

Ten proven approaches to make justice systems work for women

Below are ten proven approaches to making justice systems work for women. They are achievable and, if implemented, they hold enormous potential to advance women's rights.

1. Support women's legal organizations

Women's legal organizations are at the forefront of making justice systems work for women. Where government funded legal aid is limited, women's organizations step in to provide the advice and support that women need to pursue a legal case, to put a stop to violence, to seek a divorce or claim the land that is rightfully theirs.

They have been leaders in successful interventions in plural legal environments, showing that it is possible to engage with plural legal systems while simultaneously supporting local cultures, traditions and practices.

Women's organizations have also spearheaded law reform efforts and strategic litigation cases that have transformed the landscape for women's rights nationally, regionally and internationally. These cases, including those on violence against women, sexual and reproductive health, citizenship and inheritance have enforced or clarified laws already on the books, challenged laws that should be repealed and created new laws to fill legislative gaps.

Supporting these organizations is an urgent priority and a vital investment to increase women's access to justice.

2. Support one-stop shops and specialized services to reduce attrition in the justice chain

The justice chain, the series of steps that a woman must take to access justice, is characterized by high levels of attrition, whereby cases are dropped as they progress through the system. As a result, only a fraction of cases end in a conviction or a just outcome.

One way to reduce attrition, especially in cases of violence against women is to invest in one-stop shops, which bring together vital services under one roof to collect forensic evidence, provide legal advice, health care and other support. The Thuthuzela Care Centres (TCC) in South Africa are one successful example of this approach, now being replicated in other countries including Chile and Ethiopia. Conviction rates for rape cases dealt with by the TCC in Soweto, have reached up to 89 percent, compared to a national average of 7 percent.

A study in the United States found that women supported by specialized advocates for survivors of rape, who helped them navigate police and health care systems, were more likely to make police reports, more likely to receive health care and less likely to report distress in their dealings with the different service providers.

3. Implement gender-sensitive law reform

Gender-sensitive law reform is the foundation for women's access to justice. CEDAW provides the internationally agreed gold standard for legal reform to achieve gender equality. Action is needed to repeal laws that explicitly discriminate against women; to extend the rule of law to protect women in the private domain, including from domestic violence; and to address the actual impact of laws on women's lives.

While CEDAW is among the most widely ratified of United Nations treaties, it also has one of the largest number of reservations. The most common are on article 16, which guarantees women's rights within marriage and the family. Removing these reservations is a critical step to putting in place a legal framework that supports women's rights.

To have the most impact, laws must be drafted to drive implementation, including clear mandates, procedures, funding and accountability mechanisms. For example, in 45 countries, laws on domestic violence include guarantees of free legal aid for women. In Nepal, financial incentives have ensured implementation of laws on equal inheritance, which has led to a threefold increase in women's property ownership. In Sweden, non-transferable 'daddy months' have increased the uptake of paternity leave, helping to address the gender pay gap.

4. Use quotas to boost the number of women legislators

In countries where women's representation in parliament increases substantially, it is often accompanied by new laws that advance women's rights.

From the United Republic of Tanzania to Costa Rica, Rwanda to Spain, where quotas have been used to boost the number of women legislators, progressive laws on violence against women, land rights, health care and employment have followed. Where women have organized, sometimes across party lines, to ensure women's interests are represented, change has followed.

The Beijing Platform for Action called for gender balance in governmental bodies, while CEDAW mandates the use of temporary special measures, including quotas, to increase the voice of women in decision-making at all levels. Of the 28 countries that have reached or exceeded the 30 percent critical mass mark in national parliaments, at least 23 have used some form of quota.

5. Put women on the front line of law enforcement

Employing women on the front line of justice service delivery can help to increase women's access to justice. Data show that there is a correlation between the presence of women police officers and reporting of sexual assault.

In post-conflict Liberia, the all-women Indian police brigade has increased reporting of sexual violence and has also boosted recruitment of women into the force. Despite these benefits, women's average representation in the police does not exceed 13 percent in any region of the world.

The gains from employing women in the police are not automatic: investment is essential. The experience from Latin America and elsewhere is that women's police stations and gender desks must be adequately resourced, and staff expertly trained, properly rewarded and recognized for their work. Furthermore, recruitment of women

police officers and resourcing of gender desks must be part of a broader strategy to train and incentivize all police to adequately respond to women's needs.

6. Train judges and monitor decisions

Balanced, well-informed and unbiased judicial decision-making is an essential part of ensuring that women who go to court get justice. However, even where laws are in place to guarantee women's rights, they are not always properly or fairly applied by judges.

Organizations like the International Association of Women Judges and the Indian NGO Sakshi provide judges, both women and men, with specialized training and space to discuss the challenges they face, which can help to build understanding of and commitment to gender equality. Judges who have been trained also come up with simple but effective ways to make courts more accessible, such as waiving court fees, providing forms free of charge or prioritizing sensitive cases.

Systematic tracking of judicial decision-making is needed at the national level to provide accountability to women seeking justice and to enable civil society and governments to monitor the performance of the courts on women's rights.

7. Increase women's access to courts and truth commissions in conflict and post-conflict contexts.

Very significant advances in international law in the past two decades have, for the first time, made it possible to redress sexual violence crimes. However, prosecutions are rare. To increase the number of convictions, it is vital that international courts prioritize gender-based crimes in their prosecution strategies.

Courts and other justice forums such as truth commissions must be made more accessible to women. The only way to guarantee this is to ensure that women play a central part in defining the scope, remit and design of all post-conflict justice mechanisms.

Measures that make a difference include financial assistance, childcare and transport to help women overcome the practical obstacles to their participation; psychosocial counselling, health care and other long-term support; and provision of closed session hearings to enable women to testify about sexual violence.

In the Democratic Republic of the Congo, mobile courts are bringing justice to women, responding rapidly to investigate and prosecute cases of sexual violence. Although currently small-scale, these pioneering courts are helping to end impunity for these crimes.

8. Implement gender-responsive reparations programmes

Reparations are the most victim-focused justice mechanism and can be a critical vehicle for women's recovery post-conflict. However, while the international community has dedicated substantial funding to international courts and other transitional justice mechanisms, this has not been matched by an equal commitment to assist states to fulfil their obligations for reparative justice.

To benefit women, reparations programmes must take account of all forms of sexual and gender-based violence, and include individual, community and symbolic measures, as well as access to services and land restitution. Packages of benefits can be designed to promote victim empowerment and self-sustainability to address underlying gender inequality.

In Sierra Leone, women survivors of gender-based violence are benefitting from a Government reparations programme. Supported by United Nations partners, this programme provides skills training and micro-grants to women to set up their own businesses.

9. Invest in women's access to justice

Strengthening the rule of law has been a major priority for governments for several decades, but only a fraction of this funding is being spent on justice for women and girls.

Analysis of the major bilateral donors' funding for justice shows that of the \$4.2 billion that was allocated to justice in 2009, \$206 million (5 percent) was spent on projects in which gender equality was a primary aim. Over the decade 2000 to 2010, the World Bank has allocated \$126 billion to public administration, law and justice, of which only \$7.3 million was allocated to the gender equality components of rule of law and access to justice projects.

To ensure governments are meeting their international commitments to put in place a legal framework that guarantees women's rights and a functioning justice system, a significant scaling up of investments is needed.

10. Put gender equality at the heart of the Millennium Development Goals

More than a decade since 189 countries signed up to the MDGs, there has been impressive progress, especially on poverty and education. However, with four years left to achieve the Goals, it is clear that further advances depend on accelerating progress on gender equality and ensuring that excluded women and girls are not left behind.

Achieving these Goals is also an essential precondition for women to access justice. Without education, awareness of rights and decision-making power, women are often unable to claim their rights, obtain legal aid or go to court.

Some practical approaches to putting women's rights at the heart of the MDGs include: abolishing user fees for healthcare, which has been shown to increase women's and girls' access to services, including for reproductive health; using stipends and cash transfers to encourage girls to go to school, delay marriage and continue their education for the critical secondary years; putting women on the front line of service delivery to make public services more accessible; and amplifying women's voices in decision-making, from the household up to local and national levels, to ensure that policies reflect the realities of women's lives.