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

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

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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

- Linkages
- Equality
- Accountability
- Participation

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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

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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.

Regional Rights Resource Team (RRRT)
THANK YOU!

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