

Governance and Gender Justice

Key issues

- Access to justice is not only a right in itself but also a strategy to realize other rights, challenge discrimination and achieve equality between men and women. It is not only a human rights issue, but also a rule of law issue and a sustainable development issue: there cannot be rule of law and sustainable development without access to justice for women and girls.
- Across the ECE region, as the Regional Synthesis Report for this meeting points out, awareness and legal expertise on discrimination and women's rights has deepened. At the same time, possibilities for women and girls to claim redress when their rights have been violated are insufficient. Obstacles are many: legal, financial, practical, but also, very importantly, social and cultural. Migrant and trafficked women, women from minority communities, women with disabilities and women from rural areas are particularly affected.
- In many countries, it is still not accepted that a woman, and even less a child, would seek redress when done wrong. Legal assistance is often unavailable or inadequate. Some countries are still lagging behind in legal provisions for multiple and intersecting inequalities and discrimination.
- In some countries special sections within courts are dedicated to GBV, domestic violence and anti-trafficking women. National Ombuds-offices and other Human Rights mechanisms bodies don't have enforcement powers for all women's rights, and are not empowered with resources and capacities.
- Barriers to women's and girls' access to justice include lack of awareness about their rights and where to seek redress, court fees, fear of stigma, lack of support services for women seeking justice and social and cultural barriers that make it unacceptable for women and girls to bring about a complaint against a family or community member. Free legal aid is not provided to all victims of violence. Women from disadvantaged groups are unable to report issues of violations of rights to authorities for fear of arrest or further violence. The inability to seek justice causes feelings of hopelessness which can even push women to suicide.
- Although most ECE countries are Parties to the CEDAW Convention, many face difficulties in fully implementing it. Free legal aid to victims of violence, a provision recommended by the CEDAW Committee, is not available in some parts of the region. The CEDAW Committee is currently developing a General Comment on Access to Justice.
- Raising awareness and promoting community initiatives to access legal information and information in local communities can be cost effective ways of increasing women seeking justice for rights violations.
- Across the ECE region ad-hoc bodies and inter-ministerial structures have been created. Women's human rights and gender equality have been integrated into the work of national human rights bodies. Civil servants now often receive gender training and gender budgeting has been enshrined in several countries. Some countries as part of their international cooperation run training programmes for members of supreme courts.
- The capacities of national mechanisms to implement, coordinate, and monitor gender equality policies, and their possibility to hold others accountable, remain however limited. National mechanisms, particularly at regional or local levels, continue to lack adequate resources. Good coordination between the various parts of the national mechanisms remains a challenge.
- Some countries still do not have a national mechanism as outlined in the Beijing Platform for Action. Progress toward gender budgeting has been slow; funding for gender equality policies has remained low and difficult to track. Structural barriers, mentality and lack of information prevent women from vulnerable groups to participate in society and policy-making. Efforts to better

include national minorities and immigrants in gender equality policy have continued but will require further attention and investments in the period ahead.

- Making gender a top priority is made easier when it is actually a priority from the top, when Governments and Ministers drive the agenda: this can help overcome resources constraints and foster inter-sectoral cooperation. Gender impact assessments and good governance are good and practical strategies to achieve gender mainstreaming.

Recommendations

- The multiple forms of discrimination faced by women, particularly women from vulnerable groups, should be taken into account when developing gender equality policies and mechanisms for legal enforcement of these policies.
- Discrimination against women and girls is to be clearly defined by law so as to be enforceable in courts. Legislation should not only protect, but also promote gender equality and prevent rights violations.
- Timely, quality and effective remedies for violations of their rights must be guaranteed to all women and girls by state parties of the CEDAW. Free legal aid accessible to the most vulnerable population is to be institutionalized and sufficiently resourced.
- Civil and criminal courts should be sensitized to gender based violence and trafficking issues, and enabled to hear girl victims in a child-sensitive manner.
- The specific rights of women and girls in justice processes should be systematically incorporated in national curricula for the police, prosecution and judiciary.
- Mediation and conciliation mechanisms should be encouraged to solve community and family disputes, but should not be used in cases of violence due to a high risk of secondary victimisation.
- Legal and paralegal aid should be promoted and professionals should be trained to adequately address the particular rights and needs of women and girls.
- Ombudsman and National Human Rights Institutions should be established in compliance with the Paris Principles and enabled to support women and girls seeking remedy.
- Adopting legislation to protect vulnerable women should be complemented by grass-root approaches to enhance their capabilities to claim justice. Outreach services providing women and girls with information about their rights and support when claiming redress should be promoted, with a particular focus on rural areas. These services should be owned by the community and employ trained community members able to provide paralegal support.
- Social norms that make it unacceptable for women and girls to seek redress for violations of their rights should be addressed, including through awareness raising campaigns and the involvement of respected role models.
- Gender equality should be central to all national and local development strategies.
- The effectiveness of mainstreaming mechanisms should be measured with specific and measurable indicators. Women and girls' access to justice and the implementation of related laws should be closely monitored by the Government, using clear indicators of compliance.
- The role of civil society in supporting women and girls in accessing justice should be promoted and reinforced.
- Efforts to increase birth registration for girls and women and registration of marriages should be stepped up in order to protect them from future rights violations.
- The participation of women in decision making in general and justice institutions in particular should be further promoted.