



**United Nations
Entity for Gender Equality and
the Empowerment of Women**

Dist: General
5 February 2024

Original: English

First session

Agenda item
16 March 2023

**Guaranteeing Women Equal
Access to Justice Systems**

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the UNCSW the topic synopsis entitled “Guaranteeing Women Equal Access to Justice Systems.” (SP/CSW/SYN/HF/00.2).



Guaranteeing Women Equal Access to Justice Systems

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Section I—Introduction

The United Nations Entity for Gender Equality and the Empowerment of Women, commonly known as UN Women, focuses on the empowerment of women and equality between all the genders. UN Women challenges countries to meet the needs of women by holding them accountable to more global standards. By enforcing governing action within participating countries, civil society can change as a result.

Section II—Background Information

Equitable access to justice systems ensures equal opportunity for all people to have their voices heard. Ideally, for individuals to fully exercise and protect their rights, they should have the ability to resolve legal issues through a neutral process following the fair rule of law. Globally, women face discrimination across the legal system which creates a gender gap in access to justice. This denies women the ability to protect their economic assets, bodily integrity, voice, and agency. Notably, this discrimination is typically present in plural legal systems, where multiple levels, agencies, or systems are able to exert their will on an already disadvantaged group. Discriminatory legal provisions, gender-blind legal provisions, and gaps in legislation concerning issues that affect women create obstacles for women accessing justice on an institutional level. Problematic interpretation of the law and ineffective legal procedure that fails to be gender sensitive also prevent women from seeking justice. According to statistics compiled by the World Bank in 2022, On average, women have three-quarters of the legal rights as men. This creates more barriers towards accessing the justice system, which consequently discourages women from receiving due justice.

Personal religious beliefs, social customs, and cultural norms play a role in creating gender bias. Within court systems, this bias plays a role in determining the outcome of dispositions dealing with divorce, child support, custody, domestic violence, rape, and prosecution. Gender stereotypes also make it difficult for women to receive justice within courts. As a consequence of gender bias and stereotypes, there are sixteen countries that give less evidentiary weight in court to women's testimony than men's. Additionally, the cost of taking legal action often discourages women from pursuing justice. These high costs stem from a lack of financial resources, costs to pay for legal representation, legal fees, judicial taxes, and transportation costs to go to courts. Insufficient education of one's legal rights, legal procedures, or how to access legal aid prevent women from having the knowledge necessary to seek justice.

Many countries around the world have a limited formal justice system, forcing women to rely on customary and religious dispute mechanisms. For example, in Ghana, the ratio of judges and magistrates to the populations in its Upper East Region is 1 for each 171,913 persons. Called traditional practices, these customary and religious dispute mechanisms often disregard gender equality principles. Due to an inefficient formal justice system, women are susceptible to facing discrimination from social and moral institutions. Within these informal justice systems, there are many social, economic, or procedural factors that prevent women from bringing up conflicts. Traditional systems offered by local chiefs fail to provide privacy as it involves public discussion of personal matters that may make women feel uncomfortable sharing. An absence of procedural rules may lead to permitting prejudice against women and can allow for the abuse of power. The lack of access to resources, fear of intimidation, and victimization that women face result in customary dispute mechanisms that denies access to justice.

Section III—UN Involvement

UN Women diligently work to improve women's access to justice by supporting global efforts in establishing equitable rule of law. The United Nations recognizes the importance of gender mainstreaming in upholding the rule of law. The 1995 Fourth World Conference on Women resulted in the Beijing Declaration and Platform for Action which mandates UN organizations, Member States, and civil society actors to take action towards gender mainstreaming. Through policy advising and law reforms, UN Women work to strengthen the gender-responsive rules of law institutions. UN Women's support for accountability for gender-based conflicts, like violent sexual situations, also help create gender-responsive rules within justice systems. The Global Focal Point for the Rule of Law (GFP), instituted by the UN Secretary-General, focuses on working towards improving women's access to justice and security in conflict-based situations. This encompasses efforts to provide support for countries in areas of justice, corrections, and police and security sector reform. To achieve these goals, several UN organizations have conducted joint programs to implement rule of law. For example, funding from the GFP enabled UNDP, UN Women, and MINUSMA to build a center for survivors of gender-based violence in Mali and enhance police capabilities to handle these situations. This creates a safe environment for women to access their respective justice systems. UNDP and UN Women's partnership since 2020 has been successful, enabling more equitable access to justice for 42,000 individuals. With this collaboration, UNDP and UN Women facilitated access to justice services in fourteen conflict-affected contexts across Africa and the Middle East. In 2022, UNDP and UN Women launched the Gender Justice Platform which has allowed almost 43,000 people in eighteen countries access to justice, implemented a gender-sensitive monitoring and evaluation system, and reached nearly five million people through awareness-raising campaigns.

UN Women supports the use of gender-sensitive transitional justice to address the gender inequality and injustice that cause conflict. Gender-sensitive transitional justice confirms that women are provided proper justice when involved in conflicts involving individual women's human rights being violated. With the Justice Rapid Response project, which employs justice experts to investigations and accountability mechanisms, UN Women helps establish transitional justice across multiple countries such as Chad, Guatemala, and Liberia. UN Women worked with the Inter-Agency SSR Task Force for gender-sensitive security sector reform in UN peacekeeping operations to ensure that public institutions are keeping women of all ages safe. By providing new knowledge, services, and skills, UN Women strives to legally empower women. Partnerships have allowed for women to be more educated in legal matters, and have allowed for them to more easily access legal services. For example, in Zimbabwe, mobile legal aid clinics help women understand their legal rights and learn necessary skills for dealing with legal matters. Once these women gain understanding, they spread their knowledge to more women and they continue to spread awareness.

Section IV—Possible Solutions

In order to ensure that women have equal access to justice, it is necessary to review laws and policies that violate their rights. Working with governments and Civil Society Organizations to support reform of law and to establish new legislation creates a gender responsive environment. This analysis on laws and the implementation of new laws will create effective policy design that guarantees equal access to justice for women.

Additionally, education programs for justice actors in conducting legal cases that disproportionately affect women increases awareness of the ethical principles in dealing with these cases. This results in consideration of special needs of women such as medical or social support in cases dealing with violence. Providing women support systems helps remove obstacles for women seeking justice. These education

programs can also be included in the training of national justice institutions to combat the influence of gender bias and societal or cultural norms within the outcome of legal dispositions. The inclusion of education programs within the curriculum can be developed and financed through the UN.

Financial aid for legal fees and education programs to increase awareness of one's legal rights, legal procedures, or how to access legal aid will also remove barriers that keep women from accessing justice systems. This financial aid can be given through local legal aid offices and education programs can be provided in public spaces such as libraries. Furthermore, reform in institutions such as community police stations and informal courts can improve access to justice for poor women who are more likely to seek assistance within these institutions. Implementing effective policies and procedures that assist women using these institutions will improve their access to these services. Providing culturally sensitive legal training for those working in community police stations and informal courts will combat discrimination that results from these institutions.

Section V—Bloc Positions

African: Women living in countries within the African bloc have poor access to justice; this has been worsened by the effects of the COVID-19 pandemic. A heavy reliance on traditional and customary justice mechanisms prevent the African bloc from making progress in improving the conditions for women. Women face higher illiteracy rates and a greater lack of legal education, making formal legal systems seem intimidating and unfavorable. Increasing rates of gender-based violence in the region creates barriers for women seeking justice. The Declaration on Democracy, Political, Economic, and Corporate Governance by the New Partnership for Africa's Development has made a commitment towards increasing access to justice.

Asia-Pacific: Some countries within the Asia-Pacific bloc have gender discriminatory elements such as conservative interpretation of religious law and a lack of gender sensitivity. These discriminatory elements are involved in plural legal systems which are common to the Asia-Pacific bloc. Internal conflict and political struggle in this bloc play a role in weakening state legal systems, preventing women from accessing justice. Continuous efforts and progress in improving women's access to justice has been made within this bloc. Notably, Indonesia has launched the LEAD Project which helped mobilize community-based paralegals, increase legal awareness and legal capacity, and establish joint complaint handling mechanisms for land disputes.

Eastern European: The Eastern European bloc has made improvements to women's access to justice with cooperation between NGOs and legal professionals. This cooperation results in continuous efforts to reduce barriers for women to access legal systems and to implement gender responsive justice practices. Georgia, Moldova, and Ukraine are state parties to the Istanbul Convention, creating incentives to ensure women have available and efficient access to justice. Significant progress has been made in the Western Balkans where a Mentoring Programme is training judges and prosecutors in ensuring a gender sensitive justice chain. However, conflict and a focus on traditional values limit the efforts made by the Eastern European bloc in guaranteeing access to justice for women.

Latin American and Caribbean: The Latin American and Caribbean bloc have made commitments and advancements towards women's rights. Despite this, high levels of inequality and violence against women in this region make it difficult for women to access justice. COVID-19 lockdowns intensified this violence, and police officers lacking sufficient training continue to fail to support women in these cases. Legal systems within this bloc lack legislature and resources to pursue cases that disproportionately affect women, these cases tend to get reported and documented but are not pursued. Particularly, Indigenous women in this bloc struggle accessing formal and informal legal systems.

Western European and Others: Countries in the Western European and others bloc have made progress in guaranteeing women equal access to justice systems. Efforts in improving women's access to justice include projects done by Civil Society Organizations to ensure the justice chain is gender responsive. Multiple countries such as the United States have supported and funded projects that advance access to justice globally. Women living in poverty, however, struggle to overcome obstacles such as a lack of legal literacy and legal fees.

Section VI—Questions That Should Be Taken Into Consideration

What institutional and societal obstacles do women face when seeking justice?

How does prejudice and gender bias by justice actors prevent equal justice for women?

How can cultural norms and stereotypes that deny women equal treatment within the legal system be combatted?

What resources are needed in order to increase the accessibility of justice systems?

Section VI—Helpful Sites and Resources

Document—UN Women—Brief Access to Justice

bit.ly/IIMUN2024-UNWOMEN01 (Shortened URL from unwomen.org)

Article—UN Women—Peace and Security Rule of Law and Justice

bit.ly/IIMUN2024-UNWOMEN02 (Shortened URL from unwomen.org)

Article—UN Foundations—Gender Discrimination is Enshrined in Law. That Needs to Change.

bit.ly/IIMUN2024-UNWOMEN03 (Shortened URL from unfoundation.org)

Article—Council on Foreign Relations—Legal Barriers

on.cfr.org/48Sb09X (Shortened URL from cfr.org)

Document—Council of Europe—Factsheet Women's Access to Justice

bit.ly/IIMUN2024-UNWOMEN04 (Shortened URL from coe.org)

Document—UN Women—Informal Justice Systems Summary

bit.ly/IIMUN2024-UNWOMEN05 (Shortened URL from unwomen.org)

Document—UN Women—Progress of the World's Women

bit.ly/IIMUN2024-UNWOMEN06 (Shortened URL from unwomen.org)

Potential Search Terms: Women's access to justice, Gender bias, Informal justice systems, Gender discrimination in legal systems, Plural legal systems, Obstacles in accessing justice, UN Women