

Commission on Crime Prevention and Criminal Justice CIMUN

Topic 1: Establishing measures to prevent domestic terrorism

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Introduction

In order to further the establishment of women and the vulnerable as equals in society, the issue of domestic violence against them must be addressed. Although domestic violence is prevalent in all walks of life, it is predominantly women that are affected. It is important to keep in mind that the percentage of women that have experienced domestic violence is over double that of the percentage of men¹ (data primarily available from the US), while reading through this report, so that you understand why it primarily focuses on women. In addition to that, less preventative measures have been put into place that deal specifically with other groups of people, for example minors or the elderly, and therefore this report talks mostly about preventative measures to protect women.

Experiencing domestic violence is an infringement upon Article 5 of the Universal Declaration of Human Rights², and is therefore an extremely serious issue, hence the urgency with which it must be resolved. Adequate procedures and measures must be introduced by organisations such as the United Nations, so that the number of victims reduces, and we are able to eliminate one of the obstacles that prevent the achievement of total equality and peace.

Key Terms

Domestic violence - *a pattern of behaviour in any relationship that is used to gain or maintain power and control over an intimate partner. Also known as domestic abuse, it encompasses physical, sexual, emotional, economic or psychological actions or threats that influence another person, and can affect all persons who have an intimate relationship with the abuser, regardless of race, age, sexual orientation, religion or gender.*³

Universal Declaration of Human Rights - *a document that acts like a global road map for freedom and equality – protecting the rights of every individual, everywhere. It outlines 30 rights and freedoms that belong to every individual, and the rights that were included continue to form the basis for international human rights law.*⁴

Federal crime - *an act that is made illegal by U.S. federal legislation enacted by both the United States Senate and United States House of Representatives and signed into law by the president.*

¹ National Coalition Against Domestic Violence, *National Statistics*.

² United Nations, *Universal Declaration of Human Rights*.

³ United Nations, *What is Domestic Abuse?*.

⁴ Amnesty International, *Universal Declaration of Human Rights*.

Prosecution happens at both the federal and the state levels, so a "federal crime" is one that is prosecuted under federal criminal law and not under state criminal law.⁵

Ratification - *the action of signing or giving formal consent to a treaty, contract, or agreement, making it officially valid.⁶*

Background Information

As domestic violence primarily affects women, majority of the legal and international measures that have been implemented focus on intimate partner violence against women, and it is important to recognise that this issue is a subset of all violence and inequality against women, which stems from the historical pattern of an unequal power balance between the men and women. Although this problem is centuries old, the first significant recognition of this issue was as late as 1980, at the World Conference of the United Nations Decade for Women⁷, showing just how recently it was taken to be a serious issue.

Domestic violence prevention measures were only implemented legally following the World Conference on Human Rights, wherein a manual detailing the United Nations preliminary approach towards tackling the problem was released. In addition to the the manual, the United Nations released the Declaration on the Elimination of Violence Against Women, a declaration which 171 countries⁸ adopted, showing the gravity of the situation and signalling the start of a global effort to prevent domestic violence.

The Violence Against Women Act of 1994 (VAWA), in the Unites States, made domestic abuse a federal crime. The passing of this bill was monumental, as it was the first official legislation passed by a significant world power that outlawed domestic abuse and all other forms of violence against women, even if it focused on domestic abuse against women and not any other types of people. There had been attempts in other countries and other laws passed, however, the passing of VAWA was important as it removed the nuanced clauses in other laws that were designed to give the benefit of the doubt to the male perpetrator, and instead let the law support the victim more easily.

⁵ Wikipedia, *Federal Crime in the United States*.

⁶ Oxford Languages Dictionary, *Ratification*

⁷ United Nations, *Strategies for Confronting Domestic Violence: A Resource Manual, 1993*, page 2.

⁸ United Nations, *Key Conference Outcomes on Human Rights*.

Due to the current pandemic, domestic abuse rates have spiralled (as shown by data about the increasing number of calls to domestic abuse hotlines)⁹, as lockdown gave many abusers more opportunities, and left abuse victims trapped in their own homes. In order to prevent these rates from climbing any further and to tackle the growth in rates caused by the pandemic, new policies must be discussed and implemented.

NB: While conducting research, delegates should be aware that attitudes towards domestic violence vary slightly from country to country, due to cultural norms, and this may affect statistics. This is on account of the fact that attitudes vary based on religion and underlying ideology about subservient women and children that remains in some cultures to date. In addition to these cultural stigmas about speaking up, a lot of victims of abuse do not speak up due to fear of death or further injury, lack of support, lack of knowledge, lack of means to support themselves and more¹⁰. Due to these reasons, it is believed that the proportion of people facing abuse is much larger than the proportion who report it, and it is important to keep in mind that statistics may not reflect the true numbers while researching.

Major Countries and Organizations Involved

World Health Organization - WHO collaborates with the UN and other partner organisations to lead research and prevention initiatives. It focuses on all aspects of domestic violence prevention and aftermath, but focuses primarily in the health and social aspects of domestic violence.

- <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>
- <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>

UN Women - the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) takes special interest and charge of this topic, due to the fact that it is mostly women affected.

- <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>
- <https://www.unwomen.org/en/search-results?keywords=domestic%20violence>

The World Bank - an international financial institution that supports over \$300,000,000 worth of development projects¹¹, conducts research and analysis, and holds global addresses on the topic of gender-based violence, of which domestic violence is a subset of.

⁹ UN Women, *The Shadow Pandemic: Violence Against Women During Covid-19*

¹⁰ National Coalition Against Domestic Violence, *Why Do Victims Stay?*

¹¹ World Bank, *Gender-Based Violence (Violence Against Women and Girls)*

- https://www.worldbank.org/en/work-with-us/hsd/home/domestic_abuse_prevention_program
- <https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls>

Office of the United Nations High Commissioner for Human Rights - this office collates and organises official UN declarations and documents, and is designed to aid the UN in promoting and protecting human rights.

- <https://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/DomesticViolenceProhibitionTorture.aspx>
- <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>

United Nations Children’s Emergency Fund - UNICEF specialises in data collection and analysis in relation to the domestic abuse of minors. This organization’s aim is to protect child victims, and reduce the rates of child abuse, where data shows that approximately 1 billion children have experienced domestic violence in the past year¹².

- <https://data.unicef.org/topic/adolescents/violence/>
- <https://data.unicef.org/topic/gender/harmful-practices-and-intimate-partner-violence/>

As well as the organizations listed above, many countries have their own internal organisations, which operate on a smaller scale, but are more well-versed in the technicalities of their government’s laws and cultural norms.

Relevant UN Resolutions and Reports

The first official recognition by the Economic and Social Council was in a short report titled *Domestic Violence*¹³. Published in 1989, it acknowledges both the significance of domestic violence for the victims, as well as recalls and re-affirms the commitment to eradicate all violence against women, brought up in a resolution passed in May 1988. Another document titled *Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*¹⁴, also released in 1989, urges member states to include policies that adequately

¹² World Health Organization, *Violence Against Children*

¹³ United Nations, *Domestic Violence, 1989*

¹⁴ United Nations, *Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1989*

deal with victims of all abuse of power, therefore including victims of domestic abuse, although not directly addressed.

The aforementioned *Declaration on the Elimination of Violence Against Women*¹⁵, of 1993, marks the beginning of the global battle against domestic violence. This declaration acts as the cornerstone to not only battling domestic violence against women, but is also the most significant declaration to end all violence against women, and is the first international recognition of a problem in which domestic violence is also encompassed. Also published in 1993, a document titled *Strategies for Confronting Domestic Violence: A Resource Manual*¹⁶ details in-depth the causes, effects and responses to domestic violence. As well as this, it covers appropriate modifications which legal systems can make, and provides a framework for countries to adopt in order to combat domestic violence and deal with victims adequately.

A separate resolution published in 2003, *Elimination of Domestic Violence Against Women*, focuses specifically on measures that should be implemented by member states, detailing the steps which can be taken by the states so that domestic violence rates decrease. Although its title focuses on women, this is the first resolution that explicitly addresses other victims of domestic abuse, such as children and other vulnerable people living in the house. In addition to that, it calls on states to ‘provide or facilitate the provision of assistance to victims of domestic violence’¹⁷ and to ‘establish and/or strengthen police response protocols’¹⁸ amongst other things. This resolution is important, as it provides a detailed list of definitive UN protocols and measures which are specifically aimed at combating domestic violence.

Another resolution passed in 2014 discusses the importance of implementing measures to prevent violence against children, and although not specifically highlighted, domestic violence against minors is also brought up in this resolution. The *United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice Resolution* discusses how ‘establish[ing] and strengthen[ing] child rights monitoring and accountability systems’¹⁹ reduces domestic violence against minors, and suggests other measures that can also be put in place.

¹⁵ Office of the United Nations High Commissioner of Human Rights, *Declaration on the Elimination of Violence Against Women*

¹⁶ United Nations Office on Drugs and Crime, *Strategies for Confronting Domestic Violence: A Resource Manual*

¹⁷ ODS, *Elimination of domestic violence against women*, pages 3-4

¹⁸ ODS, *Elimination of domestic violence against women*, pages 3-4

¹⁹ United Nations, *United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*, page 4

In a collaboration between WHO, UN Women and 12 other partner agencies, a document called *RESPECT Women* was published in 2019²⁰. Aimed at policy makers, this document offers solutions for lawmakers, in which the prevention of domestic abuse towards women, adolescents and children specifically is emphasised, and allows policy makers to consider effective prevention measures which can be implemented within the judicial set up of a country.

Links to all the resolutions and reports mentioned can be found in the bibliography.

More ECOSOC resolutions and reports can be found here:

<https://www.un.org/ecosoc/en/documents/search-documents>

Previous Attempts at Resolving This Issue

Previous Attempts at Resolving the Issue

Aside from the resolutions and measures mentioned above, all countries will have specific measures and laws that have been previously passed. In order to pass a resolution successfully, delegates must have knowledge of their country's prior attempts at resolving this issue.

In 1878, the United Kingdom passed the Matrimonial Causes Act²¹, which made it legal for a woman facing domestic abuse to seek legal separation and even reparations from her husband. The passing of this act signalled the beginning of a European recognition of the problem, and led to the formation of more such laws.

In 1993, the manual, *Strategies for Confronting Domestic Violence: A Resource Manual*, marked the beginning of a worldwide recognition of the gravity of domestic violence, and encouraged many countries to start implementing preventative measures, as well as increased awareness of the problem.

In 1994, the Violence Against Women Act (VAWA) was passed in the United States, making domestic abuse a federal crime, and also establishing the first official anti-domestic abuse standpoint which resulted in legal action all over the United States.

In 2006, India passed the Protection of Women from Domestic Violence Act²², in which the victim was granted access to protection and legal support, and provided a comprehensive definition for the term domestic violence, which included harassment for dowry (the money,

²⁰ World Health Organization, *RESPECT Women: Preventing Violence Against Women*

²¹ Wikipedia, *Domestic Violence*

²² Global Database on Violence Against Women, *Protection of Women from Domestic Violence Act*

goods, or estate that a woman brings to her husband or his family in marriage)²³. The passing of this act was significant, as it was the first comprehensive anti-domestic abuse law passed in India, a country where domestic violence is a significant problem.

In 2011, the Istanbul Convention was passed. Originally, 47 member states of the EU signed the convention and agreed to uphold its clauses, but as of the present, only 34 member states of the Council of Europe have ratified it²⁴. It was negotiated and put together as a response to the widespread increase in gender-based violence, and although it focuses on all violence against women, there is heavy emphasis on domestic violence prevention, and the protection of victims. The convention came into place in 2014, and is the first legally binding convention which is highly focused on preventing domestic violence, through the use of a comprehensive legal framework.

Although not a strictly permanent measure, many countries have increased funding for abuse shelters and protection programmes, or amended laws during the pandemic in order to protect abuse victims. These countries include Canada, France, the United Kingdom, Austria, Greenland, South Africa, Australia, Italy, Spain and Germany²⁵.

Responses to the increased domestic abuse rates during covid:

<https://blogs.unicef.org/evidence-for-action/five-ways-governments-are-responding-to-violence-against-women-and-children-during-covid-19/>

Understanding the legal measures that have been put in place:

<https://www.paho.org/hq/dmdocuments/2009/englishfactsheet2.pdf>

Country specific measures against violence against women (Europe):

[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

Key Facts about the Istanbul Convention:

<https://www.coe.int/en/web/istanbul-convention/key-facts>

https://en.wikipedia.org/wiki/Istanbul_Convention

<https://ec.europa.eu/justice/saynostopvaw/downloads/materials/pdf/istanbul-convention-leaflet-online.pdf>

²³ Encyclopaedia Britannica, Dowry | Definition, Examples and Facts

²⁴ Council of Europe, Key facts about the Istanbul Convention

²⁵ UNICEF, Five ways governments are responding to violence against women and children during COVID-19

Possible Solutions

Given the current nature of the problem, and its exacerbation due to the pandemic, delegates should focus on both short term and long term solutions. There must be both a focus on managing repercussions of the pandemic and providing immediate aid for lockdown victims, as well as an attempt to establish a larger framework for the resolution, that focuses on long term preventative measures.

Due to the gravity and scope of this issue, delegates should approach solutions with a multi-faceted approach. There is no single solution to this problem, and it is important to be aware that a variety of solutions and measures must be used in order to tackle this problem.

Solutions can fall under these categories:

- Education and prevention programmes
- Support and aid
- Legal measures and penalties
- Data collection and analysis
- Training programmes
- Focus on female economic independence
- Economic support

Education - spreading awareness of the issue, be it through social media, physical media or even school curriculum changes. A focus on education about abuse in school addresses the issue of domestic violence against minors, and allows children who might otherwise be too young to understand that they are being abused get the help they need. An increase in intervention and prevention programmes also helps combat the issue, as it tackles the root of the problem and acts as a preventative measure.

Support and aid - providing legal assistance for victims, increasing the number of shelters, incentivising volunteering for shelters and abuse centres, providing safe houses for those who feel a risk, introducing police escorts or legal protection from abusers, providing economic support where necessary.

Legal measures - introducing more stringent legal penalties, and making amendments to the legal retribution faced by abusers, tightening up legal procedures concerning abuse cases, and improving the consistency with which legal penalties are given out.

Data collection - increasing the amount of data collection allows more research to be conducted, on the circumstances in which domestic violence breeds, what causes it, how to prevent it with more efficiency, how to effectively extricate abuse victims from their situations, and more. With

more data collection and analysis, measures can keep being improved to reflect current research and improve the efficacy of the solution.

Training programmes - more thorough training for law enforcement on how to approach abuse victims, handle situations in which they might be in danger, and how to encourage more abuse victims to step forward. Additionally, train teachers and caregivers how to spot the signs of abuse on children and the elderly, as well as improve training for the judiciary department on how to effectively deal with the legal aspect of abuse cases.

Female Economic independence - address the issue that a lot of women stay in abusive relationships due to fears of not being able to support themselves and/or their children by educating them from a young age on the importance of financial independence, encourage more young women and new mothers to join/rejoin the workforce, educate more women on the importance of having economic independence and the issues that can arise from being reliant on your partner, increase awareness about financial abuse as a form of abuse.

Economic support - increase government funding to initiatives, shelters, prevention programmes, organisations and existing domestic violence acts.

Bibliography

Delegates are highly encouraged to explore the websites, articles and documents linked in the bibliography to find more information on this topic.

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