

# **IMPLEMENTATION OF SGBV LAWS**

## **A human rights perspective**

**PILON SGBV/WG Meeting, Suva,  
Fiji, June, 2015**

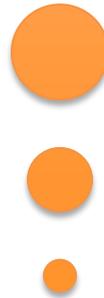
# Agenda

- RRRT work re Implementation of SGBV Legislation
- HRBA and the implementation of SGBV legislation



OK, WE HAVE A NEW SGBV  
SPECIFIC LEGISLATION, NOW  
WHAT?

**DUTY BEARERS**



**RIGHTS HOLDERS**



# Is the legislation doing what we said it would do?

- How RRRT Monitors implementation of SGBV legislation:
  - Regional & National Partnerships / Events
  - Publications (eg. PHRLDs)
  - CFO Architecture



# The human rights context of SGBV

- Life;
- Torture / cruel, inhuman or degrading treatment or punishment;
- Liberty and security of person;
- Cultural Rights
- Equal protection under the law;
- Equality in the family;
- Physical and mental health;
- Work



# Key Human Rights Principles

- ***Starting point*** – All have equal rights to access courts without discrimination (Art. 15 CEDAW)
  - All **VICTIMS** have equal access to courts without discrimination.
- Respecting the rights of victims in criminal proceedings =

## Generally

- Establish and resource courts
- Ensure that courts are accessible
- Provide legal assistance

## *For victims / survivors of VAW*

- ***Safety, well being and privacy***
- ***Information about their rights***
- ***Progress updates on investigation and proceedings***
- ***Effective coordination between relevant authorities***
- ***Advice, assistance and support***

# 4 Key Rights from UDHR

Article 7 : All are equal before the law and are entitled, without any discrimination, to equal protection of the law

Article 8 : Everyone has the right to an effective remedy

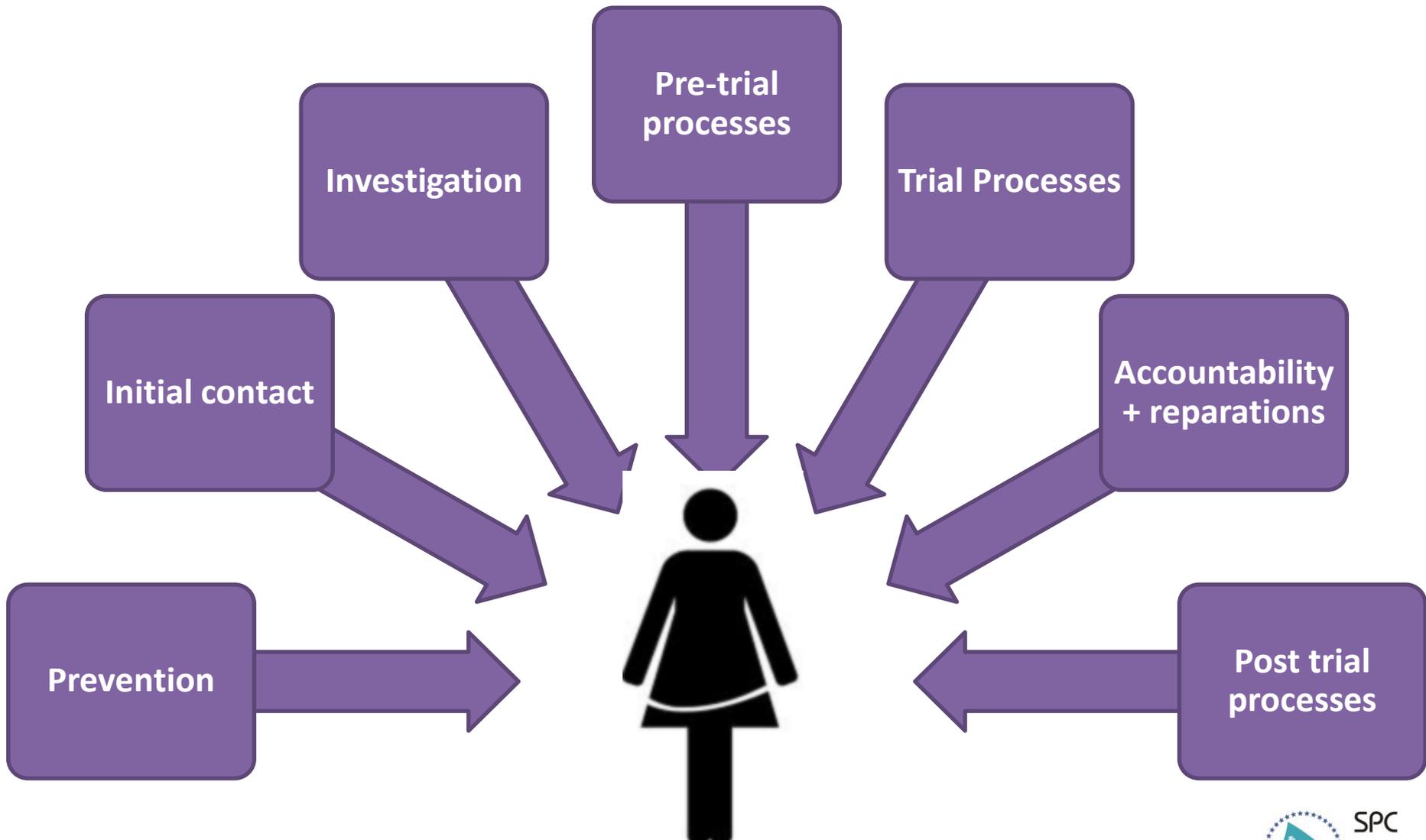
Article 10: Fair and public hearing

Article 11: Presumption of innocence and adequate defence

# A human rights based approach

- **L**inkages
- **E**quality
- **A**ccountability
- **P**articipation

# cont...



Regional Rights Resource (RRRT) <http://www.spc.int/rrrt/>

# Barriers

**SUBSTANCE:** the content of the Law / Policy

**STRUCTURE:** institutions and processes

**CULTURE:** attitudes and norms reflected in and application Law / Policy

**PREVENT, ENSURE + PROVIDE**

**ESSENTIAL SERVICES**

**BARRIERS TO ACCESSING ESSENTIAL SERVICES**



# Discussion

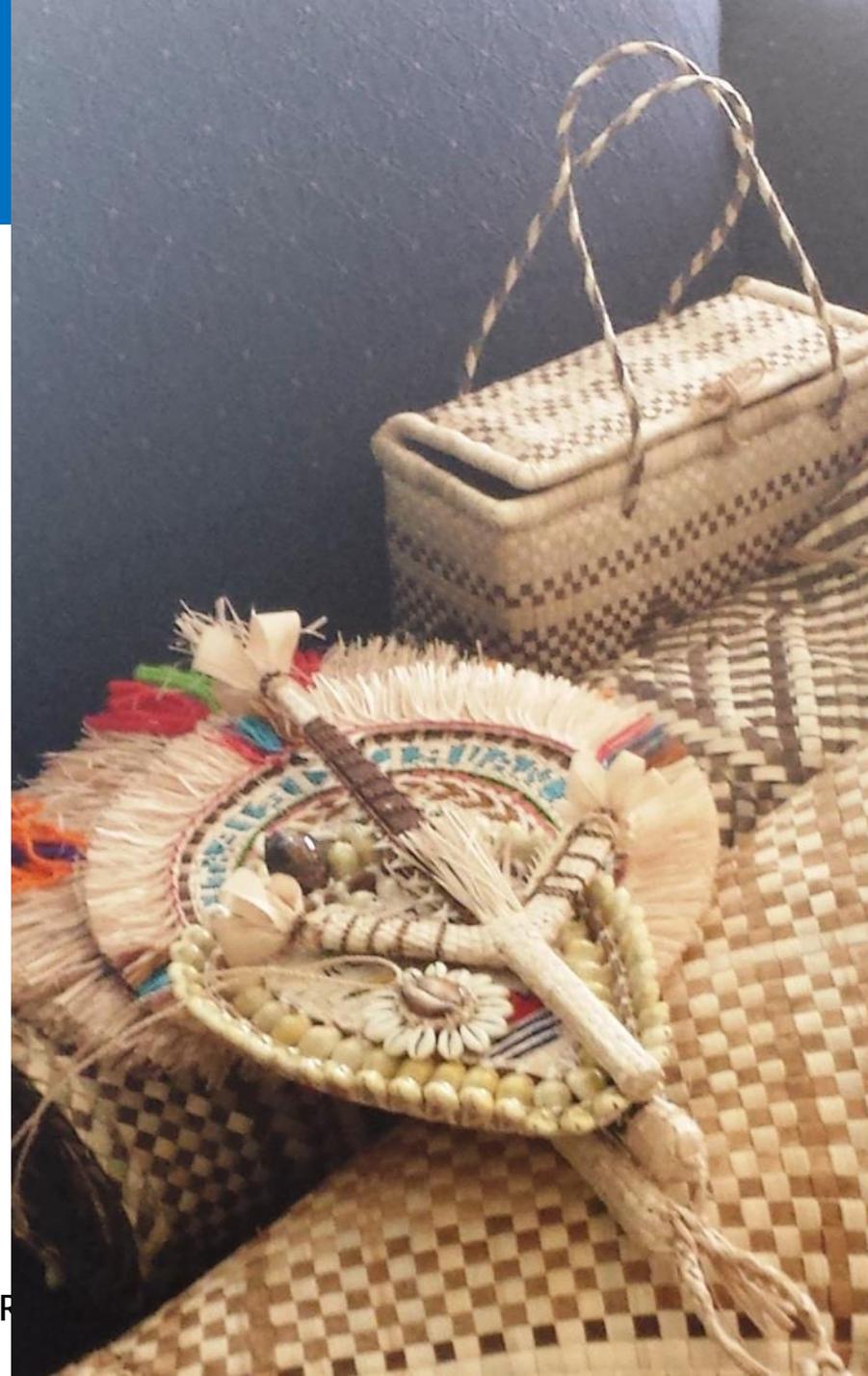
**What are the practical difficulties that Justice Service Providers currently and are likely to face when applying a Human Rights Based Approach to implementing SGBV legislation?**

**What could you do to address this?**



# Take away!

- HRBA essential re implementation, monitoring and evaluation SGBV legislation.
- HRBA requires a shift in attitude of Duty Bearers.
- Quality of Reporting to HR Mechanisms enhanced.
- Be a HR Mechanism.





SECRETARIAT OF THE PACIFIC COMMUNITY  
SECRÉTARIAT GÉNÉRAL DE LA COMMUNAUTÉ DU PACIFIQUE

**THANK YOU!**

**ALBERT SELUKA**

**albertks@spc.int**

**<http://www.spc.int/rrrt/>**