Cheatography

Combating Sexual Violence General Principles Cheat Sheet

by [deleted] via cheatography.com/2754/cs/18681/

Introduction

The Guidelines on Combating Sexual Violence and its Conseq-uences in Africa (the Guidelines) were adopted by the African Commission on Human and Peoples' Rights during its 60th Ordinary Session held in Niamey, Niger from 8 to 22 May, 2017.
The goal of these Guidelines is to guide and support Member States of the African Union in effectively implementing their commitments and obligations to combat sexual violence and its consequences.
Sexual violence continues to be a worldwide scourge and the African continent is no exception. It remains widespread both in time of conflict and crisis, and in times of peace. It takes place in public, in the street and on public transportation, but also in private, in the workplace or in intimate relationships. It mainly affects women and girls, but men and boys are also victims.

Source: http://www.achpr.org/files/instruments/combating-sexual-v-iolence/achpr_eng_guidelines_on_combating_sexual_violence_and_its_consequences.pdf

1. The non-discrimination principle

States must take the necessary measures to ensure that the rights of the victims of sexual violence are guaranteed, irrespective of their race, colour, national origin, citizenship, ethnicity, profession, political opinions, and any other opinions, and health including HIV status, disability, age, religion, culture, marital status, socio-economic status, status as a refugee, migrant or any other status, sexual orientation and identity, gender expression or any other factor that could lead to discrimination against them.

2. The "do no harm" principle

States must take legislative measures and all other necessary measures to guarantee the well-being and security of the victims and witnesses of sexual violence, and to minimize the negative impact that actions to combat sexual violence and its consequences can have on victims and witnesses. In particular, States must ensure that the potentially negative consequences for victims and witnesses, of procedures to investigate acts of sexual violence and efforts to prosecute perpetrators, are reduced as much as possible.

3. The due diligence principle

States must ensure that agents acting on their behalf or under their effective control refrain from committing any acts of sexual violence. States must adopt the necessary legislative and regulatory measures to act with due diligence to prevent and investigate acts of sexual violence committed by State and non-State actors, prosecute and punish perpetrators, and provide a remedies to victims

4. Obligation to prevent sexual violence

5. Obligation to provide protection against

Obligation to provide protection against sexual violence and its consequences. States must adopt the necessary measures to guarantee that victims are protected from any new act of sexual violence and are protected from the consequences of sexual violence, particularly by guaranteeing that victims have access to all types of assistance that they need (in accordance with the Part 3 of these Guidelines).

6. Obligation to guarantee access to justice

Obligation to guarantee access to justice and investigate and prosecute the perpetrators of sexual violence.
6. 1. States must take measures to guarantee access to justice for all victims of sexual violence, including in rural areas. States must ensure that investigations into acts of sexual violence and the prosecution of the perpetrators are carried out:• without unjustified delays• independently, impartially and effectively• in a manner that will lead to the identification and sentencing of the perpetrators.
6. 2. Investigations and prosecutions must consider the rights of victims throughout the proceedings and guarantee the well-being and safety of victims and witnesses (in accordance with the Part 4 of these Guidelines).
6. 3. States must also adopt measures to promote compliance with regional and international standards of protection for the rights of women and girls within traditional justice systems, to guarantee the rights of the victims of sexual violence and to eliminate the discrimin-ation that persists in these systems. States must raise awareness and provide training for traditional authorities and other stakeholders, the majority of whom are men, who are involved with traditional justice mechanisms with a view to encouraging respect for equality between women and men as well as broader representation for women in these systems.. **6. 4.** States must take measures to prohibit the use of alternative methods of conflict resolution, such as mediation or conciliation, in dealing with cases involving sexual violence before and during civil and criminal proceedings, when those methods do not respect the rights of victims, especially women and girls.

7. Obligation to provide effective remedy

States must take the necessary measures to prevent all forms of sexual violence and its consequences, particularly by eliminating the root causes of that violence, including sexist and homophobic discrimination, patriarchal preconceptions and stereotypes about women and girls, and/or preconceptions and stereotypes based on gender identity, real or perceived sexual orientation, and/or certain preconceptions of masculinity and virility, irrespective of their source (in accordance with the Part 2 of these Guidelines).

Obligation to provide effective remedy and reparation for the victims of sexual violence.
States must adopt legislative measures and any other measures required to guarantee effective, sufficient and timeous remedies, including reparation, to the victims of sexual violence. Remedies must be affordable and accessible without unjustified delays. This includes: effective access to justice; a guarantee of fair and equitable treatment that is adapted to the legal proceedings undertaken; adequate, effective and timeous reparation for any damages sustained; and free access to information regarding remedies and the methods for obtaining reparation. Reparation must include individual and collective measures, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition (in accordance with the Part 5 of these Guidelines).

Sponsored by **Readable.com**
Measure your website readability!
https://readable.com