



# Justice for Women

## High-level Group Report

Executive Summary  
and Key Messages

# The Pathfinders for Peaceful, Just and Inclusive Societies

When world leaders adopted the 2030 Agenda, they included SDG 16, a goal that seeks to create peaceful, just and inclusive societies. Such an overarching ambition was absent from the Millennium Development Goals, the SDGs' predecessor. However, there was no clear path to implementation of this aspirational goal, and no agreement on how to turn it into an agenda for action.

In response, a number of countries took the lead to become the Pathfinders for peaceful, just and inclusive societies. These Pathfinder countries come together to demonstrate the action they will take to build more peaceful, just and inclusive societies, providing a basis for exploring the partnerships, funding, and knowledge sharing required to underpin delivery of this new goal.

The Pathfinders focus on all targets for peaceful, just and inclusive societies, linking the 12 targets from SDG 16 to 24 targets from seven other goals that directly measure an aspect of peace, justice or inclusion. They call this SDG 16+.

In September 2017, the Pathfinders launched the Roadmap for Peaceful, Just and Inclusive Societies, as a 'first guide' to implementation, supported by 28 Pathfinder countries and 18 international organizations. The Roadmap identifies three grand challenges, areas in which the Pathfinders want to set a policy and learning agenda while raising ambition and increasing political will.

The Task Force on Justice was set up in response to one of these grand challenges – the ambition to provide access to justice for all.

## The Task Force on Justice

In February 2018, the Task Force was launched in Buenos Aires, as an initiative of the Pathfinders. It is chaired by ministers from Argentina, the Netherlands, and Sierra Leone, and by Hina Jilani, lawyer and human rights activist who is one of the Elders.

The Task Force on Justice aims to contribute to better justice outcomes for people and communities who are outside the protection of the law, in line with SDG 16.3 and related targets on justice, in several ways:

- It will encourage governments (national and sub-national) to make ambitious commitments to implement SDG 16.3, backed up by credible, realistic, and funded strategies and plans.
- It seeks to contribute to increasingly coherent and comprehensive support for the implementation of SDG 16.3 by international and regional organizations, and by multi-stakeholder partnerships.
- It is at the heart of efforts to build a more effective and empowered movement for justice at global, regional, national and local levels.

The Task Force took on three core tasks: to develop a new global estimate of the justice gap; to make the case for investment in justice; and to identify the strategies, tools and approaches that will increase access to justice.

The Task Force is supported by a growing alliance of justice partners. The World Justice Project, UNODC and other partners are developing a new synthesis of justice data. The OECD and the World Bank are building a case for investment in justice. HiIL is leading a working group on innovation, and the International Center for Transitional Justice is heading the working group on transitional justice. Multiple partners, including UNDP and the Open Government Partnership, are supporting countries to strengthen national implementation.

In this way, the Task Force will act as a platform for commitments on justice ahead of the High-Level Political Forum in 2019.

## The High-level Group on Justice for Women

Members of the Task Force on Justice feel strongly that there cannot be justice for all without justice for women, and they made this a priority in the Task Force's workstreams.

On the initiative of UN Women, three co-conveners came together to form the High-level Group (HLG) on Justice for Women, as represented by:

- **Phumzile Nguka-Mlambo, Executive Director, UN Women;**
- **Irene Khan, Director General, IDLO; and**
- **Sandie Okoro, Senior Vice President and Group General Counsel, World Bank Group.**

In addition to the co-conveners, the HLG is composed of high-level representatives from governments, international and national organizations, academics and CSOs, across various regions:

- **Abubacarr Marie Tamedou**, Minister of Justice, the Gambia;
- **Catherine Harrington**, Campaign Manager, Global Campaign for Equal Nationality Rights;
- **Dubravka Simonovic**, UN Special Rapporteur on Violence against Women, its causes and consequences;
- **Frida Angelica Gomez Perez**, Director-General, Noticias Tiemposmodernos, and National Councilor for the Evaluation and Monitoring of Public Policies on Youth, Mexican Youth Institute, Mexico;
- **Hilary Gbedemah**, Chairperson, CEDAW Committee;
- **Maria Fernanda Rodriguez**, Under-Secretary, Ministry of Justice and Human Rights, Argentina;
- **Nana Darkoa Sekyiamah**, Director of Information, Communications and Media, AWID;
- **Nathalie G. Drouin**, Deputy Minister of Justice and Deputy Attorney General, Canada;
- **Nursyahbani Katjasungkana**, Head, Association of Indonesian Women for Justice, Indonesia;
- **Patricia Scotland**, Commonwealth Secretary General; and
- **Rangita de Silva de Alwis**, Associate Dean, University of Pennsylvania.

# The HLG was tasked to address the following questions:

## Measuring the justice gap for women and girls

What do women and girls need and want when they seek justice? Are the justice needs of women and girls being comprehensively addressed across their life cycle and in challenging circumstances such as during conflict and in post-conflict situations? What is the impact of gender discriminatory legal frameworks and social norms, as well as gender bias, on the delivery of justice for women?

## Making the case

What impact will women's increased access to justice have on reducing violence and ensuring access to economic resources and basic services such as land, credit, sexual and reproductive health, and education? What is the case for action and investment in access to justice for women and girls, and how can this case be made effectively?

## Understanding what works

What strategies, tools and approaches are likely to increase access to justice for women and girls? How can legal, policy and fiscal reforms be scaled up and accelerated in their favor? How can discriminatory social norms and gender bias be addressed in formal and informal justice systems?

## Call to action

What commitments should national and local actors make to close the justice gap for women and girls? How can international and regional cooperation support access to justice for women and girls at national levels? What can be done in the immediate, medium and long term?



The current report is the result of this work. It seeks to bring together insights and make recommendations on strategies to further justice for women. As such it charts a course that will support implementation of SDG16 and SDG5. The HLG invites justice leaders from across the world to join them in their commitment to further actions to accelerate implementation of the vision of Agenda 2030 on justice for all and justice for women.

# Foreword

“Access to justice for all is a critical litmus test of peaceful, just and inclusive societies and a sine qua non for substantive equality, human rights and sustainable development”.<sup>1</sup> To reach those aims and to achieve the promise of sustained, transformative change, the globally agreed 2030 Agenda for Sustainable Development commits to leave no one behind— not women, not minorities, not migrants, not indigenous people, not people with disabilities. More than that, those farthest behind must now be moved to the top of the global community’s agenda.

Four decades after the landmark Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and with unprecedented consensus on the 2030 Agenda for Sustainable Development, the international commitment to gender equality and the empowerment of women and girls has never been stronger. The rallying call of the 1992 Vienna Declaration and the 1995 Beijing Conference – that women’s rights are human rights and human rights are women’s rights – still resonates around the world.

Since that message was first articulated, major progress in girls’ and women’s education and health demonstrates that commitment and action can lead to real transformative change. Yet there is still much to do to achieve justice for women. In line with CEDAW’s approach to substantive equality – which looks beyond equality of access and opportunity to equality of results – this report covers access to justice for women, the process of attaining justice and outcomes in terms of justice for women.

Across the globe, women’s demands for accountability for violations and abuses have gained greater attention than ever before. This

is a watershed moment for gender equality, with campaigns and movements worldwide such as #MeToo, NiUnaMenos and SheDecides, with women’s marches, local and national-level agitation, and many governments and corporations underlining their commitment to change.

These movements have exposed the persistent disparity between the promise of justice and the realities on the ground, at home, in communities and in the workplace. Women continue to face legal discrimination, patchy legal protections and uneven implementation of existing safeguards. In 2017, more than one billion women lacked protection from sexual violence by an intimate partner, while an estimated 1.5 billion were without legal protection against sexual harassment at work.<sup>2</sup> And while there is much-warranted attention on ending violence, the areas of family justice and penal justice, among others, have been relatively neglected. Around the world, discriminatory social norms and laws, compounded by multiple layers of disadvantage – due to poverty, ethnicity, disability, geography, and migratory status – remain powerful obstacles to equal rights and opportunities for hundreds of millions of women.

Today, the world faces the urgent task of accelerating progress. The current momentum for gender justice presents unprecedented opportunities for amplifying change. In 2019, SDG16 and the 2030 Agenda for Sustainable Development will respectively undergo their first reviews by the High-level Political Forum and the United Nations General Assembly.<sup>3</sup>

We are delighted to present this unprecedented report which contributes to those fora by outlining the investment case for justice for women, the existing gaps and what works, and concludes with a call to action.

## Signed by the heads of the institutions that co-convene HLG.



**Phumzile Mlambo-Ngucka**  
Executive Director,  
UN Women



**Irene Khan**  
Director-General,  
IDLO



**Sandie Okoro**  
Senior Vice President and  
Group General Counsel,  
World Bank Group



**Maria Fernanda Rodriguez**  
On behalf of the Task Force on Justice  
Under-secretary, Ministry of Justice  
and Human Rights, Argentina

# Executive summary and key messages



# Women's justice needs are diverse, and largest for women in poverty and facing other forms of disadvantage

For too many women, gaps persist between the promise of justice and realities on the ground, in the workplace, in communities and at home. They face legal discrimination on paper and in practice, patchy legal protections and uneven implementation of safeguards. Discriminatory social norms, compounded by many layers of disadvantage – due to poverty, ethnicity, disability, geography, and migratory status – remain powerful obstacles to equal rights.

What do women say are their justice needs? The headline results from recent surveys across 45 countries<sup>4</sup> suggest just over half experienced a legal problem over the past two years. From health to consumer issues, debt, family and public services, similar shares of women and men face civil legal problems. At the same time, women face more family-related legal problems and restrictions on their rights due to gender-based discrimination in law. In countries where the situation of women is worse overall in terms of inclusion, justice and security – countries in the bottom tercile of the Women, Peace and Security (WPS) Index – a higher share of women, around 60 percent, express legal needs.<sup>5</sup>

Women's justice needs are shaped by several cross-cutting themes, namely overlapping disadvantage, legal discrimination and discriminatory practices, and plural systems.

## Overlapping disadvantage

The poorest and most vulnerable people, especially poor women, experience more frequent and more complex, interrelated legal problems – “intersectionality” can lead to cumulative disadvantage.<sup>6</sup> Overlapping disadvantage affects women disproportionately in communities where they are more likely to be disadvantaged and living in poverty. The cumulative effect means that every additional legal problem experienced by an individual increases their probability of experiencing more problems, especially people living in poverty. In Australia, where just 9 percent of survey respondents accounted for 65 percent of legal problems,<sup>7</sup> people with multiple disadvantages reported six times as many problems as those with none.<sup>8</sup>

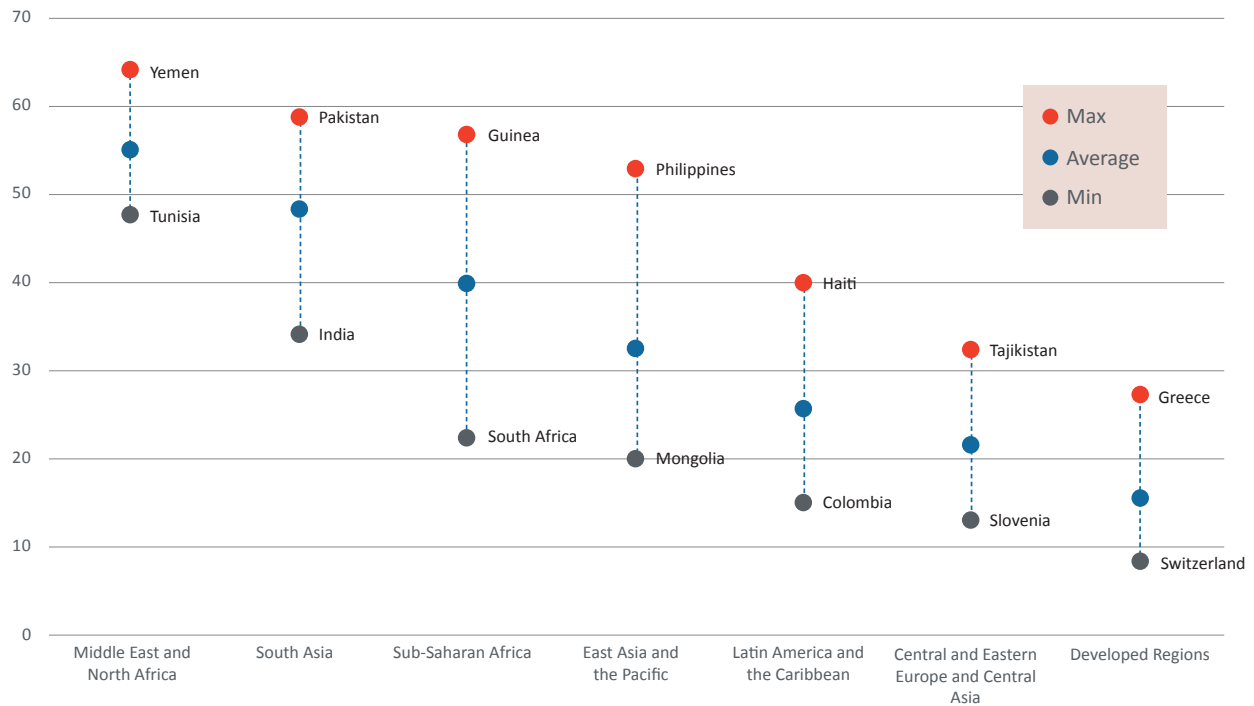
## Legal discrimination, on paper and in practice

Where the national system of justice does not guarantee gender equality, where discrimination against women persists, and/or legal protection is lacking, justice for women is undermined. This is not just about laws on the books, but also how laws play out in practice and how norms and attitudes affect implementation and enforcement.

The OECD's Social Institutions and Gender Index provides a global overview of legal discrimination, both on paper and in practice, in terms of unequal inheritance rights, early marriage, violence against women, and unequal property rights.<sup>9</sup> Figure 1 shows the regional patterns and country outliers, both negative and positive.

**Figure 1: Measured rates of legal discrimination vary across and within regions**

OECD Social Institutions and Gender Index by region, 2019



Source: Author estimates based on <https://stats.oecd.org/Index.aspx?DataSetCode=SIGI2019> using UN Women country group classifications. Note: Higher values indicate greater discrimination.

Addressing discriminatory laws, norms and practices is central to justice for women, especially in countries that stand out for the extent of discrimination.

### Plural systems

Most justiciable problems are resolved outside of the formal justice system.<sup>10</sup> Many constitutions recognize customary law, which draws its legitimacy from long-standing practice.<sup>11</sup> As in formal law, customary legal systems have diverse implications for women’s justice. Some are matrilineal where women have a traditional role in decision-making; others are patrilineal and marginalize women; others still have adapted to changing gender roles. The importance of engaging with informal systems is increasingly well recognized, as is the possibility of progressive change within informal systems.<sup>12</sup>

The report draws on the most recent evidence available to outline a series of major challenges around justice for women.<sup>13</sup> Our selection of issues is based on assessed importance and relevance to the global Sustainable Development Goal (SDG) agenda – and these issues are outlined in Box 1.



## Box 1. Selected major justice challenges for women

**Intimate partner violence.** In 2018, more than one billion women lacked legal protection from sexual violence by an intimate partner.<sup>14</sup> Even where legislation exists, enforcement may be weak, due to serious gaps in national laws, lack of protection orders, and inadequate police and judicial responses.

**Discrimination against women at work.** The World Bank estimates that over 2.7 billion women are legally restricted from having the same choice of jobs as men. Ninety percent of economies have at least one law that discriminates against women, with 943 legal gender differences across 170 economies.<sup>15</sup> The Middle East and North Africa region has the most extensive legal discrimination against women. Alongside gender-based discrimination that characterizes property, employment and family law in many countries, many women workers in the informal sector<sup>16</sup> are affected by a complex range of legislation, rules and enforcement practices – often in the realm of public law – that can be restrictive and even punitive.

**Discriminatory family laws.** Discriminatory practices in family life, codified into law, remain a major obstacle to justice for women in many countries. Divorce is a common legal need, but laws and practices around divorce can be biased or discriminatory in both secular and religious law.

**Discriminatory property regimes.** Women's disadvantage in terms of access to and control over land is well documented,<sup>17</sup> and can worsen the risk of poverty. For many poor women, home is also their place of work. While property rights can be insecure for women whose customary use of land depends on their relationship with their husband or male relative, formal registration may also be exclusionary.

**Gaps in legal identity.** Globally, an estimated one billion people face challenges in proving who they are.<sup>18</sup> In low-income countries, on average, over 45 percent of women lack an ID, compared to 30 percent of men. Gender gaps are much greater in a number of countries.<sup>19</sup> Gender discrimination in nationality laws also prevents some women and their families from accessing legal identity.<sup>20</sup>

**Exclusion of women from decision-making** characterizes nearly all countries and both formal and informal systems. In 2017, only 24 percent of constitutional court justices globally were women, with the Middle East and North Africa region having the fewest (only 1 in 20).<sup>21</sup>



## There is a strong case to invest in justice for women

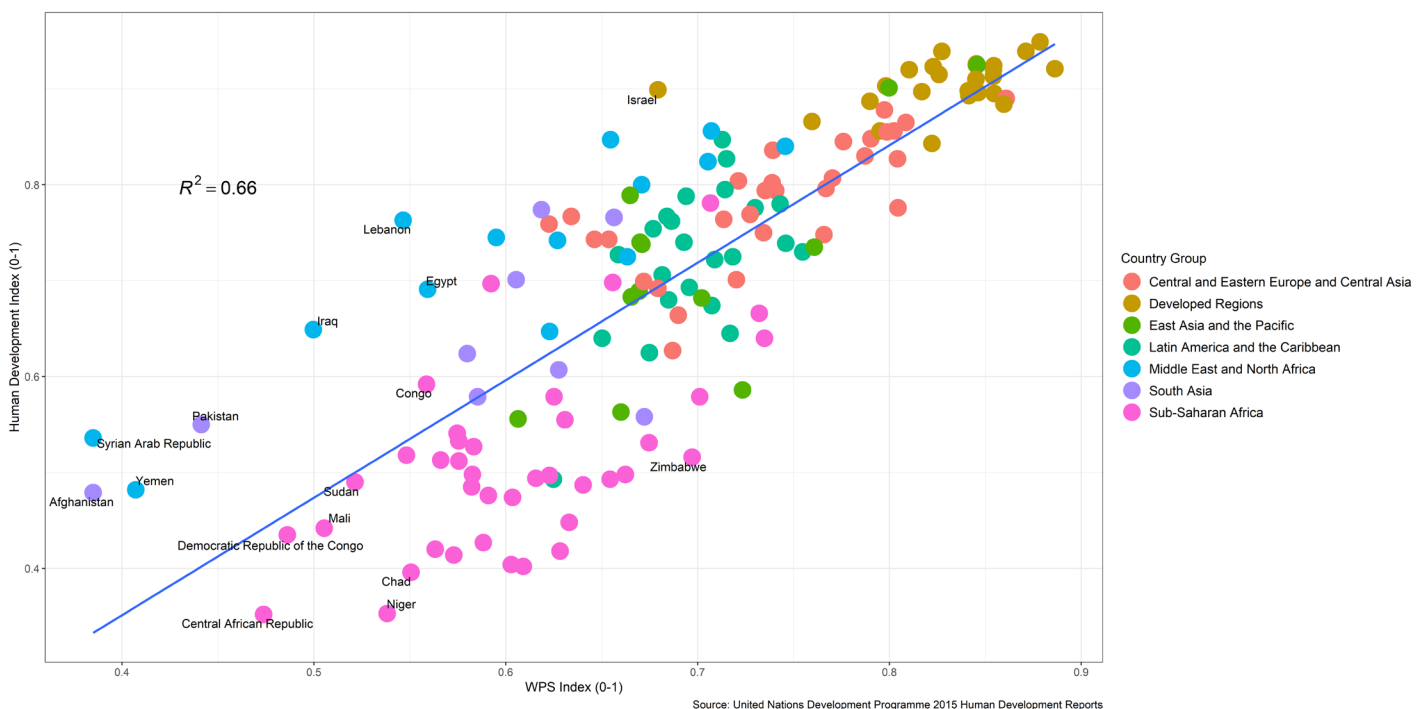
Justice for women is first and foremost a basic human right, reflected in such core human rights treaties as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), reinforced by associated recommendations and reviews.<sup>22</sup> The Beijing Declaration and Platform for Action, UN Security Council Resolutions on Women, Peace and Security, as well as the Sustainable Development Agenda also seek to ensure justice for women and girls. Justice for women is critical to progress on all the SDGs. The centrality of human rights has guided the High-level Group on Justice for Women's work and is reflected in its commitments and recommendations.

Investing in justice for women is not just the right thing to do. It also makes economic sense. Evidence demonstrates that investing in justice for women – and especially eliminating legal barriers, reducing gender-based violence and child marriage – produces high returns in human development, national income and economic growth.<sup>23</sup>

Women's justice, security and inclusion – as captured in the WPS Index<sup>24</sup> – is strongly associated with human development (Figure 2), for example.

**Figure 2: Women's inclusion, justice and peace is associated with human development**

Correlation between WPS Index and Human Development Index by country, 2015



Economic and development benefits of justice for women are shown across several domains for which evidence is available. One example is women's land rights, associated with better outcomes on multiple fronts.<sup>25</sup> Ending child marriage could generate annual gains from lower population growth, for example, estimated by the World Bank and the International Center for Research on Women at a total of \$22 billion in 2015 and \$566 billion in 2030.<sup>26</sup>

While the potential gains from investments in justice for women are large, national budgetary and other constraints require prioritization, especially in the short run, as not everything can be done at once. Governments, professional associations, civil society organizations and development partners will need to assess trade-offs when setting strategic priorities. Many of

the proven and promising actions – including eliminating discriminatory laws which inhibit women's work and ensuring inclusion of women as decision-makers at all levels – should be cost-effective, relatively easy to implement and produce sizeable gains without major new spending. However, additional resources are required to enforce existing and new laws and regulations. Other interventions – including providing affordable access to legal services for disadvantaged groups – likely require much larger budgetary commitments. Moreover, governments and development partners should invest in better data collection and analysis, so that the evidence base will expand alongside the practice, informing the pursuit of justice for all.

# 3 What works to advance justice for women

Promising approaches to women’s justice are framed under five broad drivers, as outlined in Figure 3. The focus is on women themselves and enhancing their opportunities and outcomes. At the same time, structural changes are also often needed to make the system more accessible and people-centered.

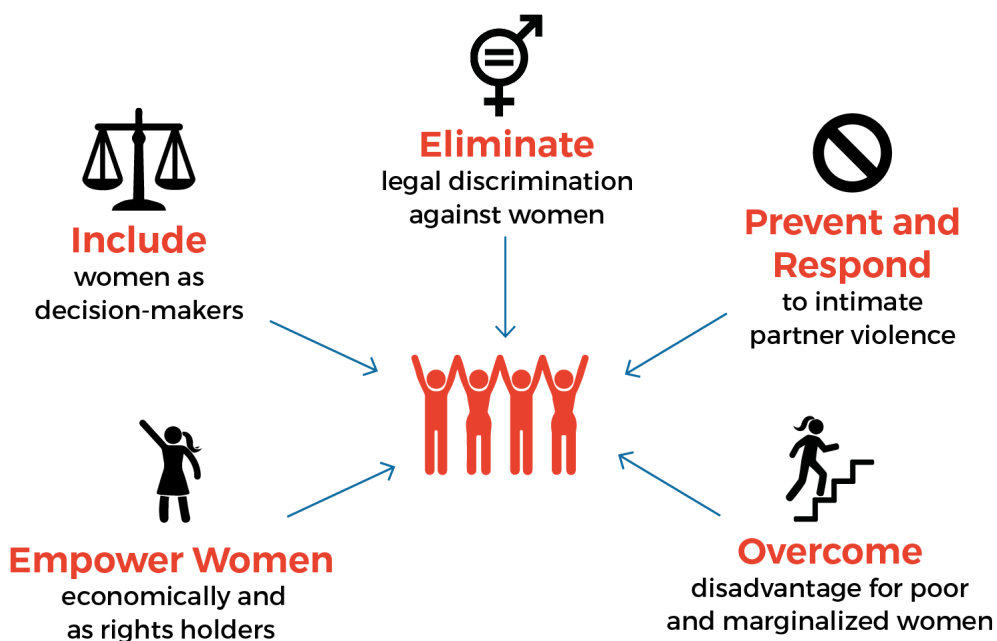
Evidence overall suggests that multi-pronged strategies are most effective, where top-down measures, such as legal reforms, are coupled with efforts at the community level.<sup>27</sup>

A key lesson is that a one-size-fits-all approach is not effective. Programs must adapt to local context,<sup>28</sup> specific development, institutional, political, legal, and cultural conditions and will differ between individual women and between groups of women within countries.

**Eliminating discriminatory laws** signals that gender-based discrimination is unacceptable. Adopting gender-responsive laws, on the other hand, can provide a framework for the realization of women’s rights, as well as protection from all forms of discrimination against women. There has been major progress in repealing discriminatory laws, in particular, Women, Business and the Law reported that since 2013, there have been 87 changes toward legal gender equality across 65 countries.

While some barriers to women’s justice can be addressed by constitutional or legislative amendment – for example, specifying sex as a ground for discrimination; or increasing the age of consent to marriage – typically this alone will not suffice. Furthermore, even where there is progressive legislative reform, the law is often not enforced, leading to gaps between laws on the books and laws on the ground.

**Figure 3: Promising approaches to justice for women**



Legal reform must therefore be accompanied by development of a wider policy framework, adoption of regulations, community engagement, collective action and mobilization around justice for women, and other complementary interventions to enable its enforcement.<sup>29</sup> Strategic litigation can be pursued to bring about gender-responsive interpretation and application of the law.<sup>30</sup> Legal reforms are also more likely to be effective when supported by locally driven efforts to change norms.

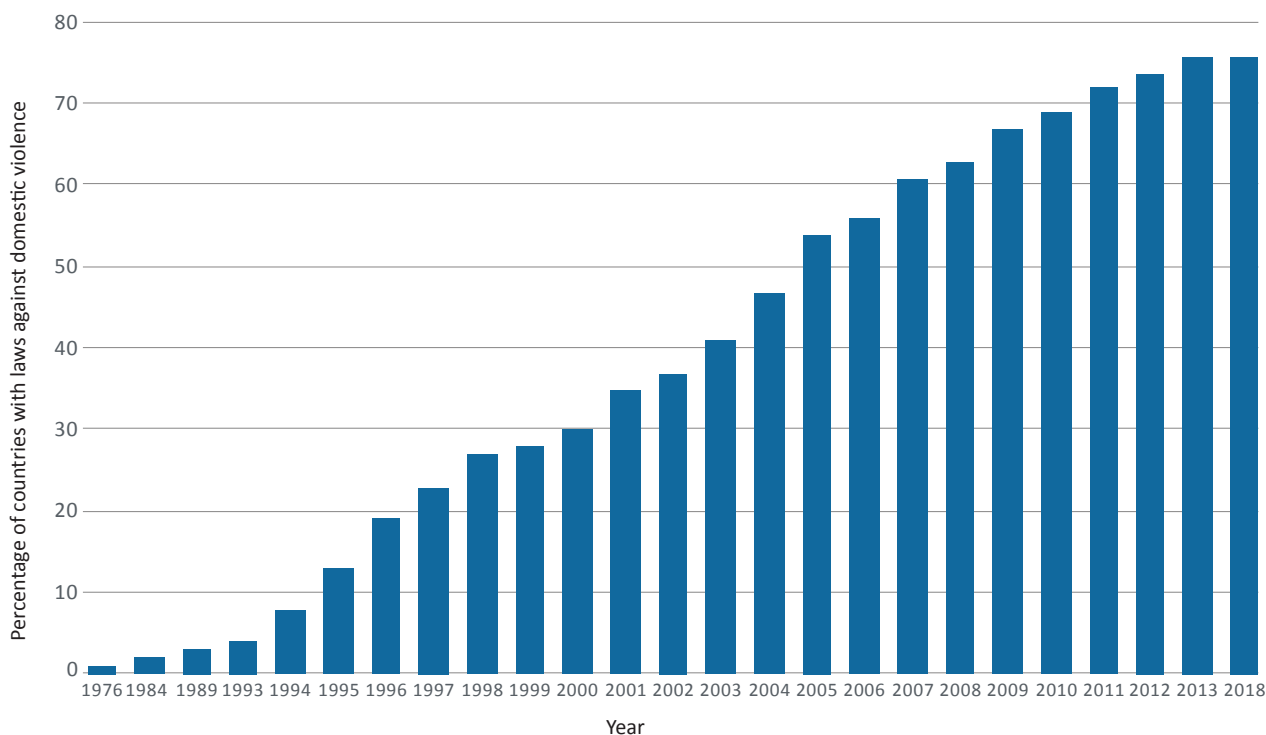
**Preventing and responding to intimate partner violence** has moved to the top of the global, and in many countries, national agenda. While law plays an important role, it is just part of a larger puzzle to prevent violence against women.<sup>31</sup> For example, a community mobilization approach

has been shown to change community norms and behaviors that result in gender inequality, violence, and increased HIV vulnerability.<sup>32</sup>

The pace of national legislative reform in relation to domestic violence has been rapid since 1976, when only one country prohibited marital rape – as shown in Figure 4. Globally, the share of countries with laws on domestic violence rose from 71 to 76 percent between 2013 and 2017, with recent reforms in Algeria, Belarus, China, Kenya, Latvia, Lebanon, the Netherlands, and Saudi Arabia.<sup>33</sup> The work of human rights bodies at the global, regional and national levels has played a key role in promoting legal reforms in developed and developing countries, supported by women’s action and mobilization, including more recently the #MeToo movement.<sup>34</sup>

**Figure 4: Increasing coverage of domestic violence legislation across countries**

Percentage of countries with laws against domestic violence by year, 1976-2018



Source: Author estimates, based on Women, Business and the Law, 2018; and Klugman et al., 2014

Training judges, supporting specialized police forces and ensuring there are emergency and support services can facilitate implementation of laws on the books.<sup>35</sup> Shelters remain a necessary form of protection against violence, offering safe accommodation when women cannot return home due to trauma or while they seek justice. The CEDAW Committee and the Special Rapporteur on Violence against Women, its Causes and Consequences have endorsed one-stop shops, which provide a variety of legal, health and social services for women.<sup>36</sup> Furthermore, improving responses at the national level is important, such as through Argentina's Gender Violence Victims Attorneys Corps, a joint effort of government, professional associations, and civil society.<sup>37</sup>

However, some survivors may feel more comfortable reporting to village elders or trusted community volunteers, for example, rather than the police. To address this challenge, one approach that has been applied is the training of community volunteers to work closely with local elders and the police to be "gender-informed" facilitative problem-solvers and use an effective consensus-building approach.<sup>38</sup>

**Overcoming disadvantage for poor and marginalized women** requires targeted policies and programs. Access to justice interventions can be integrated into poverty reduction and social protection programs, which cover an increasing number of low-income countries around the world.<sup>39</sup> These interventions could include fee waivers, pro bono legal representation, transportation for women and witnesses, and fee scales based on need.<sup>40</sup>

**Access to legal aid** can enable poor people to seek justice that would be otherwise out of reach.<sup>41</sup> To be effective, legal aid should be of high quality, respectful of clients and their confidentiality, and available in local languages.<sup>42</sup> According to UN Women, in at least 45 countries, legal aid has contributed to women's empowerment and gender equality by providing legal advice to victims of abuse or harassment.<sup>43</sup>

However, rigorous evaluations to help inform what works best, especially in developing country contexts, are rare.<sup>44</sup>

In a number of countries, private companies (including law firms) and community and professional organizations help women directly, including through pro bono services and legal clinics. Online dispute resolution platforms also help citizens to learn of their legal options.<sup>45</sup>

**Support from paralegal services** has the advantage of being relatively cost-effective, and community-based paralegal programs can help improve justice for women and legal literacy among marginalized populations. The development of a paralegal manual and training program, for example, reportedly led to increased legal assistance and knowledge of women's rights in rural areas.<sup>46</sup>

**Promoting legal literacy** – creating an awareness of legal rights and duties – may enable broader impacts, including willingness to take action and pursuit of remedies or other entitlements. However the evidence is mixed as to whether knowledge alone suffices.<sup>47</sup> In Guatemala, UN Women is working with indigenous women human rights defenders to increase their awareness of rights and needs, who in turn provide paralegal services to indigenous women – linguistic support, accompanying them to the courts, and assisting with their cases. Since 2015, almost 2,500 women have been supported through the justice process and over 60 percent of cases resolved.<sup>48</sup>

**Overcoming poverty barriers** has been pursued through innovative ideas such as mobile clinics and links to social protection programs, as well as fee waivers. Mobile legal clinics appear to have enhanced access to justice for women in a number of countries. For example, a mobile clinic developed to increase access to justice for victims of armed conflict went to hard-to-reach areas and served as a one-stop shop sharing legal information and advice.<sup>49</sup>

**Empowering women – economically and as rights holders** – is part of ensuring justice for women. This includes access to services and opportunities, and relates to identity documents, registrations and permits and getting access to actual services.

**Enabling legal identity** is an important stepping stone to women’s agency and empowerment. A comprehensive strategy is required to address barriers to acquiring legal identity documents, encompassing birth certificates, national ID cards and passports, as well as marriage registration.<sup>50</sup> Over a decade ago, Mozambique and Nepal, for example, changed their laws to allow women as well as men to register births. Some governments, such as Angola, have made birth registration and certification free. Other governments provide a window for free registration – as an incentive to register at birth – as in Angola, El Salvador, Ghana, Jamaica, Kenya, Lesotho, Sri Lanka, Tajikistan and Vietnam, for example.

Access to some government programs are conditional on having a legal identity document. For example, when there was an overall increase in women’s IDs in Pakistan, women with IDs reported a stronger sense of identity, were more likely to vote and were more mobile in their communities.<sup>51</sup>

**Strengthening women’s land rights** has intrinsic and instrumental importance for both women and men.<sup>52</sup>

Because complex and sometimes contradictory sets of statutory laws, customs, and norms affect women’s land ownership, these all need to be addressed.<sup>53</sup> Three key areas – family law, inheritance law, and land law – affect the right to own and control property. Law reform and improved implementation, better gender-sensitive administration, and better data are all needed to realize women’s land rights.

There are a number of cases where land titling programs have been designed or adapted to address customary practices. Careful design, taking account of norms, can make a difference

in increasing women’s ownership and control over land. Some examples of this, from Rwanda, Tanzania and Laos, include: recognition of customary unions in land registration processes;<sup>54</sup> setting up small price incentives;<sup>55</sup> and putting in place a series of field staff training on gender-sensitive practices, public gatherings, women’s meetings, and awareness-raising campaigns.<sup>56</sup> Such design can be usefully informed by careful gender analysis, and engagement with local women’s groups.

**Collective action as a catalyst** can inform and educate people about women’s rights, provide spaces for women’s and girls’ groups and campaign for reforms.<sup>57</sup> The legal recognition of collective membership-based organizations – such as trade unions, associations and cooperatives – is important because women, especially poor women, are unlikely to seek to enforce their formal rights on their own. Even where legislation protects homeworkers in supply chains (who are mostly women), individuals often do not claim their rights as well because they fear losing their work.<sup>58</sup> Engaging with government through representative organizations is one approach that can facilitate rights enforcement.<sup>59</sup>

This points to the importance of investing in collective, membership-based organizations to access justice for members, and for NGOs to act as friends of the court and engage in strategic litigation. Women’s movements have strategically litigated to challenge discriminatory laws and question the failure of government to respect, protect and promote women’s human rights.

**Eradicating patriarchal biases in family law** has been successfully pursued in many countries through feminist advocacy and women’s representation in decision-making.<sup>60</sup> Some advocacy groups have embraced a universal human rights stance to re-frame gender equality in the context of religious texts. In secular legal regimes, international laws and agreements can help challenge discriminatory family law.<sup>61</sup> Feminist judicial activism also prompted rapid



change to discriminatory family laws.<sup>62</sup> Activism can be most powerful immediately after a transition to peace or democracy, or when significant cultural or political events undermine opposition to reform.<sup>63</sup>

### **Equal representation of women in decision-making at all levels in the justice sector.**

What works to change the pervasive under-representation of women in decision-making in the justice sector? Women constitute more than 40 percent of judges in countries as diverse as Tunisia, France, Slovenia, Greece and Rwanda.<sup>64</sup> Women's entry and advancement in the justice sector depends on their own agency, as well as favorable institutional design, norms and practices that support greater gender equality.<sup>65</sup>

Experience across countries documented in a recent IDLO report<sup>66</sup> suggests that several key elements and reforms have facilitated women's accession in the justice sector:

1. **The importance of political will.** Conscious government efforts improved women's participation in the justice sector through quotas, constitutional and legal commitments and political action.<sup>67</sup> The commitment of "gatekeepers" – bar associations and nominating commissions – is also critical.
2. **Selection, nomination and promotion processes should be fair and transparent.** The same good practices that apply to recruitment in general are relevant to making judicial selection processes fair.<sup>68</sup>
3. **Collective action.** Women's law networks – at the national, regional and international levels – can help ensure women have supporters and mentors, and access to equal education opportunities.<sup>69</sup>
4. **Taking advantage of post-conflict opportunities.** As in other aspects of political and social change, post-conflict settlements may open up opportunities. The conclusion of civil wars has been associated with the rise of women in the judiciary in Africa, including in Burundi, Rwanda and Sierra Leone.<sup>70</sup>

5. **Influencing aspirations and mentoring.** As in other spheres of the economy and politics, role models – the presence of women mentors on the bench – can inspire women to follow in their footsteps. IDLO research in Afghanistan found that many women law students were encouraged by positive media reporting on women's contribution to society and equal access to justice.<sup>71</sup>

6. **Providing training and education opportunities.** Especially where women's entry into the judicial profession is relatively recent, supportive induction and legal education is important.<sup>72</sup>

7. **Improving data and tracking progress.** Most countries license attorneys and bar associations, who collect, but do not publish, demographic information.<sup>73</sup>

**Investments in data and monitoring and evidence-based policies** are important, and can pay off. The findings of legal needs surveys have been used to address identified gaps to better frame priorities and reform models of service delivery, and to better plan and deliver legal service programs for poor and geographically remote populations.

It would also be useful to systematically capture data on costs. Few studies explicitly address program costs, or break the total down into per unit costs. Understanding the cost-effectiveness of alternative approaches may help implementers make strategic choices under resource constraints.

In sum, there are important routes to justice for women, and promising evidence about what works. What is the most relevant and promising approach will vary by context and across time. Changes in laws, rules, regulations and policies may offer a relatively fast route to scale – but it is critical to consider the need for complementary efforts, especially around changing norms and community-level change. Impacts will be greater when the law is part of a broader strategy. Changes in practice are often more important than changes on paper.





## Our call to action

Our call to action underlines the importance of a broad approach, with multiple prongs. Prevention is a recurring theme – for example, preventing legal discrimination and preventing violence – while underlining that prevention requires proactive measures to address disadvantage. While it is difficult to achieve, and tends to run against the grain for justice actors and systems that are wired for response, this approach may have the largest potential gains. Often, prevention is more effective as well as cheaper than responses and treatment.

Another recurring theme is working outside the formal justice sector – expanding and improving engagement with informal/customary and religious justice institutions, as well as working at the community level and with women’s groups.

The HLG call to action is universal, but is not intended to be prescriptive, comprehensive nor encyclopaedic. The changes needed to enable tangible improvements in women’s lives inevitably vary across countries and circumstances. There are significant differences in both the nature and the severity of the barriers to justice facing different women in different circumstances. Gender-responsive planning and financing of the justice sector are needed to ensure that all aspects of women’s justice needs are covered.

The HLG recognizes that a wide range of factors affect justice for women, including sexual and reproductive health and rights, a supportive macro-economic environment and government planning and budgeting, among others. While existing international commitments, laws and standards are

not reiterated here, practices should be considered in that context. The HLG strongly endorses work ongoing on all these fronts.

The HLG call to action focuses on concerted actions to advance justice for women and make tangible progress toward the 2030 Agenda. It is structured around the primary drivers to enhance justice for women, based on empirical evidence about what has been tried and tested and has demonstrated impact, or that which has potential, based on experience and analysis.

1. **Eliminate legal discrimination against women.** Too many discriminatory laws and constitutional provisions persist around the world. These should be repealed, and accompanied by efforts at the international, regional, national and local levels to address the pervasive discrimination which limits justice for women. Eliminating discrimination in law goes beyond explicit barriers to addressing adverse effects that arise due to underlying structural inequalities, lack of capabilities to claim rights and ensuring accountability for enforcement.

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### Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels: SDG 5.C

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2. **Enact and enforce legislation to prevent and respond appropriately to violence against women.** Governments should enact

legislation and ensure effective enforcement against intimate partner violence, working together with community organizations and local leaders to prevent violence by addressing the adverse norms which condone violence in the home.

**3. Leave no woman or girl behind: ensure legal services and legal empowerment for poor and marginalized women.** Actors seeking to advance justice should support policies and programs designed to overcome the challenges facing poor and excluded women – including free legal services provided in innovative and accessible ways, which together with investments in legal literacy and linked to poverty reduction programs, have shown promising results. Appropriate budgets are needed to support interventions which address the needs and rights of women in diverse contexts. There are also important links to collective action, as outlined below.

**4. Empower women – economically and as rights holders.** The report focuses on three dimensions of empowerment with deep links to the justice sector: identity, property and collective voice.

- Governments should eliminate gender-based discrimination from laws and practice governing access to identification and nationality, and work to ensure inclusion of poor and marginalized groups.
- Improving women's property rights requires a broad approach to ensure that beneficial customary and communal rights are recognized, coupled with reforms to promote gender equality and effective implementation.
- Working together, women are better able to advocate for progressive legal and policy reforms and hold governments to account. Exercising these collective rights requires enabling legislative and policy frameworks, as well as funding and support.

**5. Include women as decision-makers.** Actions, including temporary special measures, may be needed to ensure that women are equally represented in the judiciary and as magistrates, judges, prosecutors, public defenders, lawyers, mediators and law enforcement officials, as well as in traditional decision-making fora.<sup>74</sup> This also means addressing violence against women in politics.

**6. Strategically work with customary, informal and religious systems to advance justice.** The reality of plural legal systems means that justice for women cannot be achieved through formal laws and regulations alone. It is important to strategically engage and work with, not ignore, customary, informal and religious systems.

**7. Invest in data and analysis on women's legal needs.** Effective decision-making relies on high-quality, comparable and timely data. Key justice data must be disaggregated by gender (and by other relevant characteristics), capture key aspects of empowerment and link to relevant SDGs (e.g. health, education, access to land). There is also a need for improved data and analysis on issues important to women, such as intimate partner violence. Digital technologies, which are changing data collection and analysis capabilities, can be better leveraged.

**8. Develop new partnerships.** The importance of partnerships within and beyond the justice sector needs to be underlined. To advance the justice for women agenda, new partnerships – among governments, multilaterals, business, civil society, independent monitoring bodies, and thought leaders – are essential.

We hope that this report both informs and enriches the global Task Force on Justice, an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies. Over the next year, the HLG will continue its work through its commitments, consultations and advocacy to inform and inspire actions by governments, civil society and development partners, businesses, and employer and worker organizations.

We call on you to join us in taking action, and to create the global movement that is needed to change the lives of women across the world.

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## The High-level Group on Justice for Women

