

Justice for Women Amidst COVID-19

Access to justice is an essential ingredient of gender equality and it cannot be denied to any woman or girl during times of crisis. The COVID-19 pandemic has highlighted the need to examine the impact of the crisis through a gender lens as women and girls are disproportionately impacted by its consequences.

Justice for Women Amidst COVID-19 documents major challenges to women's access to justice in light of the COVID-19 pandemic. It presents a global synthesis of the state of justice systems in connection with women's justice needs and highlights innovative interventions underway in many parts of the world. It urges justice leaders and all stakeholders to take action to increase justice for women and girls during the global health emergency, to advance Sustainable Development Goals 5 for gender equality and 16 for peaceful, just and inclusive societies.



Women's Justice Needs and the Justice Gap in the Pandemic

Curtailed Access to Justice Institutions

Access to justice and support services for survivors of gender-based violence are heavily restricted due to the pandemic. Resources are being diverted away from the justice system towards more immediate COVID-related health measures, putting services such as hotlines, crisis centers, shelters, legal aid and social services, at risk of being scaled back.

The Digital Divide

Women are 20 per cent less likely to own a smartphone and 20 per cent less likely to access the internet from mobile phones than men. [\[Source: Groupe Speciale Mobile Association, 2020\]](#). Amidst the pandemic, not having a mobile phone or internet connection, makes accessing justice and other services more difficult for women who need it the most.

Worsening Risks of Intimate Partner Violence and Other Forms of Domestic Violence

Mobility restrictions increase women's vulnerability to abuse. Some survivors report being unable to seek legal redress due to court closures and judicial, police and health services that are first responders to victims of abuse are overwhelmed or have shifted priorities.

Threats to Sexual and Reproductive Health and Rights

The right to sexual and reproductive health services for women is at risk during the crisis. This is especially so where these services are not regarded as a life-saving priority. In some countries, protocols are ignored during and after pregnancy and childbirth to allegedly prevent contagion.



Growing Injustice Against Women Workers

Country-wide school closures substantially amplified the unpaid work and childcare, carried out mostly by women. With 461 million women working on a temporary basis [\[Source: ILO, 2018\]](#), women bear the brunt of job losses during the pandemic. Women also comprise 70 per cent of the global health and social care workforce and face huge risks to their right to life and health as frontline workers. [\[Source: WHO, 2019\]](#)

Discriminatory Property Law and Inheritance Regimes

Coupled with discriminatory property rights, the COVID-19 pandemic is directly impacting women's right to housing, shelter and security. The prospect of losing both home and place of work in these settings could be devastating, especially for women widowed by the pandemic.

Discrimination in Legal Identity and Legal Status

Legal identification may be required to access health services and public benefits. This can be especially damaging to the rights of undocumented migrants. In low income countries, on average, over 45 per cent of women lack an identification card, compared to 30 per cent of men. [\[Source: World Bank, 2018\]](#)

Specific Threats Facing Forcibly Displaced Women

Women and girls constitute nearly half of the 71 million refugees, asylum seekers, or internally displaced persons. [\[Source: UNHCR, 2018\]](#) Because communal facilities in crisis settings are often shared and distant from residential shelters, women and girls face high risks of gender-based violence, even in simply following hand-washing guidance.

Heightened Risks for Women Deprived of their Liberty

The number of incarcerated women globally now exceeds 700,000, an increase of 50 per cent over the past 20 years. The release of pregnant women, women with children in detention and other vulnerable groups is necessary during the crisis. [\[Source: Penal Reform International, 2020\]](#) Not only are women at risk of contracting COVID-19, they are also exposed to an increased threat of sexual violence during the pandemic due to decreased security in prisons.

Pre-existing conditions: major injustices for women before COVID-19

Intimate partner violence

More than one billion women lacked legal protection from sexual violence by an intimate partner.

Discrimination against women at work

Labor legislation in many countries is still discriminatory against women and legal barriers to women's entrepreneurship persist.

Discriminatory family laws

Discriminatory practices in marriage and family life, codified into law, are major obstacles to justice for women in many countries.

Unequal property laws

40 per cent of economies limit women's property rights, and women do not have equal ownership rights to immovable property in 19 countries.

Gaps in legal identity

Gender gaps still persist in the possession of legal identity documents – including those relating to property, business, housing, marriage, employment, children or immigration status.

Exclusion from decision making

Women justice professionals continue to be excluded from senior decision-making roles.

Customary and informal justice systems

The primary mechanisms through which people seek justice are not fully equipped to deliver justice based on human rights and gender equality norms and standards.

Source: IDLO, Justice for Women High-level Group Report, 2019. Chapter 2.

COVID-19-Related Justice Interventions

+ Preventing and responding to intimate partner violence:

Interim judicial orders and extensions, including temporary protection orders and restraining orders, can ensure the immediate safety and well-being of women and girls at risk of intimate partner violence. The use of social media platforms and alternative forms of outreach can provide valuable remote support in accessing emergency services and awareness raising.

+ Addressing legal and other disadvantages among poor and marginalized women:

In many low- and middle-income countries, civil society organizations can play a vital role in reaching poor and marginalized women through networks of information and counselling. Social media, public service announcements and other outreach can provide information about services available and increase rights awareness.

+ Collective action of women and women's organizations:

Collective action of global and regional partners supporting women's groups and networks could be a catalyst for change in women's access to justice by conducting research on emerging challenges, disseminating models for providing justice and online legal aid services, and building a virtual forum where justice leaders can share experiences.

Ten-Point Policy Recommendations to Ensure Women's Access to Justice in COVID-19

1. **Recalibrate justice delivery** to ensure that justice institutions are fully responsive to the rights and needs of all population groups during this period of crisis.
2. **Rights holders and duty bearers must be protected** with attention to safe spaces, hotlines and instituting urgent judicial proceedings using technology.
3. **Substitute full trials with interim orders** to ensure the immediate safety and well-being of women and children.
4. **Protect women deprived of their liberty** by releasing the more vulnerable on a case by case basis providing effective economic recovery and social welfare services.
5. **Keep the repeal of discriminatory laws on track** by continuing parliamentary business through the use of appropriate technology and social distancing methods.
6. **Include women as decision makers** ensuring women's effective participation in decisions which impact on structural changes to the justice sector during this COVID-19 crisis and beyond.
7. **Partner with customary and informal justice systems** to ensure alignment of such systems with national COVID-19 guidelines and gender equality norms and standards.
8. **Address the digital divide and explore alternatives** to ensure access justice for those who are digitally excluded.
9. **Sharpen the leave no one behind agenda** through targeted legal empowerment policies and programs and investing in a strong role for women's organizations.
10. **Invest in data and monitoring and evidence-based policies** that address the social, economic as well as legal impacts of the pandemic on women and girls, especially at national and subnational levels.

“ Formal and informal spaces which afforded women appropriate safeguards are quickly shrinking. Thankfully, both state and non-state actors have galvanized into action as seen in the smart and accessible interventions emerging in several countries. Some women, however, remain unsafe and invisible due to the digital divide. Forging private and public sector partnerships during the pandemic can ensure that all women have access to mobile phones. Justice systems can no longer be static: we need to begin to explore more sustainable ways of justice delivery, such as for example, optimizing interim orders to prevent rights violations. Furthermore, innovative parliamentary business must be pursued to ensure that the estimated 2.5 million women and girls affected by discriminatory laws are fully protected. ”

Phumzile Mlambo-Ngcuka, Executive Director, UN Women

“ We cannot let gender equality and women’s rights be among the casualties of COVID-19. Now more than ever, it is imperative for justice institutions to address the needs of women and girls and deliver people-centered justice. The current pandemic has brought to the forefront the staggeringly wide gap of injustice and inequality. It is more than just a public health and economic emergency, it is also a moral crisis – where those who are already excluded are further marginalized and exposed to heightened dangers. As the risk of gender-based violence continues to grow during the pandemic, and the ability of justice institutions to effectively deliver services is diminished, it is of utmost priority to forge innovative ways to support women’s access to justice and empower them to realize their rights. ”

Jan Beagle, Director-General, IDLO

“ Countries have saved lives by shutting down economies to prevent the spread of COVID-19 but we now need concerted action to ensure that they do not lose hard-won development gains. As the United Nations moves quickly to support the socio-economic recovery of countries around the world, it is crucial that we have a better understanding of where support is needed most – particularly when it comes to access to justice for women. ”

Achim Steiner, UNDP Administrator

“ Globally, women have only three-quarters of the legal rights afforded to men, with the worst inequalities relating to family relationships, employment, control of economic assets, and violence. Pandemic responses are heavily gendered, and societies cannot afford to lose the gains made towards gender equality. It is therefore critical that decisionmakers ensure that existing obstacles to equal access to justice are not further exacerbated by the global crisis. Present and future generations cannot evolve without gender-based legal equality. ”

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

“ Without decisive action, the meagre progress we have made on women’s rights and gender equality over the past decades will be undermined. The justice gap for women is growing in the context of the COVID-19 pandemic. We see an increase in the number of justice problems that women face, due to lockdowns and economic hardship. Simultaneously, the capacity to resolve these justice problems is decreasing. The pandemic is making our gender disparities abundantly clear, reinforces them but also shows us how they can be rectified by policy action. ”

Liv Tørres, Director, Pathfinders for Peaceful, Just and Inclusive Societies

“ COVID-19 is public health crisis as well as a socio-economic catastrophe. It exacerbates existing gender inequalities and undermines women’s rights and liberties. Women’s voices and leadership must be at the core of the response to the pandemic and beyond. This new report sets out important findings and recommendations which I urge the highest levels of political power to take seriously. ”

Graça Machel, Deputy-Chair, The Elders and Founder of The Graça Machel Trust

The [Justice for Women Amidst COVID-19](#) report was developed by UN Women, the International Development Law Organization (IDLO), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), The World Bank, Pathfinders for Peaceful, Just and Inclusive Societies, and supported by The Elders. It builds on the 2019 [Justice for Women](#) report, jointly produced by the High-level Group on Justice for Women, and its Call to Action.