



38th session of the Human Rights Council

Side Event

ACCESS TO JUSTICE FOR WOMEN AND GIRLS – RULE OF LAW IN ACTION

Room XXIV
Palais des Nations
Geneva

25 June 2018
13:00 – 14:30

Introduction

Equality for women and girls is a right in itself and was enshrined more than seventy years ago in the Preamble of the United Nations Charter.¹

An increasing number of international policy and legal instruments² affirm that access to justice is not only essential to equality for women and girls but is central to the enjoyment of other rights and critical to achieving peaceful and inclusive societies, as envisaged in Goals 5 and 16 of the 2030 Agenda for Sustainable Development.

Organized during the 38th session of the United Nations Human Rights Council, this high-level event will highlight achievements in advancing women's access to justice, gender equality and women's empowerment by investing in rule of law and access to justice programmes on the ground in every region of the world.

The event is organized by the International Development Law Organization (IDLO) in partnership with the Human Rights Council's Rule of Law Group – the Permanent Missions in Geneva of Ethiopia, Italy, Japan, Mexico, Morocco, and the United Kingdom.

Background

In all regions of the world, women and girls continue to be denied equal protection under the law. Many suffer severe discrimination and violence and confront social, cultural, economic and political barriers to access rights. Furthermore, they struggle to access justice, especially in fragile,

¹ The Preamble states that one of the purposes of the establishment of the United Nations was “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women ...”.

² For example, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Declaration and Platform for Action, various UN Security Council Resolutions on Women, Peace and Security, and their related processes.

conflict and crisis situations. Financial constraints, geographical factors, plural legal systems, customary practices and socio-cultural norms all create added layers of complexity. Women continue to be excluded from fully participating in the political, economic, social and cultural life of their communities.

The United Nations Agenda 2030 for Sustainable Development emphasizes the importance of access to justice for women and girls in achieving Sustainable Development Goal (SDG, or Goal) 5 on gender equality and women's empowerment, as well as Goal 16 on peace, justice and the rule of law.

Despite important progress in some areas, realizing access to justice for women and girls is fraught with challenges.

Legal and policy frameworks continue to underpin discrimination against women and girls. For example, more than 150 countries have legal provisions that discriminate against women.³ These include laws that: place men as head of households; prohibit a woman from getting a passport without her husband's consent; and restrict the types of jobs women can do.⁴ Legal and policy frameworks too often fail to provide adequate provisions to prevent and address sexual and gender-based violence (SGBV) and stop impunity for violations. Some customary laws continue to have serious repercussions on women's rights, including discrimination and violence against women and girls.

Justice sector institutions frequently lack the capacity and orientation to deliver fair justice outcomes for women and girls. Justice institutions may be unresponsive or geographically inaccessible, thus deterring women from seeking to claim their rights. Under-reporting and case attrition is particularly problematic in cases of gender-based violence. Judicial institutions that matter most to women – such as family courts, specialized SGBV mechanisms, and small claims tribunals – may be under-resourced or even non-existent. The special challenges faced by women and girls in access to justice are further exacerbated in conflict and crisis situations.

Finally, women and girls are often excluded from entering, fully participating in and benefitting from broader economic, social and political development. In the area of governance and justice, the representation of women is low in the judiciary and other justice institutions in both the public and private sectors in every region.

Objectives of the event

The overarching objective of this high-level event is to **showcase examples of rule of law on the ground, illustrating the role of the rule of law in achieving gender equality and access to justice for women and girls, as well as the experiences of women working in justice and the legal professions.**

Primary aims of the discussion include to demonstrate tangible impact and results from a range of rule of law programme interventions, the importance of expanding investment in these interventions, and to identify opportunities and barriers in increasing gender parity in the justice sector. Specific case studies and lessons learned from various geographic regions, and in the

³ World Bank, *Women, Business and the Law*, 2016.

⁴ Id.

context of different legal systems (e.g., civil law, common law, Islamic law), will be presented. Priority areas of rule of law and justice programming, policy and advocacy work will be identified.

Specific areas of focus include:

- Identify and illustrate factors that contribute to accelerating **access to justice for women and girls, including in both formal and customary legal systems**;
- Share best practices of **constitutional law and administrative reform** that promote non-discrimination, substantive fairness, and access to justice for women and girls;
- Spotlight national and community programmes to strengthen the capacity of **justice sector institutions** – appellate tribunals and courts of first instance; ministries of justice, attorneys general and prosecutors’ offices; and legal aid organizations – to help prevent and respond to cases of **sexual and gender-based violence**, to provide support to victims, and to end impunity for violators;
- Highlight examples of programme initiatives and measures – including **legal awareness, education for women and girls, and legal representation** – to support women and girls to claim their legal rights as justice seekers, including in the context of SGBV;
- Illustrate examples of rule of law interventions that promote the exercise by women and girls of their **social and economic rights** (e.g., in education, health, political participation, employment, property rights, access to justice for women entrepreneurs and workers, and the roles of women’s and youth civil society organizations)
- Explore and explain factors that contribute to both success and failure in increasing the **representation of women in the justice sector**, including high courts and the judiciary at large, government legal professions, as well as in academia and the private sector.

Opportunities for intensified action in countries and communities, as well as challenges, will be explored and highlighted.

Format of the event

The format of the high-level event will include welcoming remarks, followed by panel discussion and interactive debate.

The session will be moderated by Ms. Irene Khan, Director-General, IDLO.

Panellists will include:

- Honorable Ihsan Zuhdi Barakat, Justice, Supreme Court of Jordan;
- Ms. Jan Beagle, United Nations Under-Secretary-General for Management;
- Mr. Diego García-Sayán, Special Rapporteur on the Independence of Judges and Lawyers;

- H.E. Athaliah Lesiba Molokomme, Ambassador and Permanent Representative to the United Nations and other International Organizations in Geneva, Botswana;
- Ms. Sima Samar, Chair, Afghan Independent Human Rights Commission, formerly Minister of Women's Affairs, Afghanistan, Founder Shuhuda Organization.

Ambassadors or representatives of Rule of Law Group members and invited partners will be seated near the podium and invited to engage early in the discussion.

Organizers

The Rule of Law Group is a small group of States dedicated to promoting the rule of law at the United Nations in Geneva. Through events and statements at the Human Rights Council, it draws attention to the mutually supportive relationship between human rights and the rule of law. Its members are Ethiopia, Italy, Japan, Mexico, Morocco and the United Kingdom.

IDLO is the only intergovernmental organization exclusively devoted to promoting rule of law and access to justice, IDLO works on the ground in countries and communities in every region of the world. Gender justice, in particular access to justice for women and girls, is a central part of IDLO's work in its programme, policy advocacy and research. IDLO programmes help to increase the capacity of women and girls to understand and claim their rights, to improve national and local capacities to deliver justice to women and girls, to strengthen national policy and legal frameworks on access to justice for women and girls, and to enhance and expand evidence on successful strategies for realizing access to justice for women and girls.

Catering: Light refreshments will be offered by the Permanent Mission of the United Kingdom.