up by consequences for not following policy. In some countries, however, the immediate need is to build capacity for delivering training, and ensuring that it extends beyond urban areas and large settlements.

Training on violence against women should be a core component in all professional qualifications/education, and should be located within a human rights framework. All training that is given should be evaluated, especially its impact and effectiveness in terms of service delivery.

There is a responsibility on trainers from developed countries to ensure that the training they offer is relevant and appropriate to other countries in which they present it. There was agreement that there may exist more expertise in developing countries, and that 'home grown' trainers should be preferred to 'imports'. A suggestion was also made that training manuals should be sent to a wider network of organisations such as UNDP, UNIFEM, DOAS, OXFAM, and also that use could be made of the internet.

ANNEX 4

SUMMARY OF WORKING GROUP COMMENTS ON REVISION OF DRAFT RESOURCE MANUAL

1. Need for expanded Introductory Section dealing with and/or further emphasising:
 - vision statements
 - principles, e.g.,
 - paramountcy of safety for the victim
 - the need for broad partnerships for planning and action
 - the importance of measures other than criminal justice system, esp. family law
 - the difficulty of addressing strategies to both developed and developing countries, diverse cultures
 - the importance of:
 - research – of diverse kinds
 - evaluation – and tying funding to evaluation
 - monitoring – including review mechanisms
 - funding – futility of policies without resourcing
 - sustainability
 - training in gender and cultural/religious sensitivity
2. Need for greater clarity, accessibility, user-friendly and "plain language" revisions
 - "translate" Strategies sections into plain language and move text of Strategies into appendix
 - formatting changes for accessibility
 - etc.
3. Organisational revisions (order of material)
 - suggestions were made for re-ordering portions of the text
4. Integrate certain themes and findings throughout all sections of the text:
 - accountability/monitoring/effectiveness measures
 - research findings about impacts, effectiveness
 - preventive objectives of all aspects
5. Present the text in each section under three sub-headings:
 - i) The problem, the challenge, the impact, "what needs to be done"
 - ii) Initiatives from around the world
 - iii) The issues, concerns, pros and cons, relative merits, unintended consequences, contextual and operational aspects which may lead to greater or lesser success and sustainability
6. Other difficulties in text wording, additions or subtractions needed

7. Definitions required of, e.g.,

- violence against women (beyond definition in Strategies) – including issues related to violence by lesbian and other women (e.g., women in positions of authority, extended family members)
- needs of women with respect to violence and action to stop it
- consent
- crime prevention

8. Gaps which need to be filled

i) Gaps in examples and initiatives from around the world

ii) Gaps regarding (including insufficient discussion of) particular issues, groups, references, etc., e.g.,

- violence against the elderly
- appropriate services with respect to gender, age, literacy level, language, culture, ability-disability
- sectarian violence and its effects on women
- violence by CJS and other State officials
- the role of communities
- sex traffic
- under-reporting of incidents
- presentence reports and "social reports"
- restorative justice, including mediation
- diverse research and evaluation strategies and techniques
- reintegration of offenders and reconciliation with communities
- refugee and immigrant women, "internally displaced persons"
- crime prevention through environmental design, conflict resolution training
- community-based policing
- successful fund-raising strategies
- other applicable international instruments
- issues related to indigenous cultures, e.g., kinship and clan responses
- diversity among women
- presence of women in the CJS

9. Controversial issues

- should document deal solely with violence against adult women?
- "zero tolerance" vs. "zero violence" language
- should document include "bad practices"?
- should document include practices which have never been tried?
- should document attempt to suggest a logical order of priorities for member States to address (e.g., provide full police coverage before funding men's programs)
- how to deal with complex issues in brief text (e.g., pornography)
- whether to suggest broader measures to deal with firearms and other weapons?
- "victim empowerment" vs. "victim's responsibility"?

