

**STATEMENT OF THE INTERNATIONAL DEVELOPMENT
LAW ORGANIZATION**

IDLO Branch Office, The Hague

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Delivered by Irene Khan, Director-General, IDLO

Excellencies, Distinguished Guests, Friends and Colleagues,

Welcome to IDLO's Office in The Hague and to the inaugural meeting of the High-Level Group on Justice for Women. It is a great honor and privilege for IDLO - and for me personally - to host this meeting in partnership with UN Women and the Pathfinders Initiative, and with the support of the government of the Netherlands.

Let me begin by thanking Minister Kaag for her inspiring words and compelling vision of access to justice for women.

We meet today energized by the news from Ireland. In 1918 Ireland gave women the vote. It took Ireland another hundred years to agree to give women the right to control their bodies. It shows that the struggle for gender equality requires persistence but also that there is no force that can stop courageous and committed women activists. I feel - and I hope you do too - that a new momentum has been created by #MeToo, Women's March, UN Women's campaign HeforShe, and other movements by women's activists around the world, fighting against inequality, injustice and gender-based violence. I hope you feel as inspired as I do by this wave. We must capitalize on that momentum.

It is an exciting and inspiring time for women's rights. It is also a challenging time.

A backlash is gathering against gender equality, with the rise of fundamentalist movements in every region of the world and misogynistic, racist, xenophobic and populist voices, entrenching patriarchal understandings of gender, attacking women activists and human rights defenders, and diverting or cutting back on much needed funds critical for the social development and empowerment of women and girls.

Women's struggle for justice has been a long, arduous and complex process, with setbacks as well as progress.

As a field based, inter-governmental organization mandated to advance the rule of law and development, IDLO works in some of the most insecure and poorest places on earth as well as in middle-income countries where inequality and injustice are every day realities for women. Let me share with you one woman's story of the search for justice.

Lal Bibi was 18 years old when I first heard about her in 2012. Her cousin had offended the local police commander in the remote village in Afghanistan where Lal Bibi lived. In retaliation the police commander's men abducted her. She was chained, sexually assaulted, raped and beaten for five days. Unfortunately, not an uncommon story in Afghanistan. Fortunately for Lal Bibi, her family supported her and took her to a women's shelter in Kabul. There she met Mary Akrami, a women's rights activist (and one of the first women to set up a shelter in Afghanistan for battered women and girls). Backed by her family and with help from Mary Akrami, Lal Bibi took her case to court. The case was handled by a prosecutor who was a participant in IDLO's program to build Specialized

Units in the Attorney General's Office to combat gender-based violence. The prosecution was successful and in November 2012 her rapists were convicted and imprisoned for 16 years. The court decision made the international media headlines as a victory for human rights. We in IDLO were thrilled that our program was having an impact on the lives of women in Afghanistan. If only that was the end of the anecdote!

For the next two years, Lal Bibi and her family remained in Kabul, sheltered by Mary Akrami. Then, in 2014, when her grandfather died, they returned to their village. Within hours, Lal Bibi's father was arrested by the police commander's men, falsely accused of murder and locked up. He remains in jail. Lal Bibi and the rest of the family are in hiding.

Lal Bibi's case exemplifies the fraught relationship that women have with the legal system. On the one hand, laws and justice institutions are essential means for achieving gender equality. On the other hand, for many women laws and institutions are themselves the sources of inequality, injustice and insecurity.

This is fundamentally in contradiction with the concept of the rule of law. At the heart of rule of law lies the principle of equality and equal protection: everyone is equal in rights and dignity and equally accountable before the law. It is the bedrock of gender equality. It is also an essential component for peaceful, inclusive societies.

Justice for women is not just an issue for women, but a fundamental issue for social and economic development and environmental protection. That's the message of the 2030 Agenda for Sustainable Development.

SDG 16 and SDG 5 are complementary and mutually reinforcing. SDG 16 – with access to justice and the rule of law as a goal and target – is fundamental to the attainment of the 2030 Agenda for Sustainable Development, and especially pertinent to gender equality. At the same time, without the achievement of SDG 5 – equality for women and girls – justice for all as a basis for equitable, inclusive and sustainable development will remain unfulfilled.

If SDG 5 and 16 – and indeed, I would say the 2030 Agenda for Sustainable Development itself – are to be achieved, then the justice gaps that women face must be closed, the barriers to justice that persist must be removed.

There is still far too much legal discrimination that continues to hamper women's progress, including in areas that deeply affect women's lives such as family law, labor law, property and nationality laws. Some laws purport to protect women but operate to strengthen gender stereotypes and restrict women's freedom. Some laws are gender-blind, ignoring the distinct needs of women and entrench inequity in the name of formal equality. More dangerously still, some laws work to punish women for challenging patriarchal values and mobilizing for change.

Even when legal reforms take place, implementation of the laws may not be effective for a whole host of reasons, including lack of capacity, resources or political will, social discrimination and cultural bias. In some cases, poorly conceived legal reforms have exacerbated gender inequalities e.g. when land tenure reforms have deprived women of their customary rights to land.

Access to justice is a human right, and also the means by which to claim rights and resources, and to hold individuals and institutions to account. Unfortunately, access to justice is a luxury that most women cannot afford because they lack the knowledge, resources and time to engage in long-

drawn out court proceedings. Courts are complex institutions and can be distant, unresponsive, biased or ignorant of women's needs. Many women come under pressure from their families and communities for daring to take legal action. Then there is the prospect that even when a woman wins her case, the judicial decision gives her no protection – as happened to Lal Bibi.

Not surprisingly, women in developing countries often turn, by choice or necessity, to traditional or community justice systems to resolve their grievances in fast and informal ways, but in so doing, often find themselves confronting ingrained prejudice, severe discrimination and serious human rights violations. Governments and donors are only just beginning to realize the role that community and informal justice systems play in the lives of women.

Geography, income, age, caste, creed, ethnicity, disability, sexual orientation and other individual or circumstantial factors lead to differentiated experiences of exclusion and discrimination among women. Justice for women is especially challenging in fragile and conflict affected situations, where impunity thrives in the context of weak institutions, heightened insecurity, and lack of trust.

The justice gaps are deep and complex. The response must lead to transformative change. If there is one lesson we draw from Lal Bibi's experience, it is that justice for women cannot be only about punishing a single perpetrator; it must also be about addressing the underlying discrimination, inequalities and systemic injustices that marginalize and exclude women. It must be about both outcome and process, about rights and access combined with agency and participation to overcome disempowerment.

Justice for women must be inclusive, leaving no woman or girl behind – no matter where she lives, young or old, fit or living with disability, what race, religion, class or caste she belongs to.

It may seem overwhelming as we search for a “silver bullet” solution. There is none but there are plenty of silver threads that we can weave together to create a tapestry of effective solutions.

First and foremost is the thread from across all regions of the world joining political consensus and popular support for SDG 5 and 16. The 2030 Agenda for Sustainable Development is a strong policy basis. Together with the Convention on the Elimination of Discrimination Against Women (CEDAW) and the international human rights instruments, they form a powerful framework for reform of laws, regulations and policies, based on international standards and principles.

Match that with the opportunity created by a growing wave of constitutional and legal reforms in countries going through political change. In Colombia, Tunisia, Kenya, Rwanda and South Africa, women's groups grabbed the opportunity created by political change for constitutional reform to legally enshrine gender equality. Women influenced the decision-making process to bring about transformative legal change.

Embedding gender equality in constitutions and translating that into laws, regulations and policies is only a first step – but it is an essential step. Implementation takes more concerted effort, but the High-Level Group can take heart from many positive developments that are occurring – at multiple levels in various countries.

For instance, in Mongolia for the first time this year, women were able to invoke domestic legislation and file criminal complaints on domestic violence.

Another example: in a commune in Burundi, the recognition of women's informal rights to land went up 20% when women were empowered with knowledge.

In northern Uganda, women came together in peace rings to solve disputes in their community.

In another part of Uganda, a young lawyers' group mobilized public support to stop the miscarriage of justice by bringing Facebook Live into the court room.

These are just some anecdotal evidence of how change is happening. We must harness that energy to scale up reforms.

We must insist on more attention to those aspects of the justice system that are directly relevant to women's needs.

Let's focus more on disputes within households or communities (that affect women more). Let's invest in the justice machinery that is most likely to enhance women's access to justice, such as family courts, small claims tribunals, mobile courts, or specialized courts and prosecution units to combat sexual and gender-based violence. Let's engage more with the community and informal justice systems which play a big role in women's lives and empower the users – the women – to make those systems work better for women.

Let's listen to women and tackle the exclusion and disempowerment of women through legal empowerment and social accountability strategies. Legal empowerment strategies – including legal awareness, legal education, paralegal support and legal aid – are critical to strengthening the agency of women, enhancing women's access to justice and increasing the impact of legal reforms targeting women.

Let's strengthen the agency of women by making sure that more women participate in the justice sector. Justice for women improves when justice is dispensed by women. Women must be seen both as providers and consumers of justice. Although greater participation of women in the justice sector is important for women's access to justice as well as for better representation of women, globally only 27% of the judges are female, with many countries falling below 10%. The International Court of Justice – just down the road in The Hague – has had only 4 women judges out of a total of 106 members of the judiciary since 1945!

Let's focus on results. Justice for women is about fair outcomes and an inclusive society, not just efficient legal and judicial systems.

Let me now come to the final – and very important point. There is a need to encourage governments to strengthen data collection so that evidence-based approaches can inform both the search for solutions and the call for resources. Given the pivotal role of women in sustainable development, the business case for enhanced investment may seem a no-brainer. But national budgets and international aid allocations make it clear that there is still more work to be done to

convince decision-makers that investing in justice for women will lead to development dividends for all.

Transformative justice for women may seem utopian but it is very much within our reach – if we work together in a focused way to set out some clear, achievable goals and to advocate for their adoption and translation into action.

We are very privileged to have a multi-stakeholder High Level Group, the high level in my view denoting not just the status of the members but their level of commitment, dynamism, insight, inspiration, knowledge and influence to galvanize decision-makers to action.

I began with the story of Lal Bibi – let me end with the story of another woman from Afghanistan. Zainab Fayezi is a young woman and mother of a small child. She is also the only woman prosecutor in the office of the Attorney General of Kandahar. She too has been a part of our program to strengthen the justice system in Afghanistan. Last year she resolved 50 cases of gender-based violence and helped to obtain convictions for thirty men accused of gender-based violence. This is no mean feat for one single woman. She admits it is a lonely and challenging job but she is determined to keep working – not because she is putting a crack in the glass ceiling but because she is bringing hope to women and girls. Zainab is striving to transform justice for women. So must we in the High Level Group. IDLO and I look forward to working with you in the coming weeks and months.

Thank you.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic.