

Introduction



PUBLISHED BY:

The United Nations Entity for Gender Equality and the Empowerment of Women

(UN Women) 220 East 42nd St, New York, NY 10017, USA

and

The United Nations Development Programme

(UNDP), One United Nations Plaza, New York NY 10017, USA

and

The United Nations Office on Drugs and Crime

(UNODC), Vienna International Centre, Wagramer Strasse 5, A 1400 Vienna, Austria

and

The Office of the United Nations High Commissioner for Human Rights

(OHCHR), Palais Wilson, 52 rue des Paquis, CH-1201 Geneva, Switzerland

UN Women: ISBN-13: 978-1-63214-116-3

OHCHR: HR/PUB/18/2

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Design: Irene Ramirez

Introduction



*Empowered lives.
Resilient nations.*



FOREWORD

Discriminatory justice systems deny women and their families protection, accountability and reparation—leading to impunity for perpetrators and a cyclical pattern of further violations. Justice is a right in itself as well as an enabler of all other rights. Yet many women and girls—particularly those who face multiple and intersecting forms of discrimination—experience the justice system not as a bastion for the vulnerable but rather as a preserve of a privileged few.

The effective implementation of the 2030 Agenda for Sustainable Development is not conceivable without access to justice. If the commitment of leaving no one behind is to be attained, justice services must reach the excluded. When women's rights are protected through effective justice systems, pathways are created for inclusion, poverty reduction and sustainable peace.

This Practitioner's Toolkit on Women's Access to Justice Programming harnesses experiences, lessons and promising practices to ensure non-discriminatory and inclusive justice systems. It is meant to inform and inspire comprehensive, rights-based access to justice programming that recognizes women's rights as indivisible and interdependent. The Toolkit signals a determination to explore new ways of doing business.

The United Nations Development Group's core principles for integrated programming—leave no one behind; human rights, gender equality and women's empowerment; sustainability and resilience; and accountability—provide a timely catalyst for recalibrating the United Nations system's work on women's access to justice.

We stand ready to work with Member States, civil society organizations, religious and traditional leaders, the private sector and the rest of the United Nations system to ensure the effective utilization of this Toolkit through technical cooperation at country, regional and global levels.



Phumzile Mlambo-Ngcuka
Executive Director
UN Women



Achim Steiner
Administrator
UNDP



Zeid Ra'ad Al Hussein
High Commissioner
OHCHR

PREFACE

This Practitioner's Toolkit on Women's Access to Justice Programming (Toolkit) was jointly developed by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to improve justice delivery and outcomes for women and girls around the world.

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.

Globally, women face barriers to obtaining justice in their capacities as claimants, victims, witnesses or offenders, often driven by institutional, policy and legislative failure to remove discrimination, gender bias, stereotyping, stigma, indifference, corruption and impunity. Women who face multiple and intersecting forms of discrimination as well as those affected by conflict and its aftermath, are often at the backend of justice service delivery.

This Toolkit demonstrates that challenging as they are, these barriers are not insurmountable. It provides practical guidance on how to address them across justice systems and within the contexts of: marriage, family and property rights; ending violence against women; and women in conflict with the law, with special reference to programming at country level. It reaffirms the importance of justice for women through a range of examples of innovative programming, grounded in a human rights approach and builds on three mutually reinforcing programmatic entry points: (i) reforming formal and informal legal norms, policies and budgets that discriminate against women; (ii) reforming justice institutions with a view to making them effective, accountable and gender-responsive; and (iii) legally empowering women. This three-pronged approach provides both women as rights-holders and justice institutions as duty-bearers with the tools for transformative justice.

Designed primarily for staff of the United Nations system, the Toolkit presents a menu of options for responding to the current deficits in women's access to justice programming and the growing demand for technical assistance in this area. It consolidates and complements existing resources and aims at stimulating bolder gender-responsive justice interventions for the full realization of the rights of women and girls in all countries.

ACKNOWLEDGEMENTS

Production and coordination

This Practitioner's Toolkit on Women's Access to Justice is a joint publication of UN Women, UNDP, UNODC and OHCHR. It was produced under the overall guidance of a Steering Committee consisting of UN Women (Beatrice Duncan and Begoña Lasagabaster), UNDP (Ana Patricia Graca and Evelyn Edroma), UNODC (Claudia Baroni, Sven Pfeiffer and Valerie Lebaux) and OHCHR (Women's Human Rights and Gender Section)¹. Substantive coordination was provided by UN Women.

Content and expert papers

The content of the Toolkit was developed by Beatrice Duncan (UN Women), Eileen Skinnider (Consultant), Evelyn Edroma (UNDP), Lucy Turner (currently of the Global Alliance), Miri Sharon (Consultant) and Pearl Eliadis (Consultant). Expert papers were prepared by Christine Forster (Consultant), Dyan Mazurana and Bretton McEvoy (Fletcher School of Law and Diplomacy), Judge Ihsan Barakat (Supreme Court of Jordan and first woman to reach the highest position in Jordan's judiciary), Joy Ngozi Ezeilo (former Special Rapporteur on trafficking in persons, especially women and children), Mohamed Ibrahim (United Nations Department of Peacekeeping Operations), the International Federation of Women Lawyers of Ghana and the Zimbabwe Women Lawyers Association.

Substantive contributions

The Toolkit benefitted from extensive substantive inputs and reviews from the Committee on the Elimination of Discrimination against Women (CEDAW Committee): Silvia Pimentel and Hilary Gbedemah; International Commission of Jurists: Briony Potts; Uganda Association of Women Lawyers: Irene Ovonji-Odida; Kirsti Samuels (Consultant) and Teresa Marchiori (Consultant). Within the United Nations system, reviews were undertaken by *UN Women*: Adriana Quinones, Alice Mauske, Aneesa Walji, Caroline Ann Meenagh, Elisabeth Doyle, Emily Kenney, Francesca Zoppi, Megan Manion, Mireille Affaa Mindzie, Norul Rashid (currently of the Executive Office of the Secretary-General), Talia Zybutz and Tolulope Lewis-Tamoka. Daniel Seymour, Laura Turquet, Tania Farha (currently of Multicultural Affairs and Social Cohesion, State Government of Victoria, Australia), Seemin Qayum and Tonni Ann Brodber provided invaluable insights at the initial conceptualization; *UNDP*: Aparna Basnyat, Livio Sarandrea, Nicolas Booth, Tafadzwa Muvingi, Victoria Nwogu and Maria Nystedt of the Folke Bernadotte Academy as an external reviewer; *UNODC*: Anika Holterhof and Jee Aei Lee; and *OHCHR*: the Women's Human Rights and Gender Section, internally appointed reviewers and the Publications Committee.

Expert consultations

The Toolkit also benefitted from an expert group meeting, which brought together the following members of government, civil society organizations and the United Nations (including the co-publishers):

¹ In compliance with internal policy, OHCHR does not attribute authorship of its publications to individuals.

Governments

Daniela Correa (Instituto Queretano de las Mujeres), Dareen Salheyeh (Palestinian Public Prosecution), Judge Jane Quaye (Judicial Service, Ghana) and Monfred Sesay (Ministry of Justice, Sierra Leone).

Independent experts

Hilary Gbedemah, (CEDAW Committee), Joy Ngozi Ezeilo (former Special Rapporteur on trafficking in persons, especially women and children) and Silvia Pimentel (CEDAW Committee).

Civil society organizations

Angela Dwamena-Aboagye (The Ark Foundation, Ghana), Aisha Rahman (Karamah: Muslim Women Lawyers for Human Rights), Anne Tierney Goldstein (International Association of Women Judges), Betsy Walters (International Legal Foundation), Briony Potts (International Commission of Jurists), Camila Batista (Pontifical Catholic University of São Paulo/Center for Digital Inclusion), Irene Ovonji-Odida (Uganda Association of Women Lawyers), Lisa Davis (International Association of Women Judges), Lotta Teale (Open Society Foundations Initiative), Neelam Sarkaria (Consultant), Sandra Martin (International Association of Women Police) and Shelby Quast (Equality Now).

United Nations agencies

UN Women: Ana Lukatela (State of Palestine), Alicia Ziffer (Training Centre, Santa Domingo), Anna Mutavati (Uganda), Doreen Buettner (Somalia), Kalliopi Mingeirou (New York), Louise Nylin (New York), Marbey Sartie (Sierra Leone), Masiha Fayez (Afghanistan), Monjurul Kabir (New York), Wangechi Grace Kahuria-Seilane (Kenya) and Younes Benmoumen (Morocco); *UNDP*: Antje Kraft and Caitlin Boyce (New York); *UNODC*: Nguyet-Minh Nguyen (Vietnam); and *OHCHR*: Guatemala, New York and Uganda Offices.

Editorial team

External copy editor: Sid Kane.

Internal editorial support: Elisabeth Doyle, Francesca Zoppi and Talia Zybutz.

Financial support

The production of the Toolkit was made possible through the generous contributions of the Swedish International Development Cooperation Agency, the Foreign and Commonwealth

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