

**UN Special Rapporteur on violence against women: Report on rape as a grave and systematic human rights violation and gender-based violence against women**

**UNODC contribution**

In December 2010, with the approval of resolution 65/228[[1]](#footnote-1), the General Assembly adopted the ***updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the field of Crime Prevention and Criminal Justice*** (hereinafter the *updated Model Strategies and Practical Measures*).

The *updated Model Strategies and Practical Measures* provide a set of recommendations for Member States on how to improve and strengthen their national crime prevention and criminal justice response to violence against women and are articulated in eleven pillars:

1. guiding principles;
2. criminal law;
3. criminal procedure;
4. police, prosecutors and other criminal justice officials;
5. sentencing and corrections;
6. victim support and assistance;
7. health and social services;
8. training;
9. research and evaluation;
10. crime prevention measures; and
11. international cooperation.

The *updated Model Strategies and Practical Measures* provide the normative basis of the work of the United Nations Office on Drugs and Crime (UNODC) to support countries in strengthening their criminal prevention and criminal justice responses to violence against women.

In the text of the resolution accompanying the body of recommendations contained in the *updated Model Strategies and Practical Measures*, the General Assembly recalled 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.

Furthermore, the *updated Model Strategies and Practical Measures* urged Member States to condemn all acts of violence against women in situations of armed conflict, to recognize them as violations of international human rights, humanitarian law and international criminal law, to call for a particularly effective response to such violations, in particular when they involve murder, systematic rape, sexual slavery and forced pregnancy, and to implement Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security.

In the recommendations addressing criminal law and criminal procedure, Member States are called upon (a) to review, evaluate and update their national laws, policies, codes, procedures, programmes and practices, especially their criminal laws, on an ongoing basis to ensure and guarantee their value, comprehensiveness and effectiveness in eliminating all forms of violence against women and to remove provisions that allow for or condone violence against women or that increase the vulnerability or revictimization of women who have been subject to violence; (b) to review, evaluate and update their criminal and civil laws in order to ensure that all forms of violence against women are criminalized and prohibited and (c) to review, evaluate and update their criminal laws in order to ensure that – *inter alia* – the laws on sexual violence adequately protect all persons against sexual acts that are not based on the **consent** of both parties; and that the law protects all children against sexual violence, sexual abuse, commercial sexual exploitation and sexual harassment, including crimes committed through the use of new information technologies, including the Internet.

Furthermore, the *updated Model Strategies and Practical Measures* urge Member States to review, evaluate and update their criminal procedures, as appropriate and taking into account all relevant international legal instruments, in order to ensure that: … the credibility of a complainant in a sexual violence case is understood to be the same as the credibility of a complainant in any other criminal proceeding; the introduction of the complainant’s sexual history in both civil and criminal proceedings should be prohibited where it is unrelated to the case; and no adverse inference should be drawn solely from a delay of any length between the alleged commission of a sexual offence and the reporting thereof…”[[2]](#footnote-2).

Throughout the years, UNODC has produced numerous technical tools, such handbooks and toolkits, as a way of fostering the use and application of the United Nations standards and norms in crime prevention and criminal justice[[3]](#footnote-3) and to raise awareness among criminal justice officials on the content and provisions of these legal instruments.

After the adoption of the *updated Model Strategies and Practical Measures* by the General Assembly, UNODC has focused its efforts on supporting national efforts to address the most pressing challenges in the criminal justice responses to violence against women and on providing countries with comprehensive guidance on how to improve, both from a normative and operational perspective, the response of their criminal justice system to women subject to violence. In this perspective, UNODC has promoted the provisions contained in this new instrument by producing a series of tools for relevant criminal justice officials.

These tools have also provided an opportunity to translate the principles and recommendations contained in the *updated Model Strategies and Practical Measures* into specific, practical guidance for criminal justice officials in the performance of their duties.

In 2014, UNODC developed the ***Blueprint for Action: An Implementation Plan for Criminal Justice Systems to Prevent and Respond to Violence against Women****[[4]](#footnote-4)*

The *Blueprint for Action* provides a framework for developing national implementation plans for the criminal justice system to respond to violence against women in line with the recommendations and provisions contained in the updated Model Strategies and Practical Measures

Under the recommendations on comprehensive legal framework on violence against women, the *Blueprint for Action* recommends that States should consider, inter alia, the following measures:

• Ensure that all sexual acts committed against non-consenting women, even if they do not show signs of resistance, are considered sexual violence and are criminalized.

• Criminalize sexual violence and rape between spouses, regular or occasional partners and cohabitants.

• Define consent as given voluntarily as the result of the adult women’s free will assessed in the context of the surrounding circumstances.

The ***Handbook on Effective Prosecution Responses to Violence against Women and Girls****,* published by UNODC in 2014 drawing upon the recommendations and guidance contained in the *updated Model Strategies and Practical Measures* with a view to assisting prosecutors in their duty to uphold the rule of law, firmly protecting human rights and serving their community with impartiality and fairness in cases involving violence against women and girls, contains a section analyzing the specific criminal offences that apply to violence against women and girls, including sexual violence and rape[[5]](#footnote-5).

Below are some excerpts from the Handbook related to the issue of specific criminal offences that apply to violence against women and girls, including sexual violence and rape:

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| Sexual violence: Sexual violence takes many forms, including rape, sexual assault, sexual slavery or forced pregnancy, as well as defilement, sexual harassment, incest, and trafficking for the purposes of sexual exploitation.  While the statutory framework for prosecuting sexual violence has improved in recent years, significant challenges remain. State criminal laws differ widely on the definitions both of rape and of sexual assault and on the conditions under which they are prosecuted.  Rape: the traditional definition of rape remains in some States, meaning that the crime is completed only at the time of vaginal sexual intercourse and excludes other forms of sexual violence. In some countries, rape has to be compelled by force or threat to have sexual intercourse, which excludes rape of a person who is not in the position to offer resistance.  Other States focus on lack of consent rather than on use of force, defining sexual assault as any non-consensual contact. This can potentially shift the burden of proof to the person who acted recklessly without regard to consent or used other forms of pressure than physical force.  The Council of Europe Convention provides that consent must be given voluntarily as the result of the person’s free will be assessed in the context of the surrounding circumstances.  Other States have provisions which expand on a range of circumstances in which consent is immaterial, such as sexual assault by an individual in a position of authority (i.e. in a correctional facility) or in certain relationships (i.e. ongoing psychotherapist-patient relationship). Other States have provisions for a broad range of coercive circumstances around consent such as intimidation or fraud.  Legal reforms have broadened the definition in various States. This might include any act of sexual penetration, of whatever kind and by whatever means, committed against another person by the use of violence and threats or by trickery or artifice or by taking advantage of a person who is not in a position to give free consent or to offer resistance.  Some States have broadly defined sexual assault to mean any sexual act, attempt to obtain a sexual act, sexual comments or advances, which are not consensual, or acts to traffic a person’s sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home, work and school.  Marriage is not a defence to the crime of sexual violence in many jurisdictions. In these jurisdictions, a spouse may be criminally prosecuted for the crime of sexual assault for any non-consensual sexual contact with his wife.  In establishing sexual crimes against children, States vary in how they define the age of consent, or in other words, the minimum age at which a person is considered to be legally competent to consent to sexual acts. The relevant age may also vary by the type of sexual act or relationship between the parties, i.e. if there was a position of trust or dependency versus both parties being minors. |

The ***Handbook on Effective Prosecution Responses to Violence against Women and Girls*** contains also an articulated section on “Demystifying common misperceptions among criminal justice officers”, including most common myths surrounding rape and other sexual violence.

Below are some excerpts from the Handbook in this regard[[6]](#footnote-6):

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| Myth: Rape is a crime of lust or passion.  Fact: Rape is an act of violence and aggression in which the perpetrator uses sex as a weapon to gain power and control over the victim. It is a common defence tactic in rape trials to redefine the rape as sex and try to capitalize on the mistaken belief that rape is an act of passion that is primarily sexually motivated. It is important to draw the legal and common-sense distinction between rape and sex. There is no situation in which an individual cannot control his sexual urges. Sexual excitement does not justify forced sex and a victim who engages in kissing, hugging or other sexual touching maintains the right to refuse sexual intercourse. Rapists do not rape because they want to have sex and many rapists may also have partners with whom they engage in consensual sex. Sexual deviance and character traits form the motives for rapists’ behaviours. Their sexual deviance may cause them to be aroused by exploiting the physical and/or psychological vulnerabilities in their victims, whether they result from intoxication or physical or mental disabilities. Rapists are also motivated by character traits common to many criminals  Myth: “Real rape” involves a stranger, physical force and physical injury.  Fact: A victim is more likely to be sexually assaulted by someone she knows (i.e. friend, date, intimate partner, classmate, neighbour, or relative) than by a stranger. One study on women raped or sexually assaulted during 2002 found that 67 per cent of the women identified the perpetrator as a non-stranger. Another study found that 8 out of 10 victims know the people who raped them.  Most victims do not incur physical injuries from sexual assaults. Many of the unwanted and forced acts that take place during a sexual assault do not result in visible non genital injuries. Most adult rape victims do not have any non-genital injuries from sexual assaults. According to a study examining the prevalence of injuries from rape, only 5 per cent of forcible rape victims had serious physical injuries and only 33 per cent had minor injuries  Myth: When a woman’s chastity is threatened, she violently resists, attempts to escape or screams for help.  Fact: Victims make split-second decisions about how to react to sexual violence in order to survive. When humans are threatened, they respond, initially at least, instinctively and reflexively. The part of the brain primarily responsible for the detection of, and reaction to, a threat is called the amygdala. Threat detection and survival is given priority over all other brain functions. The human system will respond to the perceived threat in one or more of five predictable ways: friend, fight, fright, freeze and/or flop. The brain’s objective is survival and it occurs at a time when the higher brain functions are suppressed. This means the victims will react with what might seem illogical or irrational behaviours. Some victims respond to the severe trauma of sexual violence through the psychological phenomenon of dissociation, which is sometimes described as “leaving one’s body,” while some others describe a state of “frozen fright” in which they become powerless and completely passive Physical resistance is unlikely in victims who experience dissociation or frozen fright or among victims who were drinking or using drugs before being assaulted. To a rape victim, a threat of violence or death is immediate regardless of whether the rapist uses a deadly weapon. The fact that a victim ceased resistance to the assault for fear of greater harm or chose not to resist at all does not mean that the victim gave consent. Each rape victim does whatever is necessary to do at the time in order to survive.  Myth: Rape happens only to young, pretty or desirable women.  Fact: There is no “typical” sexual assault victim. Sexual violence can happen to anyone, regardless of sex, race, age, sexual orientation, socio-economic status, ability, or religion. The belief that sexual assault victims are attractive, young or sexually inexperienced, is often related to the mistaken belief that rape is about sex, rather than violence, and that the attractiveness of the victim is one of the causes of the assault. Although there is no typical sexual assault victim, studies indicate that certain groups are victimized at higher rates than others. Victimization is not based on whether the victim is attractive but rather on vulnerability and availability. One study found that people with disabilities have an age-adjusted rate of rape or sexual assault that was more than twice the rate for people without disabilities. For individuals with psychiatric disabilities, the rate of violent criminal victimization including sexual assault was two times greater than in the general population.  Myth: Rape is committed by maniacs or perverts.  Fact: There is no racial, socio-economic, professional, or other demographic profile that typifies a rapist. This type of criminal is not physically identifiable and often appears friendly and non-threatening. Sexual assault defendants commonly appear in court well groomed and well dressed. They might also be married and have children. The defendant could also be a friend or family member of the victim and uses that relationship to gain, and then betray the victim’s trust. Perpetrators often are very adept at being charming and social, as they are often grooming people to trust them.  Myth: Rape happens only in poorly-lit or secluded places.  Fact: Sexual violence can occur at any time and there is no way to adequately predict who might be a perpetrator. One study found that nearly six out of ten sexual assault incidents occurred in the victim’s home or at the home of a friend, relative or neighbour  Myth: Some women deserve to be raped, it is their fault. Either they’re asking for it (sexy clothes incite men to rape), they wanted it, or they put themselves in dangerous situations (prostitution, drunk).  Fact: Sexual violence is never the victim’s fault. No other crime victim is looked upon with the same degree of blameworthiness, suspicion, and doubt as a rape victim. Victims who have been drinking, using drugs, dressing in a way that are perceive as provocative, being prostituted, or engaging in any other behaviour that may inappropriately cause victim blaming are not asking to be raped. Consent must be explicit. “No” means “No,” no matter what the situation or circumstances. It doesn’t matter if the victim was drinking or using drugs, if she was out at night alone, was lesbian, was sexually exploited, was on a date with the perpetrator, or if the perpetrators believed the victim was dressed seductively. No one asks to be raped. The responsibility and blame lie with the perpetrator who took advantage of a vulnerable victim or violated the victim’s trust to commit a crime of sexual violence  Myth: Women seek to avenge slights or to extort money often fabricate rape charges.  Fact: The mistaken belief that most sexual assault allegations are false is unfortunately common. Significantly, research indicates that only 2 to 10 per cent of sexual assault cases involve false reporting.32 The frequently inflated claims of false reporting have negative consequences for the victim accessing justice. Many reports are classified as false where there has been delayed reporting; victim indifference to injuries; vagueness; or a victim’s attempt to steer away from unsafe details, suspect description or location of offence; and inconsistencies in the victim’s statement. There is an overestimation of the scale of false allegations by both police and prosecutors. This feeds into a culture of scepticism and leads to poor communication and loss of confidence between the victim and the criminal justice system.  Myth: A victim’s inconsistencies mean she is not credible.  Fact: The belief that many victims are false places unreasonable requirements on victims to demonstrate that they are real and deserving victims. Aware of the myths themselves, many victims adjust their initial account in order to appear believable. If this is understood through the lens of myths, then the prosecutor will see the inconsistency as making a false complaint or as creating evidentiary problems. The trauma might affect the victim’s ability to coherently or fully recount her experience. Being supported at the initial interview enables the victim to be more relaxed and develop trust for full disclosure of the incident.  Myth: A victim will report everything at the first available opportunity.  Fact: The trauma experienced by the victim causes her to feel unsafe. Victims often need to feel safe and supported before reporting. They often only report after they have arrived at a safe location or after they have talked to family, friends or support persons.  Myth: Husbands cannot rape their wives.  Fact: Rape occurs whenever sexual contact is not mutual, when choice is taken away. Any man who disregards a women’s “no” is raping her. |

With regard to the issue of consent in sexual violence cases, the Handbook provides the following: “…In many non-stranger rape cases, it is highly likely that the defence will argue that the victim consented to the sexual act. Defining the behaviour that constitutes “consent” requires careful consideration, and acknowledging that consent differs among national jurisdictions, and social and sexual mores. Prosecutors need to be aware of the ways in which women have been discriminated against by traditional interpretations of behaviour constituting consent. Enduring gender stereotypes have required active or earnest resistance on the part of the victim in order to negate consent. This ignores the possibility that women submit to intercourse out of fear of greater harm. It also fails to acknowledge the range of coercive circumstances in which women are sexually assaulted. Sexual intercourse induced by duress of a non-violent nature is inconsistent with consent. The defence of consent should require evidence that there is at least some form of affirmative speech or action on the part of the victim, rather than from an inference of passivity or acquiescence…”[[7]](#footnote-7).

In connection with the issue of the cautionary warning or corroboration rule, the Handbook advocates their removal: “… Traditionally, in some jurisdictions there existed a rule of procedure requiring a judicial direction to the jury in sexual violence cases of the danger of convicting a defendant on uncorroborated evidence of the complaint. This was based on the reasoning that rape is easy to charge but difficult to defend. Some jurisdictions have legislatively removed the mandatory warning, although it may remain in practice as a matter of judicial discretion. Other countries still practise using the cautionary warning which a court warns itself or the jury that it is dangerous to convict on the uncorroborated evidence of the victim. Prosecutors should object to this cautionary warning arguing that this means that the testimony of a rape victim is met with special caution not applicable in any other type of criminal case...”.[[8]](#footnote-8)

The ***Handbook for the Judiciary on Effective Criminal Justice Responses to Gender-based Violence against Women[[9]](#footnote-9)***, published by UNODC at the end of 2018, covers extensively the “myths and facts” related to the adjudication of sexual violence and rape cases and contains extensive and articulated guidance for judges on how to deal with these cases, such as:

Furthermore, the Handbook provides the specific guidance to judges as follows:

• Intervene to prevent the introduction of inadmissible evidence on the victim’s prior sexual conduct and consent.

• Hold closed hearings if there are questions about the admissibility of sexual history evidence.

• Avoid the use of myths and harmful gender stereotyping in determining admissibility.

• Stop analysing whether the victim consented due to past sexual history in judgments.

• Provide detailed legal reasoning as to why sexual history evidence is not relevant, connecting this issue with gender inequality or the prejudicial effects of sexual history evidence.

With regard to the issue of the admissibility of sexual history evidence, the Handbook explains that “….In sexual violence cases the focus often shifts onto the victim away from the perpetrator and the actual violent incident. A common defence strategy is to introduce evidence concerning the victim’s sexual history. The direct and indirect use of sexual history evidence remains a powerful tool for defence lawyers to undermine the prosecution’s case by challenging the credibility of the complainant, who is often the only witness. International standards prohibit the introduction of the complainant’s unrelated sexual history. Some countries introduced an exclusionary rule prohibiting any party from adducing evidence of past sexual activity, except under strict conditions and subject to judicial oversight, while others leave it to the judge to determine relevancy. Despite “rape shield” provisions, which are meant to limit when and how sexual history evidence can be used, sexual history “evidence” remains common, used by defence counsel and allowed by judges. Allowing for evidence of past sexual history is based on the belief that a woman’s sexual history is always a relevant consideration in assessing her credibility and in determining whether or not sex between her and the defendant was consensual. Such evidence is based on common myths and harmful gender stereotypes related to the credibility of certain “kinds” of women…”[[10]](#footnote-10).

The Handbook contains also considerations for judges when dealing with particularly challenging cases, including “rape by deception” and “Statutory rape case involving consensual sex between adolescents”

Rape by deception[[11]](#footnote-11);

• Several countries criminalize sexual intercourse with a person having obtained that person’s consent by use of fraud, concealment or artifice. This has been referred to as rape by deception or, in some countries, such as India, rape relating to false marriage promises.

• Are courts required to determine when a consensual relationship has gone bad (right to sexual autonomy) or when sex is obtained through dishonesty?

• Sex by deception is sex without consent, because consent obtained by deception, as courts have long and repeatedly held outside of rape law, is no consent at all. Deception always vitiates autonomy, including sexual autonomy.

• Some courts have come to different conclusions regarding whether false promise of marriage vitiates consent. One held: “the failure to keep the promise at a future uncertain date due to reasons not very clear on the evidence does not always amount to a misconception of fact at the inception of the act itself. In order to come within the meaning of misconception of fact, the fact must have an immediate relevance. The matter would have been different if the consent was obtained by creating a belief that they were already married. In such a case the consent could be said to result from a misconception of fact.” However, this case then goes on to describe the girl as promiscuous and places the blame squarely on her for having sex outside of marriage.

• Judges need to consider the intention of the defendant.

Statutory rape case involving consensual sex between adolescents[[12]](#footnote-12)

• While there is variance between (and within) countries as to the legal age of sexual consent — and this may also vary according to the sex of the child, and the sex act(s) involved — international standards provide that sexual activities are considered as violence when committed against a child by another child, if the child offender is significantly older than the child victim or uses power, threat or other means of pressure.e It should also be noted that the Committee on the Rights of the Child affirms that “sexual activities between children are not considered as sexual abuse if the children are older than the age limit defined by the State party for consensual sexual activities”.

• When dealing with a cases of consensual sex between adolescents who are close in age, and where one or both children is below the legal age of sexual consent, the court should make full use of available options for diversion and non-custodial measures in line with relevant international standards, taking also into account the need for sexual education and information, and access to contraception. In such cases, children should be treated in a manner that promotes their well-being. Further guidance on the protection of the rights of children in justice settings is provided in the United Nations Model Strategies and Practical Measures to Eliminate Violence Against Children in the Field of Crime Prevention and Criminal Justice; and the Handbook for Professionals and Policy Makers on Justice in Matters Involving Child Victims and Witnesses of Crime.

In 2017, in cooperation with UN Women and UNDP, UNODC published the study ***The trial of rape: Understanding the criminal justice response to sexual violence in Thailand and Viet Nam***[[13]](#footnote-13).

This study, the first of its kind in the Asia-Pacific region, analyzed how the varying criminal justice systems in Thailand and Viet Nam respond to reported cases of rape and sexual assault, and to identify the key institutional factors associated with the disposition of cases in these countries. In doing so, the study focused on understanding where and how attrition of sexual violence cases occurs and identify strategic entry points for strengthening the administration of justice in this area. The study found out, consistent with other global attrition studies, that cases can filter out at every stage of the justice process. There are four major points of attrition: 1) Initial reporting stage, where police determine whether an offence has occurred, whether a report should be taken, and whether the complaint should be further investigated; 2) Investigative stage, where investigators must identify and examine all evidence and determine whether a case should be referred to prosecution; 3) Pre-trial stage, where the appropriate officials must determine whether to prosecute the case; and 4) Trial stage, where a judge or judge and jury must decide whether to convict the suspect.

Main findings from the study

The study found that women reporting cases of rape in Thailand and Viet Nam encounter significant societal, legal, and institutional policies and practices that act as barriers to justice. These barriers, in turn, can inhibit reporting of sexual violence and reduce the likelihood that a woman will persist in seeking redress through the criminal justice system.

In both countries, women’s and girls’ vulnerability to sexual violence is embedded in and supported by discriminatory social and cultural values, patterns and practices. That police, prosecutors, and judges are not immune to biases and stereotypes can be seen in their attitudes towards the offences, the victims and the alleged perpetrators. These attitudes, in turn, can determine the manner in which they apply laws in practice, how speedily they respond, and their determination to exercise due diligence as state actors. The study suggests that criminal justice system service providers are not systematically held accountable for providing rights-based, victim-centred services.

Many women have limited knowledge and limited access to information about their rights and what they can and should expect as they navigate complex criminal justice systems and processes. Protections offered to victims of sexual violence can be inadequate, as in limited victim or witness protection programmes, and communication between criminal justice service providers and victims largely ceases once the initial report has been taken. Where support services are limited, victims and their families may choose to forego seeing their cases through to completion.

In both countries, attrition is high at the initial contact and reporting stage. Many victims are turned away and urged to seek mediation or other forms of settlement outside of the formal criminal justice system. Victims are often required to tell their story multiple times or are treated with disrespect and insensitivity. Police may refuse to take their reports, or take reports and then fail to conduct investigations, conduct inadequate investigations, or delay investigations.

Court proceedings can be long and drawn out, and often focus on physical or forensic evidence or the victim’s credibility rather than the credibility of the incident or the victim’s lack of consent. Significant delays plague many victims going through the administration of justice, which can start with late onset and completion of police investigation and carry through to delays in setting trial dates. The victim’s character, behaviour or dress is often called into question. There is little preparation or court support for the victim. In many cases, the Court acquits the accused.

There are few, if any, women- or victim-friendly facilities in police stations, hospitals, medical facilities where forensic medical examinations are conducted, or in courts. While sexual violence investigations are complex and challenging incidents to investigate, there are no specialized investigative units, and receiving officers and investigators receive little or no specialized training and professional development. There are few female police and investigating officers.

Data collection and analysis mechanisms are limited. This is reflected in inadequate or incomplete administrative data, whether police or court records. The inadequacies include limited disaggregation of demographic characteristics of victims and perpetrators and poor record-keeping on duration of cases and on outcomes of police investigations and prosecutions. In addition, there is limited monitoring and evaluation of programmes and responses, leaving the justice systems without an evidence base on which to build strategies, policies and practices for improving services.

There are limited referral networks and coordination mechanisms within the justice system, and between government, justice system agencies, and civil society service providers, often resulting in uncoordinated and inconsistent services. Data systems from different parts of the criminal justice system that do not speak to one another, and that may even use different definitions, terminology or case file numbers, further hamper effective collaboration and increase the risk of information loss.

Good and promising policies and practices have been introduced in both countries. These range from promising legislation, to increased political will and commitment to fund coordinated support services, the establishment of one stop crisis centres, and the development of protocols for gender responsive policing. However, limited implementation and accountability for action and inaction means that the full potential of these practices have yet to be realized.

Main recommendations from the study

To address the above challenges and to strengthen the criminal justice sector response to sexual violence, the study has identified priority recommendations in the following key areas:

1. Establishing quality essential justice services for victims that prioritize their safety, protection and support.

2. Building institutional capacities to transform organizational cultures and create gender awareness and sensitivity.

3. Promoting comprehensive legal and policy frameworks.

4. Ensure approaches sensitive to sexual violence survivors are reflected in criminal justice policies, practices and resources

5. Developing effective internal and external oversight and accountability mechanisms.

6. Promoting specialized expertise at all stages of the criminal justice system.

7. Promoting an integrated and coordinated criminal justice, government and civil society response.

8. Developing effective monitoring and evaluation mechanisms.

9. Prioritizing resources, both human and financial, for effective delivery of services.

Finally, UNODC has produced two additional tools relevant and important for the issue of sexual violence, including rape.

The first one is the technical tool on ***Strengthening the Medico-Legal Response to Sexual Violence[[14]](#footnote-14),*** prepared in cooperation withWHO and UN Action against Sexual Violence in Conflict, whose development has been prompted by the recognition thatincreasing attention has been paid to ending impunity for perpetrators of sexual violence in conflict-affected settings and to achieving assistance and justice for victims. The tool acknowledges that this is an important part of the response to sexual violence. While there have been significant advances, there remains a lack of clarity about what medico-legal evidence should be collected to support national and international criminal justice processes. Medico-legal evidence is at the intersection of medical and justice processes and appropriate implementation requires coordination between the range of actors and sectors involved in prevention of, and response to, sexual violence; these include health services, social services, forensic medicine, forensic lab services, police/ investigation, and the legal system, including lawyers and judges.

This toolkit is practitioner focused and addresses key knowledge gaps within and between sectors, to help support service provision and coordination in low-resource settings.

The other tool relevant for the criminal justice response to rape is the ***Essential services package for women and girls subject to violence***[[15]](#footnote-15), developed in partnership with UN Women, UNFPA, WHO, UNDP and UNODC, to provide greater access to a coordinated set of essential and quality multi-sectoral services for all women and girls who have experienced gender based violence, including sexual violence and rape. This package identifies the essential services to be provided by the health, social services, police and justice sectors (the “Essential Services”) as well as guidelines for the coordination of Essential Services and the governance of coordination processes and mechanisms (the “Coordination Guidelines”). Service delivery guidelines for the core elements of each essential service have been identified to ensure the delivery of high-quality services, particularly for low and middle income countries for women and girls experiencing violence.

1. General Assembly resolution 65/228 was adopted on 21 December 2010. [↑](#footnote-ref-1)
2. Provision 15 (e), *updated Model Strategies and Practical Measures.*  [↑](#footnote-ref-2)
3. See Compendium of United Nations standards and norms in crime prevention and criminal justice available at <https://www.unodc.org/documents/justice-and-prison-reform/English_book.pdf> [↑](#footnote-ref-3)
4. UNODC, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*, 2014. [↑](#footnote-ref-4)
5. Pages 14-18, UNODC Handbook on Effective Prosecution Responses to Violence against Women and Girls. [↑](#footnote-ref-5)
6. Pages 31-35, UNODC Handbook on Effective Prosecution Responses to Violence against Women and Girls. [↑](#footnote-ref-6)
7. Page 81, UNODC Handbook on Effective Prosecution Responses to Violence against Women and Girls. [↑](#footnote-ref-7)
8. Page 101, UNODC Handbook on Effective Prosecution Responses to Violence against Women and Girls. [↑](#footnote-ref-8)
9. <https://www.unodc.org/pdf/criminal_justice/HB_for_the_Judiciary_on_Effective_Criminal_Justice_Women_and_Girls_E_ebook.pdf> [↑](#footnote-ref-9)
10. Page 88, Handbook for the Judiciary on Effective Criminal Justice Responses to Gender-based Violence against Women. [↑](#footnote-ref-10)
11. Page 111, Handbook for the Judiciary on Effective Criminal Justice Responses to Gender-based Violence against Women. [↑](#footnote-ref-11)
12. Page 112, Handbook for the Judiciary on Effective Criminal Justice Responses to Gender-based Violence against Women. [↑](#footnote-ref-12)
13. <https://www.unodc.org/documents/justice-and-prison-reform/Gender/Trial-of-Rape_YC_27-Sept-2017.pdf> [↑](#footnote-ref-13)
14. <https://www.unodc.org/documents/publications/WHO_RHR_15.24_eng.pdf> [↑](#footnote-ref-14)
15. <https://www.unodc.org/documents/justice-and-prison-reform/EN-Modules-AllnOne.pdf> [↑](#footnote-ref-15)