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**Human Rights Council****Fifty-third session**

19 June–14 July 2023

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Resolution adopted by the Human Rights Council on 14 July  
2023****53/27. Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls in criminal justice detention***The Human Rights Council,*

*Reaffirming* the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, reaffirming also the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

*Reaffirming also* the Declaration on the Elimination of Violence against Women and the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcome documents of their review conferences, and its support for achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly, the Security Council and the Commission on Crime Prevention and Criminal Justice, including resolutions on accelerating efforts to eliminate all forms of violence against all women and girls, and relevant resolutions and agreed conclusions of the Commission on the Status of Women, in which, inter alia, the Commission affirmed that all forms of violence against all women and girls must be prevented, condemned and eliminated and that equal access to justice for women and girls and accountability for violations of their human rights must be ensured,

*Recalling also* the commitment to eliminate all forms of violence and discrimination against all women and girls in the public and private spheres, including online, through or amplified by the use of digital technologies, and offline, including all forms of trafficking in



persons and sexual and other types of exploitation, the commitment to reduce inequalities, promote the social, economic and political inclusion of all and ensure equal opportunities, the commitment to promote peaceful and inclusive societies, provide access to justice for all and build effective, accountable and inclusive institutions at all levels and the commitment to leave no one behind, as contained in the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, as well as the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

*Recalling further* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

*Recalling* the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System,

*Welcoming* the work of the special procedures of the Human Rights Council on violence against women and girls, and taking note of the relevant reports of, inter alia, the Special Rapporteur on violence against women and girls, its causes and consequences, the Working Group on discrimination against women and girls, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the rights of persons with disabilities, the Special Rapporteur on the rights of Indigenous Peoples and the Independent Expert on the enjoyment of all human rights by older persons,

*Stressing* that “violence against women and girls” means any act of gender-based violence that is rooted in discrimination, unequal power relations and harmful gender stereotypes that results in, or is likely to result in, physical, sexual, psychological, social or economic harm or suffering to women and girls, including threats of such acts, neglect, coercion or arbitrary deprivation of liberty, whether occurring in the public or private spheres, including in digital contexts, in care institutions and in the world of work,

*Expressing deep concern* about the continued prevalence of all forms of violence against women and girls throughout their life course, including in criminal justice detention and in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, impairs or nullifies their full enjoyment of all human rights and fundamental freedoms and can, in certain circumstances, amount to torture or cruel, inhuman or degrading treatment or punishment and is completely unacceptable,

*Greatly concerned* that some women, such as migrant women, refugees and women in detention, as well as those in situations to which the Geneva Conventions of 1949 would apply, might be more vulnerable to violence,

*Recognizing* that violence against women and girls, including in criminal justice detention, is a global phenomenon and a manifestation of historical and structural gender inequality and discrimination against women and girls rooted in unequal power relations, gender stereotypes and negative social norms, and that all forms of violence against women and girls, including harmful practices, such as child, early and forced marriage, female genital mutilation, forced sterilization, forced abortion and forced contraception, sexual violence and exploitation, including in conflict settings, trafficking in persons and violence motivated by xenophobia, impair or nullify the exercise and full enjoyment of human rights and fundamental freedoms by all women and girls and require comprehensive responses, beyond those related to specific events, individual perpetrators and victims and survivors,

*Acknowledging* that sexual and gender-based violence in criminal justice detention may amount to torture and that States have an obligation to prevent acts of torture,

*Recognizing* that women and girls, including women and girls in criminal justice detention, are subject to multiple, intersecting and systemic forms of discrimination and to violence throughout their life course based on, inter alia, age, gender, race, ethnicity, indigeneity, religion or belief, physical and mental health, disability, civil status, socioeconomic and migration status, and that substantive equality requires the elimination of the root causes of structural forms of violence and discrimination against them, including deep-rooted patriarchal systems and gender stereotypes, harmful gender norms, negative social norms and cultural patterns of conduct, sociopolitical and economic inequalities and systemic racism, discrimination and xenophobia, which contribute to the disproportionate representation in criminal justice detention of women and girls belonging to racial and ethnic minority groups, Indigenous women and girls, women and girls of African descent and women and girls with disabilities,

*Recognizing also* that disproportionate policing and criminalization of Indigenous women and girls and women and girls belonging to racial and ethnic minority groups, owing to racial, ethnic and gender biases, remain a significant problem,

*Recognizing further* the strong link between violence against women and girls and their increased risk of incarceration, noting the disproportionately higher number of women in criminal justice detention reporting childhood experiences of emotional, physical or sexual abuse, that women and girls may be coerced, including through violent means, to engage in criminal activity, and subsequently imprisoned, including as a result of being trafficked, and that women may also be subject to criminalization when responding to violence through self-defence,

*Expressing its concern* that incidents of racial and religious intolerance, discrimination and related violence against women and girls, because of racial and religious stereotyping, continue to rise around the world, condemning in this context any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and urging States to take effective measures to address and combat such incidents,

*Recognizing* that patriarchal expectations on women's and girls' public and private behaviour may lead to heavier penalties for women and girls than men and boys for the same crimes,

*Stressing* the detrimental effects of criminal justice detention, and noting with concern the increasing number of women and girls being incarcerated for minor and non-violent offences and offences that solely or disproportionately affect women and girls,

*Concerned* about the disproportionate incarceration of women and girls for crimes related to poverty, such as theft, fraud, inability to pay debts and other offences related to homelessness or poor living conditions, and the discriminatory application of public order offences, such as loitering, vagrancy, public nuisance and public indecency, which are often applied to women and girls experiencing poverty,

*Deeply concerned* about the high risk of violence and harassment experienced by women and girls throughout their life course and the continuum of violence against women and girls before, during and after criminal justice detention, wherein women and girls who have prior experiences of violence and harassment, including sexual and gender-based violence, are at further risk of being exposed to violence or other harms, which are persistently and alarmingly prevalent in criminal justice detention, including sexual assault, sexual abuse and harassment, forced and coerced abortion and sterilization, arbitrary use of force or restraints on them, including pregnant women and girls in labour or delivery, arbitrary use of solitary confinement, arbitrary limitations on contact with relatives, including visits by family and friends and contact with children, and limited or no access to adequate physical and mental health-care services and accessible sexual and reproductive health information and health-care services, some of which may, in certain circumstances, amount to cruel, inhuman or degrading treatment or punishment or other harms, and are at risk of experiencing violence after incarceration and recidivism,

*Recognizing* the need for States to respect, protect and fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and sexual and reproductive health and reproductive rights, free from coercion, discrimination and violence, including full respect for dignity and the right to bodily autonomy,

*Recognizing also* the disproportionately higher degree of physical and mental health requirements and psychosocial and intellectual disabilities, among women and girls in criminal justice detention, underscoring that gender- and age-responsive and disability-inclusive non-custodial measures should be made available, when appropriate, including measures respecting Indigenous Peoples' legal systems, and that States should ensure the availability, accessibility, acceptability and good quality of health information and health-care services, including those related to menstrual health and hygiene,

*Recognizing further* that sexual and reproductive health information and services include, inter alia, post-violence care, accessible, confidential and inclusive family planning, evidence-based comprehensive sexuality education, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, gender-based violence prevention, maternal health information and services, such as skilled birth assistance and emergency obstetric care, including midwives for maternity services, perinatal care, safe abortion, when not against national law, post-abortion care, prevention of and care for HIV and other sexually transmitted infections and reproductive cancers and menstrual health and hygiene information and services,

*Deeply concerned* about the absence or lack of independent, effective, confidential, accessible, victim- and survivor-centred and trauma-informed complaint mechanisms in criminal justice detention facilities for reporting all forms of violence, including in pretrial detention, and that gender inequality, violence or the threat thereof, discrimination, fear of reprisals and stigma associated with sexual and gender-based violence all prevent women and girls who are victims and survivors from reporting such violence and seeking accountability and remedies for violations that they have endured in criminal justice detention through existing mechanisms,

*Stressing* that many women and girls in criminal justice detention are mothers and often the sole or primary caregivers for their children, that decisions to allow children to stay with their mothers in criminal justice detention should be based on the best interests of the child and that non-custodial measures in such instances should be preferred, where possible and appropriate,

*Stressing also* that girls in criminal justice detention face multiple and intersecting forms of discrimination, which can lead to further violence and poor mental and physical health throughout their life course, affecting their enjoyment of the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to work,

*Recognizing* that the criminal justice detention of children, including girls, jeopardizes their development and should be avoided to the maximum extent possible and that gender-, disability- and age-based considerations, and a history of experiences of violence, should be taken into account in decision-making,

*Deeply concerned* that women and girls do not receive adequate or any gender- and age-responsive and trauma-informed rehabilitation programmes in criminal justice detention or pre- and post-release reintegration programmes, such as mental health and drug treatment, quality education or vocational training, and that low social and economic status in society and stigmatization from their community and families may hinder reintegration and lead to recidivism,

*Reiterating* that civil society has made major contributions in promoting gender equality, the need to engage with all stakeholders, including national human rights institutions, women's and girls' rights organizations, organizations of persons with disabilities, organizations of persons of African descent and organizations of and led by persons previously in criminal justice detention, as well as with Indigenous Peoples, alongside women and girls, as agents of change, to prevent and eliminate all forms of discrimination, violence and harassment against women and girls, the need to address the

negative social norms, harmful gender stereotypes, stigma, economic and social inequities and systemic racism and discrimination that underlie and perpetuate such violence, including in criminal justice detention, and the importance of allowing civil society to operate freely and safely, without fear of intimidation or reprisals, online and offline,

*Recognizing* the importance of the full engagement of men and boys as agents and beneficiaries of change and as strategic partners and allies in the elimination of all forms of violence against women and girls and in the achievement of gender equality and the empowerment of all women and girls, including in criminal justice detention,

*Underlining* the need to promote the full, equal, effective, meaningful and inclusive participation and leadership of victims and survivors, including of human trafficking, in criminal justice detention, in the development, implementation and monitoring of regulations, legislation and programmes, and anti-racism policies and programmes, to prevent and eliminate all forms of violence against all women and girls,

*Stressing* the importance of collecting and analysing reliable data on women and girls in criminal justice detention and encouraging ongoing efforts to improve the collection of data disaggregated by sex, race, age, disability and other characteristics relevant to national contexts that may lead to disparities, and underlining the need for internationally comparable data,

1. *Expresses outrage* at and condemns in the strongest possible terms the persistence and pervasiveness of all forms of violence against women and girls worldwide, online, through or amplified by the use of digital technologies, and offline, and reaffirms the responsibility of States to protect women and girls from violence, including in criminal justice detention;

2. *Expresses deep concern* that all forms of discrimination and violence against women and girls impair or nullify the full enjoyment by women and girls of their human rights and fundamental freedoms, which hinder their full, effective and meaningful participation, inclusion and leadership in public and private life, and are an impediment to achieving gender equality, the empowerment of all women and girls and their full enjoyment of all their human rights;

3. *Stresses* the need to address multiple and intersecting forms of discrimination, which place women and girls at greater risk of exploitation, violence, abuse, harassment and neglect throughout their life course, and to implement measures to prevent and eliminate the stereotypes based on disability, gender, age, race and xenophobia, ableism, stigma, negative social norms, attitudes and behaviours that cause or perpetuate gender-based discrimination and violence against women and girls;

4. *Also stresses* that, by placing women and girls in criminal justice detention, States retain the obligation to respect, protect and fulfil all their human rights and respect their safety, dignity and privacy;

5. *Calls upon* States to take immediate and effective action to prevent and eliminate all forms of violence against all women and girls in criminal justice detention by:

(a) Ensuring promotion and protection of and respect for the dignity, integrity and bodily autonomy of women and girls in criminal justice detention, and that those in criminal justice detention enjoy all the human rights guaranteed by international law;

(b) Adhering to measures that protect the safety, security and dignity of mothers in criminal justice detention, including pregnant women and girls, breastfeeding women and girls and mothers with children in detention, as outlined in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(c) Promoting awareness-raising campaigns highlighting the link between violence and women's and girls' incarceration and the unacceptability of all forms of violence against women and girls in detention, and promoting and supporting campaigns and training for detention facility and criminal justice personnel that are aimed at correcting the false perception that violence against women and girls is acceptable in criminal justice detention facilities;

(d) Reviewing, and repealing or adjusting as appropriate, all laws and policies that exclusively or disproportionately target or criminalize the actions or behaviour of women and girls and laws and policies that are discriminatory against them, including as a result of any custom, tradition or misuse of culture or religion, and creating accountability mechanisms to end impunity and prevent, eliminate and remedy any discriminatory application of the law;

(e) Reviewing and, as appropriate, modifying all proposed and existing legislation, policies and programmes to align them with the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, taking into account the Bangkok Rules and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and establishing clear policies and regulations on the conduct of criminal justice personnel, to protect women and girls from all forms of violence, promote children's sense of dignity and worth and fully respect their age, stage of development and their ability to participate meaningfully in and contribute to society;

(f) Reforming the use of pretrial detention to ensure that it is used as a means of last resort, as appropriate, given that women and girls are particularly at risk of experiencing sexual and gender-based violence in pretrial detention as a means of coercion with the purpose of extracting confessions;

(g) Providing relevant, mandatory, recurrent and effective trauma-informed and victim- and survivor-centred education and training on preventing and eliminating all forms of violence against women and girls, including sexual and gender-based violence, and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment for all police personnel, prison authorities, social workers, health-care providers and relevant staff working in criminal justice detention, including on international norms and standards, such as the Bangkok Rules, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice;

(h) Diverting women and girls away from the criminal justice system, in appropriate cases, and towards gender- and age-responsive, disability-inclusive and trauma-informed services and programmes, with a focus on addressing the underlying causes leading to women's and girls' contact with the criminal justice system, and prioritizing and implementing gender- and age-responsive and disability-inclusive non-custodial measures, such as arbitrated settlements, restitution to the victims, community service orders, victim-offender mediation, family group conferences, sentencing circles, drug treatment programmes and other restorative justice processes, services and programmes, including those that respect Indigenous Peoples' legal systems;

(i) Reaffirming that women should, as far as possible, be detained in separate institutions, that, in an institution that receives both men and women, the whole premises allocated to women should be entirely separate, and that detainees who are children should be kept separate from adults, in accordance with international norms and standards;

(j) Ensuring that there are adequately resourced independent, external monitoring bodies, which may include competent international, national or regional bodies, including those established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as inspectorates, supervisory bodies and internal inspection agencies central to the prison administration, to monitor the treatment and rights of women and girls in criminal justice detention, bearing in mind the Bangkok Rules and the Nelson Mandela Rules, and other relevant standards, and taking into account age and gender considerations;

(k) Ensuring the full, effective and meaningful participation and inclusion of women and girls, including women and girls who have experienced criminal justice detention, in the development, implementation and monitoring of gender- and age-responsive and disability-inclusive national policies, legislation, procedures, action plans, programmes, projects and strategies to prevent and eliminate violence against women and girls, and taking steps to ensure that such participation is consistent and conducted in a safe and accessible

environment, including through support and capacity-building from civil society actors and organizations advocating for and led by women and girls;

(l) Supporting initiatives aimed at advancing gender equality, women's participation in all public and private decision-making processes and inclusion and eliminating all forms of violence against women and girls that are undertaken by, inter alia, international and non-governmental organizations and civil society organizations, including organizations of and led by women and girls in or previously in criminal justice detention, as part of their efforts to develop targeted and gender- and age-responsive and disability-inclusive programmes and policies, including by allocating adequate financial resources and providing them with access, including the ability to visit and observe criminal justice detention facilities;

6. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls in detention and to support and protect all victims and survivors by:

(a) Holding perpetrators, including those working in criminal justice detention facilities, to account, and eliminating impunity for all forms of violence against women and girls;

(b) Ensuring that legislation and policies allow for the timely and effective investigation, prosecution, including ex officio prosecution, sanction and effective redress of violence against women and girls;

(c) Adopting, strengthening and implementing legislation and policies that expressly prohibit violence, provide adequate protection for all women and girls in criminal justice detention against all forms of violence, end impunity and adequately penalize offences involving all forms of violence and discrimination carried out in criminal justice detention;

(d) Ensuring equal access to justice and accountability mechanisms for the effective implementation and enforcement of laws and policies aimed at preventing and eliminating all forms of violence and discrimination against women and girls, including by informing women and girls about their rights under relevant laws and policies in accessible formats, including plain language format, including the ability to complain, establishing clear reporting and independent and confidential complaint procedures, such as an inclusive external oversight mechanism, putting in place protection measures that account for risks of retaliation and creating a culture of accountability in criminal justice detention facilities and timely and effective remedies;

(e) Investigating promptly, effectively and impartially all allegations of violence, including sexual and gender-based violence, independently initiating an investigation wherever there are reasonable grounds to believe that such an act could have been committed, and holding responsible, bringing to justice and punishing those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts, including officials in charge of places of criminal justice detention where the prohibited act is found to have been committed;

(f) Providing victims and survivors of violence with effective remedies, including victim- and survivor-centred legal, medical, psychological and confidential counselling services and legal protection that avoid secondary victimization and retraumatization, including legal remedies in cases of inappropriate arrest to shield or clear their criminal records, providing inclusive support services, information and education in accessible formats using plain language, including on how to prevent, recognize and report instances of exploitation, including trafficking in persons, violence and abuse, encouraging and facilitating victims and survivors to report such crimes, ensuring that they do not face reprisals, and reporting any serious injury to a judicial or other competent authority that is independent of the criminal justice detention administration and mandated to conduct an investigation;

(g) Respecting, protecting and fulfilling the right to sexual and reproductive health, including for women, girls, women and girls with disabilities, and pregnant and breastfeeding women and girls in criminal justice detention, free from discrimination, coercion and violence, and addressing the social and other determinants of health, removing

legal barriers, developing and enforcing policies, good practices and legal frameworks that respect dignity, integrity and bodily autonomy and guarantee universal access to sexual and reproductive health services that are available, accessible, acceptable and of good quality and evidence-based information and education, including for menstrual health and family planning, and ensuring timely access to maternal health services and emergency obstetric care, including treatment for pregnancy-related morbidities, while being respectful of the principle of confidentiality;

(h) Designing and implementing comprehensive mechanisms and tools that address and contribute to improving the mental health and well-being of all women and girls in criminal justice detention, including those with psychosocial disabilities, who are victims and survivors of gender-based violence;

(i) Designing and implementing comprehensive pre- and post-release reintegration programmes, including Indigenous-planned and -led programmes, which take into account the gender- and age-specific needs of women and girls and provide quality education and vocational training, and utilizing options such as home leave and community-based programmes and services to the maximum extent possible to ease their transition from criminal justice detention to liberty, reduce stigma and discrimination and maintain relations with their families;

(j) Strengthening or establishing systems to regularly collect, analyse and publish gender statistics and statistical data, disaggregated by sex, age, disability, race and other characteristics relevant to national contexts, on populations in criminal justice detention and all forms of violence against women and girls in criminal justice detention, including on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment, and using these data to inform more effective gender- and age-responsive and disability-inclusive policies and programmes across all sectors to prevent and respond to violence, while respecting human rights, transparency, accountability, privacy and participation;

7. *Welcomes* the annual full-day discussion on the human rights of women convened by the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to prepare a summary report, in accessible formats, including easy-to-read and plain language formats, on the annual discussions held at the present and fifty-sixth sessions, to present each report to the Council at its fifty-sixth and fifty-ninth sessions, respectively, and to make the annual discussion on the human rights of women fully accessible to persons with disabilities;

8. *Requests* the Office of the High Commissioner to submit to the Human Rights Council, at its fifty-ninth session, an accessible report in plain language and easy-to-read formats, on the situation of human rights of women and girls in criminal justice detention, including information on practices and measures to prevent and address violence against women and girls in the context of criminal justice detention, as well as good practices and challenges relating to rehabilitation and reintegration policies and programmes, with input from all relevant stakeholders, including States Members of the United Nations, United Nations bodies, agencies, the treaty bodies, the special procedures of the Council, national human rights institutions, civil society organizations, women's and girls' rights organizations and women and girls with lived experience in criminal justice;

9. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls as a matter of high priority, in conformity with its programme of work, at its fifty-ninth session.

*37th meeting  
14 July 2023*

[Adopted without a vote.]

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