

FLAGSHIP PROGRAMME



# WOMEN'S ACCESS TO JUSTICE

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## The issue

Eliminating gender discrimination across the justice chain is critical for protecting women's economic assets, bodily integrity, voice and agency.

There are, however, gender gaps in access to justice globally, particularly in plural legal systems. Over 30 countries have entered reservations to Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women, which relates to equality in marriage and family relations. In 50 countries, the minimum legal age for marriage is lower for females than for males, while 60 countries limit the ability of women who marry foreign nationals to pass on their citizenship to their spouses or children.

Around the world, the formal justice system's capacity is very limited. In India for example, the New Delhi High Court is so behind in its work that it could take up to 466 years to clear its enormous backlog (*The Diplomat*, 25 December 2013). In Ghana, the ratio of judges and magistrates to the population in its poorest Upper East Region is 1:171,913, compared to 1:33,416 in its capital city, Accra (Ghana Judicial Service, 2012).

Therefore, the majority of the world's poorest women rely on informal customary and religious dispute mechanisms which tend to resolve disputes more expeditiously but with less reliance and reference to gender equality principles.

## Our strategy for change

The Flagship Programme on *Women's Access to Justice* addresses bias and gender discrimination in justice delivery through three strategies:

- **Firstly, there will be sustained justice reform through a gender-responsive enabling environment** (in laws, policies and fiscal space). Review of laws will not only entail the passage of new legislation, but also continued analysis of impediments to the implementation of those already in place. National situation analysis on the structural barriers to women's access to justice will inform policy design and implementation. A unified approach to budgeting and monitoring will be promoted through a set of agreed gender-responsive indicators. The participation

### UN WOMEN'S FLAGSHIP PROGRAMME INITIATIVES

*Women's Access to Justice* is one of UN Women's Flagship Programming Initiatives designed to ensure that UN Women can deliver on the Sustainable Development Goals (SDGs) through the reform and effective enforcement and implementation of laws.

**FOR MORE INFORMATION ON THIS PROGRAMME, CONTACT:**

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of relevant stakeholders will be central to all stages of justice sector planning, design, implementation, monitoring and budgeting.

- **Secondly, it strengthens the capacities of formal and informal justice actors** in eliminating institutional and cultural biases and enhancing accountability. Using a two-pronged approach, the Programme will provide: (1) technical assistance to engendering the training curriculum of national justice institutions to ensure system-wide impact; (2) support partners, e.g. Civil Society Organizations (CSOs), to implement training programmes for justice institutions to address the strategic needs of poor women. The focus will be on institutions to which poorest women are more likely to seek assistance, such as community police stations and formal and informal courts, which deal with violence-related cases, small commercial claims and personal status issues—marriage, divorce, child custody and maintenance and inheritance. Capacity building will also be accompanied by simple data collection techniques that will allow these institutions to monitor disposal, conviction and attrition rates on a regular basis.
- **Thirdly, it increases demand for justice by women and their visibility in justice administration.** Using the HeForShe Campaign and other advocacy opportunities and downstream interventions, the Programme engages traditional and religious leaders, community-based paralegal and para-judicial services organizations in increasing the demand for justice among women.

## How the programme works

The Women's Access to Justice Flagship Initiative will be implemented in 20 countries, through a combination of a portfolio of branded Country Programmes, to meet the unique requirements of each development context, and one Global Programme.

The Country Programmes will allow UN Women Country Offices to raise funds at the local level using a common theory of change and programming framework. An operational Tool Kit will facilitate uptake and ease of implementation at the country level.

UN Women has also developed a Global Programme funding proposal on women's access to justice in partnership with the Justice Education Society of Canada. This proposal contributes to the implementation of the SDG 5 at three levels:

### FAST FACTS - WOMEN'S ACCESS TO JUSTICE

- 189 countries worldwide have ratified CEDAW, signaling their commitment to meeting the human rights of women and girls.
- Gender equality guarantees are recognized in 139 constitutions, 125 countries outlaw domestic violence, 32 outlaw female genital mutilation/cutting, at least 117 countries have equal pay laws, 173 guarantee paid maternity leave, and 117 outlaw sexual harassment in the workplace.
- Women have equal rights to own property in 115 countries and in 93, equal inheritance rights.

Source: UN Women (2012), Progress of the World's Women

**LAW REFORM:** It will work with governments and CSOs to support reform of law, policies and practices to ensure access to justice for women, with emphasis on reform of laws on the minimum legal age of marriage, divorce, inheritance, child custody and support, gender discriminatory nationality/citizenship laws and violence against women.

**SYSTEM REFORM:** It will work with formal and informal justice institutions to implement effective policies and procedures and improve access to services for women.

### COMMUNITY EDUCATION AND ENGAGEMENT:

It will work at the community level to support the empowerment of women and enhance awareness and understanding of their rights and ways of accessing justice services, and engage communities to examine how customary practices can support these goals.

## Partnerships for change

The Programme will be delivered within the context of delivering as one with UN Country Teams at the national level.

In addition to the UN system and the Justice Education Society, other partners will include the Council of Europe, Commonwealth Judges and Magistrates, the International Commission of Jurists, the International Associations of Women Police and Judges and National Associations of Women Lawyers.

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