

Introduction



Empowered lives.
Resilient nations.



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

© 2018 United Nations

The designations employed and the presentation of material throughout this publication do not imply the expression of any opinion whatsoever on the part of 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), concerning the legal or development status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.

The views expressed in this publication are those of the authors and do not necessarily reflect the views or policies of the United Nations, including UN Women, UNDP, UNODC, OHCHR or the United Nations Member States.

This publication may be freely used for non-commercial, fair use purposes, with proper acknowledgement of and attribution to UN Women, UNDP, UNODC and OHCHR. Any other use must be authorized in writing by the United Nations following a written request for permission from permissions@un.org.

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 Office of the United Kingdom and the Government of France.

LIST OF ACRONYMS AND ABBREVIATIONS

7-PAP	Secretary General's 7-Point Action Plan	GR	General Recommendation
ADR	Alternative Dispute Resolution	HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ASEAN	Association of Southeast Asian Nations	IASC	Inter-Agency Standing Committee
AusAID	Australian Agency for International Development	ICCPR	International Covenant on Civil and Political Rights
BDPfA	Beijing Declaration and Platform for Action	ICT	Information and Communications Technology
CBO	Community-Based Organization	ICJ	International Commission of Jurists
CCA	Common Country Analysis	IDLO	International Development Law Organization
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	ILO	International Labour Organization
CRPD	Convention on the Rights of Persons with Disabilities	INGO	International Non-Governmental Organization
CSO	Civil Society Organization	IOM	International Organization for Migration
CSW	Commission on the Status of Women	ISF	Integrated Strategic Framework
DAW	Division for the Advancement of Women	JLOS	Justice, Law and Order Sector
DESA	United Nations Department of Economic and Social Affairs	NAP	National Action Plan
DPKO	United Nations Department of Peacekeeping Operations	NGO	Non-Governmental Organization
DRC	Democratic Republic of Congo	NHRI	National Human Rights Institution
ECOSOC	United Nations Economic and Social Council	NPA	National Plan of Action
FGM/C	Female Genital Mutilation/Cutting	OAS	Organization of American States
FIDA-Ghana	International Federation of Women Lawyers, Ghana	OECD	Organisation for Economic Co-operation and Development
GFP	Global Focal Point		

OHCHR	Office of the United Nations High Commissioner for Human Rights	UNICEF	United Nations Children's Fund
PEKKA	Pemberdayaan Perempuan Kepala Keluarga	UNMISS	United Nations Mission in South Sudan
PHR	Physicians for Human Rights	UNODC	United Nations Office on Drugs and Crime
PSG	Peacebuilding and Statebuilding Goal	UNPOL	United Nations Police
QCPR	Quadrennial Comprehensive Policy Review	UNSC	United Nations Security Council
SDG	Sustainable Development Goal	UNSCR	United Nations Security Council Resolution
SGBV	Sexual and Gender-Based Violence	UPR	Universal Periodic Review
SMS	Short Message Service	WHO	World Health Organization
UNAFEI	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders	WPS	Women, Peace and Security
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women	ZWLA	Zimbabwe Women Lawyers Association
UNAMA	United Nations Assistance Mission in Afghanistan		
UNAMID	United Nations–African Union Mission in Darfur		
UNCT	United Nations Country Team		
UNDAC	United Nations Disaster Assessment and Coordination		
UNDAF	United Nations Development Assistance Framework		
UNDG	United Nations Development Group		
UNDP	United Nations Development Programme		
UNDS	United Nations Development System		
UNFPA	United Nations Population Fund		
UNHCR	United Nations High Commissioner for Refugees		

THE TOOLKIT AT A GLANCE

The Toolkit comprises an Introduction and five Modules:

INTRODUCTION	MODULE 1 The Theory and Practice of Women's Access to Justice Programming	MODULE 2 Marriage, Family and Property Rights	MODULE 3 Ending Violence Against Women	MODULE 4 Women in Conflict with the Law	MODULE 5 Programming at the Country Level
Summary	Summary	Summary			Summary
Women's access to justice	Understanding the overall country context	Creating an enabling environment for women's access to justice			New generation of UNDAFs
Overarching commitments underpinning women's access to justice	Creating an enabling environment for women's access to justice	Creating effective, accountable and gender-responsive justice institutions			The programming cycle of UNCTs
Justice needs of women who face multiple and intersecting forms of discrimination	Creating effective, accountable and gender-responsive justice institutions				Cross-cutting issues to consider during implementation
Programming principles, approach and methodology	Legally empowering women	Legally empowering women			APPENDICES
Purpose and scope	Considerations for crisis-affected contexts	Considerations for crisis-affected contexts			ENDNOTES
About the Toolkit	APPENDICES	APPENDICES			
ENDNOTES	ENDNOTES	ENDNOTES			

TABLE OF CONTENTS

FOREWORD	1
PREFACE	2
ACKNOWLEDGEMENTS	3
LIST OF ACRONYMS AND ABBREVIATIONS	5
THE TOOLKIT AT A GLANCE	7
INTRODUCTION	10
1.0 Summary	11
1.1 The need for a Toolkit	12
2.0 Women's access to justice	15
2.1 Why focus on women's access to justice?	16
3.0 Overarching commitments underpinning women's access to justice	16
4.0 Justice needs of women who face multiple and intersecting forms of discrimination	20
5.0 Programming principles, approach and methodology	23
5.1 Programming principles and approach of the Toolkit	23
6.0 Purpose and scope	25
6.1 What is covered by the Toolkit?	25
6.2 What are the limitations of the Toolkit?	25
6.3 Methodology	26
7.0 About the Toolkit	28
7.1 Audience	28
7.2 Overview of the Toolkit	28
7.3 Navigating the Toolkit	30
ENDNOTES	31

BOXES, FIGURES AND TABLES

BOXES

Box 1	The implications of working in crisis-affected environments: A UNDG perspective	13
Box 2	Bridging the conflict, post-conflict and development agendas	13
Box 3	Policy basis of the Toolkit	27

FIGURES

Figure 1	Characteristics and situational factors that influence vulnerability	20
Figure 2	Principles and entry points for women's access to justice programming	24

TABLES

Table 1	Women's access to justice is underpinned by important standards and norms	17
Table 2	Vulnerabilities and rights violations that specific groups of women and girls face	21



Above: Tunisia. A pottery artist based in Senjane. © World Bank/Arne Hoel.

1.0 Summary

This Toolkit is primarily aimed at relevant staff of the United Nations system and has been designed in response to current gaps in women’s access to justice programming. This straddles the growing demand for technical assistance and the momentum for transformative change that is evolving from the 2030 Agenda for Sustainable Development. Premised on the human rights-based approach to programming,¹ it supports sustainable women’s access to justice through the United Nations Development Group’s (UNDG) four integrated programming principles for United Nations Development Assistance Frameworks (UNDAFs)—leave no one behind; human rights, gender equality and women’s empowerment; sustainability and resilience; and accountability, as well as the three mutually reinforcing entry points for women’s access to justice programming:

- **Creating an enabling environment for women’s access to justice** through reforming formal and informal legal norms that discriminate against women, including addressing the absence of gender-responsive norms and making the macro environment more supportive of women’s justice needs.
- **Reforming justice institutions** to make them effective, accountable and gender-responsive as front-line points of contact.
- **Legally empowering women** through actions which are important for sustaining the first two entry points. These include empowering women and girls with the tools to know, claim and exercise their rights and extending knowledge of women’s rights to men, boys and community power structures.

In this regard, the Toolkit elaborates on the requisite capacities that are needed by both rights-holders and duty-bearers to claim their rights and to fulfil their obligations, respectively. It is anchored in the 2030 Agenda for Sustainable Development, and in other key instruments and agreements, including: international and regional human rights treaties; United Nations standards and norms in crime prevention and criminal justice; concluding observations, recommendations and comments of human rights treaty bodies and the Universal Periodic Review (UPR); Sustaining Peace Resolutions of the General Assembly and United Nations Security Council (UNSC); United Nations Security Council Resolutions (UNSCR) on [Women, Peace and Security](#) (WPS); Peacebuilding and Statebuilding Goals (PSGs) of g7+ countries; and the United Nations General Assembly and Economic and Social Council (ECOSOC), Report of the Secretary-General, [Repositioning the United Nations Development System to Deliver on the 2030 Agenda: Ensuring a Better Future for All](#).

Ban Ki-Moon, the Eighth Secretary-General of the United Nations

“Justice is central to the effort to help women become equal partners in decision-making and development. Without justice, women are disenfranchised, disempowered and denied their rightful place. But with sound legal and justice systems, women can flourish and contribute to the advancement of society, including by helping to improve those very same systems for future generations – daughters and sons alike.”

Source: UN Women, [Progress of the World’s Women, 2011–2012: In Pursuit of Justice](#), p. 2, (New York, 2011).

The Toolkit is a response to the programming challenges of the new and emerging development environment of the twenty-first century

Access to justice is an important entry point for tackling discrimination against women

The Toolkit consists of five Modules. Module 1 presents a broad overview of the key elements of women’s access to justice programming and Module 2 to Module 5 provide thematic “deep dives” into specific areas of women’s access to justice. Intended as a dynamic tool in response to the rapidly evolving nature of the gender and development environment, the initial five Modules are as follows:

- Module 1: The Theory and Practice of Women’s Access to Justice
- Module 2: Marriage, Family and Property Rights
- Module 3: Ending Violence Against Women
- Module 4: Women in Conflict with the Law
- Module 5: Programming at the Country Level

This Introduction sets out the rationale, methodology and building blocks that underpin this Toolkit. It identifies the important role that women’s access to justice plays in addressing gender discrimination and the imperative for specific programming guidance on how this can be done.

1.1 The need for a Toolkit

An estimated four billion people are excluded from the benefits of the rule of law, and as a result, are deprived of the means to live in dignity and escape poverty.² The 2030 Agenda for Sustainable Development signals an urgency to reverse this trend.

[Sustainable Development Goal \(SDG\) 16](#) seeks to promote “peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. The means of achieving this is partly reflected in Target 16.3, which measures the extent to which the rule of law and equal access to justice for all are being promoted at the national and international levels. A recent analysis by the [Pathfinders for Peaceful, Just and Inclusive Societies](#) demonstrates that there are important synergies between SDG 16 and other SDGs: as many as 36 SDG Targets are relevant to peace, inclusion or access to justice.³ To this extent, the world community is agreed that there will be no sustainable development without peace, and no peace without sustainable development.

However, justice will not be “equal” and for “all” unless the root causes of discrimination in access and delivery are addressed. Throughout the world, women continue to experience discrimination in the exercise of their rights through official bias, corruption, impunity, stigma, indifference and systematic failures. Key entry points for reversing such trends are effective laws and justice systems—recognized as mechanisms for shaping society, through enforcement, the elimination of the abuse of power and the creation of a clear pathway for achieving rights.⁴ While constitutional and legislative advancements have been made in favour of women, the transformative power of the law cannot be galvanized without continuing reforms, as discriminatory laws contribute to inequalities within society (SDG Target 10.3).

For desired impact on the ground, it is important that UN staff working in the field of access to justice are aware of both the barriers that women face in accessing justice and the implications of the evolving development landscape on their work. This is particularly

important within the context of the anticipated exponential growth in technical assistance to further the objectives of the 2030 Agenda for Sustainable Development. The World Bank estimates that by 2030, 46 per cent of the world's poor will live in areas characterized as fragile or conflict-affected⁵ and the United Nations Development System (UNDS) is expected to deliver transformative results in such contexts.

BOX 1 The implications of working in crisis-affected environments: A UNDG perspective

Crisis contexts are regarded as “risk-laden development situations, where the cost of implementation is high and the potential for programme/project failure and financial loss is significant. In response, UNDS donors have stressed the need for improved risk management, coupled with greater emphasis on risk mitigation, management, and sharing. Nonetheless, it is crucial to reduce complexities that constrain risk management, particularly in complex conflict and transition contexts.”

Source: UNDG, [UNDG Programme Risk Management for Pooled Funding Solutions in Conflict and Transition Countries](#), p. 3, (New York, 2015).

As complex as the implementation of SDG 16 will be, it must be context-specific, consensus-based, locally owned and proactive rather than reactive. The term “isomorphic mimicry” has been coined by development practitioners in reference to situations in which external actors use a copy and paste approach to development without a focus on achieving functionality.⁶ Calls for external actors to respond to rapidly evolving and complex legal, political, social and cultural ecosystems have increased in recent times.⁷ In line with this, the new peacebuilding architecture of the United Nations demands an uprooting of silos across the pillars of development, prevention and peace and security, with an emphasis on crisis prevention rather than responding to crisis.⁸ As the new trajectory for delivering justice, this business approach needs elaboration through guidance and tools.

BOX 2 Bridging the conflict, post-conflict and development agendas

International actors, including within the UN system, have yet to absorb fully how their tools and actions must adapt and, in general, too often prefer militarized responses. While these can prove effective in the immediate context of halting violence, they tend to address symptoms rather than root causes. The very nature of such responses, with their emphasis on short-term security and their correspondingly heavy resourcing needs, can sometimes detract support and attention from achieving sustainable peace. ... A change in mind-set is needed: rather than waiting until crisis breaks out and then making a default recourse to a crisis response, timely efforts to prevent conflict and then sustain peace need to be embedded across all sectors and phases of action.

Source: [The Challenge of Sustaining Peace](#), Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture, p. 46, (2015).

The Toolkit presents practitioners with a menu of options for preventing and addressing the obstacles that women face prior to, during and after contact within the justice system. It is informed by the recommendations of two interrelated mapping exercises undertaken by the United Nations to assess its operational activities in relation to women's access to justice in conflict and non-conflict settings, respectively.⁹ A common

What does this Toolkit offer?

outcome was a call for specific resources to support UN staff in undertaking women's access to justice programming.¹⁰ While several partners have produced resources on access to justice more broadly, as well as on some thematic areas, a resource to facilitate comprehensive and coherent women's access to justice programming had yet to be developed. The mapping exercises also identified programming deficits in ongoing and future work.¹¹ They include:

- Limited gender-responsive justice planning and capacity-building for justice systems in development settings.
- The lack of comprehensive strategies to take advantage of multiple access points in the justice chain to promote women's access to justice, especially for poor and marginalized women, coupled with severe barriers facing women who experience multiple and intersecting forms of discrimination.
- Inadequate infrastructural development and assistance to local actors in resource mobilization.
- Inadequate engagement with informal justice systems, despite these forums being a significant source of dispute settlement for most women (recognizing, however, that informal justice systems often perpetuate discrimination against women).
- Inadequate measures to mainstream gender-sensitive perspectives beyond sexual and gender-based violence (SGBV), including economic and social justice, in areas such as legal aid, family law and domestic and family violence.
- Inadequate interventions for female prisoners and detainees, in response to the violence that they face, as well as gaps in addressing health and family circumstances.

For most women in post-conflict environments, the violence does not stop with the official ceasefire or the signing of the peace agreement and often increases in the post-conflict setting. The Committee acknowledges the many reports confirming that, while the forms and sites of violence change, which means that there may no longer be State-sponsored violence, all forms of gender-based violence, in particular sexual violence, escalate in the post-conflict setting. The failure to prevent, investigate and punish all forms of gender-based violence, in addition to other factors such as ineffective disarmament, demobilization and reintegration processes, can also lead to further violence against women in post-conflict periods.

Source: United Nations, CEDAW Committee, General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, para. 35, 1 November 2013, CEDAW/C/GC/30.

To the extent possible, this Toolkit brings together the knowledge and tools that are required for gender-responsive justice programming, including those developed by UN agencies, governments and civil society organizations (CSOs). Furthermore, it builds on the following important investments in programming as highlighted by the two mapping exercises:

- Law reform and advocacy
- Training, awareness and education of justice and security sector personnel
- Service provision through entities such as paralegals and CSOs on issues such as SGBV

- Empowering women as agents of change, advocates and rights claimants through, inter alia, CSOs who provide legal aid services, rights awareness and other forms of legal education
- Opportunities presented for integrated rule of law programming in crisis settings through the [Global Focal Point for Police, Justice and Corrections](#) (GFP) arrangement

2.0 Women’s access to justice

The concept of justice is rooted in all national cultures and traditions and is closely linked to fairness, equity and impartiality.¹² The United Nations views justice as “an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs.”¹³ More recently, the High-Level Meeting of the United Nations General Assembly on Peacebuilding and Sustaining Peace (2018) has stressed that the rule of law and access to justice are key to unlocking the potential of sustaining peace.¹⁴

Access to justice is both a basic human right and a means of implementation of other human rights. The United Nations Development Programme (UNDP) defines *access to justice* as “the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards.”¹⁵

Access to justice

- A public good
- An accountability mechanism
- Validates the individual as a holder of rights
- Catalyses poverty eradication
- Contributes to economic growth
- Forms the basis for peace in all societies

Women’s justice needs and experiences may, however, be different from men due to higher levels of poverty and power dynamics in the family and community. Building on the UNDP’s definition of access to justice, the mapping report on non-conflict settings defines women’s access to justice as: “*Access by women, in particular, from poor and disadvantaged groups, to fair, effective, affordable and accountable mechanisms, for the protection of rights, control of abuse of power, and resolution of conflicts. This includes the ability of women to seek and obtain a fair and just remedy through formal and informal justice systems and the ability to influence and participate in law-making processes and institutions.*”¹⁶

With variations by country, a wide range of formal and informal institutions play a significant role in justice delivery. Formal justice and security sector institutions¹⁷ encompass the broad range of State institutions which administer justice across the justice chain. They may include ministries of justice, ministries of defence and ministries of interior/homeland security (as applicable), as well as the respective departments and agencies of these ministries (e.g., law reform commissions, police, courts, prosecution services, immigration and military). Some of these institutions may be specialized. For example, courts may be created to deal specifically with issues such as family, domestic violence, land and labour. The State may also establish quasi-judicial bodies such as National Human Rights Institutions (NHRIs) and Equal Opportunities Commissions to address legal rights, duties and privileges.

2.1 Why focus on women's access to justice?

Justice reforms are needed throughout the world to redress the impact of unequal power relations between men and women. Access to justice is an important dimension of conflict prevention and sustaining peace. CEDAW [General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations](#) (CEDAW GR 30) and CEDAW [General Recommendation No. 33 on Women's Access to Justice](#) (CEDAW GR 33) signal a paradigm shift in justice delivery for women. They emphasize that justice delivery must traverse development, conflict, post-conflict and other forms of crisis contexts, because women and girls are at risk of violence and other forms of violations in all these settings.

The 2030 Agenda for Sustainable Development prioritizes those who are furthest behind, and in many cases, this means women. The diversity of women's personal characteristics and circumstances can lead to complex forms of exclusion, aggravating systemic and structural discrimination, prejudice and stereotyping. Justice programming must therefore strive to be inclusive, which means that no woman can be denied justice due to personal and situational circumstances. Inclusive justice signals a system of justice that is pro-poor and responsive to the rights and needs of all categories of women, particularly those who are marginalized and excluded.

Overall, women's access to justice:

- **Is a means of implementation of women's rights:** Impartial justice institutions signal that women's rights are human rights and, in this context, discrimination against women is eliminated and laws and standards are upheld and enforced.
- **Is central to sustaining peace and the rule of law:** Addressing the myriad of obstacles to women's access to justice before, during or in the aftermath of conflict is essential to eliminating gender-based violence and discrimination.
- **Contributes to the fight against impunity towards women:** The availability of justice signals that women's rights are human rights and that perpetrators of violations of such rights must be held to account.
- **Combats poverty and exclusion:** Accessing justice is a critical pathway to combating poverty, through the protection of economic assets such as land and housing. Strengthening women's property rights also supports income generation, agricultural productivity and food security.
- **Protects from economic exploitation and abuse:** Justice provides legal recourse against unequal pay, sexual harassment and physical harm. By accessing justice, women can address unfair labour practices and exploitation.

3.0 Overarching commitments underpinning women's access to justice

A range of standards and norms provide the relevant foundations for designing and implementing women's access to justice programmes. While many additional protocols exist at global and regional levels, the most salient are highlighted and elaborated in this Section (see Table 1). They constitute a framework of agreed commitments, which

demonstrates the essence of bridging the peace and security, human rights and development agendas. By doing so, programming is better able to capture the continuum of violations of women's rights, including in contexts where transitional justice processes have been concluded.

Women's access to justice is underpinned by a range of global standards, norms and guidelines

TABLE 1 Women's access to justice is underpinned by important standards and norms

<p>2030 Agenda for Sustainable Development</p>	<p>This framework contains a set of 17 interconnected Goals, 169 Targets and 232 Indicators for eradicating poverty, promoting human rights, gender equality, good governance, effective participation and the rule of law. The Pathfinders Roadmap for Peaceful, Just and Inclusive Societies, finds that in all, 36 Targets across the Agenda directly measure an aspect of peace, inclusion or access to justice. Of these, one-third are found in SDG 16. SDG 5 is also particularly relevant because it encompasses a range of commitments such as reforming discriminatory laws, tackling violence against women, addressing women's property rights and ensuring women's effective and meaningful participation in decision-making.</p>
<p>Peacebuilding and Statebuilding Goals</p>	<p>Developed by g7+ countries¹⁸ with bilateral and multilateral donor partners (collectively known as the International Dialogue on Peacebuilding and Statebuilding)¹⁹ the PSGs respond to the specific needs of fragile States in conflict or in its aftermath. This set the stage for A New Deal for Engagement in Fragile States in 2011, which is established on the following five PSGs:</p> <ul style="list-style-type: none"> • Legitimate politics: Foster inclusive political settlements and conflict resolution • Security: Establish and strengthen people's security • Justice: Address injustices and increase people's access to justice • Economic foundations: Generate employment and improve livelihoods • Revenues and services: Manage revenue and build capacity for accountable and fair service delivery.
<p>UNSCRs on Women, Peace and Security</p>	<p>All eight UNSCRs on WPS demonstrate important linkages between access to justice, international peace and security and state accountability. The four dimensions of the WPS agenda, namely, (1) prevention, (2) participation, (3) protection and (4) peacebuilding and recovery, are the reference points for dealing with the many challenges that women face in crises and fragile contexts. Given the volatility and instability of political conditions in fragile settings, understanding the situation of women at risk and undertaking political analyses are central to planning and programming for women's access to justice. Significantly, the Report of the Secretary-General</p>

	<p>on Women's Participation in Peacebuilding (A/65/354-S/2010/466), Tracking Progress: 7-Point Action Plan (7-PAP), intends to accelerate implementation of UNSCR 1325 by committing the United Nations system to specific targets. It highlights the need for increased access to justice for women and girls whose rights are violated, including the promotion of women's participation in post-conflict justice mechanisms and law enforcement.²⁰</p>
<p>Sustaining Peace</p>	<p>The Sustaining Peace agenda has been shaped by a number of groundbreaking assessments and resolutions. These include the assessment of the High-Level Independent Panel on Peace Operations, Uniting Our Strengths for Peace – Politics, Partnership and People; the Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture, The Challenge of Sustaining Peace; UNSCR 2282; and United Nations General Assembly and ECOSOC, Report of the Secretary-General, Repositioning the United Nations Development System to Deliver on the 2030 Agenda: Ensuring a Better Future for All. These frameworks and initiatives emphasize prevention and greater cooperation across the peace and security, human rights and development “pillars” of the United Nations. In this context, UNSCR 2282 recognizes that “an integrated and coherent approach among relevant political, security and developmental actors, within and outside of the United Nations system, consistent with their respective mandates, and the Charter of the United Nations, is critical to sustaining peace, and essential for improving respect for human rights, advancing gender equality, empowering women and youth, strengthening the rule of law, eradicating poverty, building institutions, and advancing economic development in conflict-affected countries”.²¹</p>
<p>The Convention on the Elimination of All Forms of Discrimination against Women</p>	<p>United Nations General Assembly Resolution 34/180, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the global charter of women's rights and therefore, the blueprint for women's access to justice programming. Ratified by 189 countries, the Convention provides the basis for realizing equality between women and men by ensuring women's equal access and equal opportunities in all spheres of economic, social, cultural, political and civil life.²² States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms. States which have ratified the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with</p>

	<p>their treaty obligations to the Convention’s monitoring body, the CEDAW Committee. United Nations General Assembly Resolution 54/4, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women also serves as an important access to justice recourse.²³</p>
<p>United Nations standards and norms in crime prevention and criminal justice</p>	<p>These are instruments which have been adopted by the General Assembly or other intergovernmental bodies based on the consensus of all Member States of the United Nations. They contain detailed guidance for crime prevention and criminal justice practitioners and systems, therefore serving as a roadmap for implementing international obligations on human rights in the administration of justice and related political commitments concerning peace, justice, the rule of law and sustainable development. Examples of standards and norms relating specifically to women’s access to justice include:</p> <ul style="list-style-type: none"> • United Nations General Assembly Resolution 67/187, United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems • United Nations General Assembly Resolution 65/229, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) • United Nations General Assembly Resolution 65/228, Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice²⁴ • United Nations ECOSOC Resolution 2002/12, Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters
<p>General recommendations of the CEDAW Committee</p>	<p>Several general recommendations of the CEDAW Committee and other treaty bodies are central to justice programming because they assist in identifying the underlying causes of gender discrimination in justice delivery, as well as actions that are needed to address them. In response to persistent violations of women’s human rights in and outside of conflict, the CEDAW Committee issued CEDAW GR 30 in 2013. Used as a tool for operationalizing the WPS agenda, CEDAW GR 30 emphasizes the need to establish effective linkages between transitional and post-conflict justice mechanisms to ensure that vulnerabilities associated with SGBV are adequately addressed in all phases of development and fragility. In 2015, the CEDAW Committee issued CEDAW GR 33 to guide States parties and other stakeholders on the most effective ways to protect women against violations of their rights across diverse legal systems.</p>

4.0 Justice needs of women who face multiple and intersecting forms of discrimination

Women who face intersecting forms of discrimination are more likely to be excluded from justice institutions and justice outcomes, often resulting in a cyclical pattern of marginalization

Women are not a homogeneous group. Several personal characteristics and situational circumstances often combine to deepen their exclusion and marginalization. When one or more of the factors highlighted in Figure 1 overlap—as is often the case—the risk of social exclusion and marginalization is not only perpetuated, but also acquires an enduring quality that can span over a lifetime and across generations.

The CEDAW Committee finds that such women are at risk of being deprived of effective remedies for violations of their rights. Women who are marginalized socially, economically, culturally and politically are less likely to report such violations to authorities for fear that they will be humiliated, stigmatized, arrested, deported, tortured or have other forms of violence inflicted upon them. When they do lodge complaints, law enforcement officials often fail to act with due diligence to investigate, prosecute and punish perpetrators and provide remedies.²⁵

Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in Article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.

Source: CEDAW GR 28, para. 18.

FIGURE 1 Characteristics and situational factors that influence vulnerability

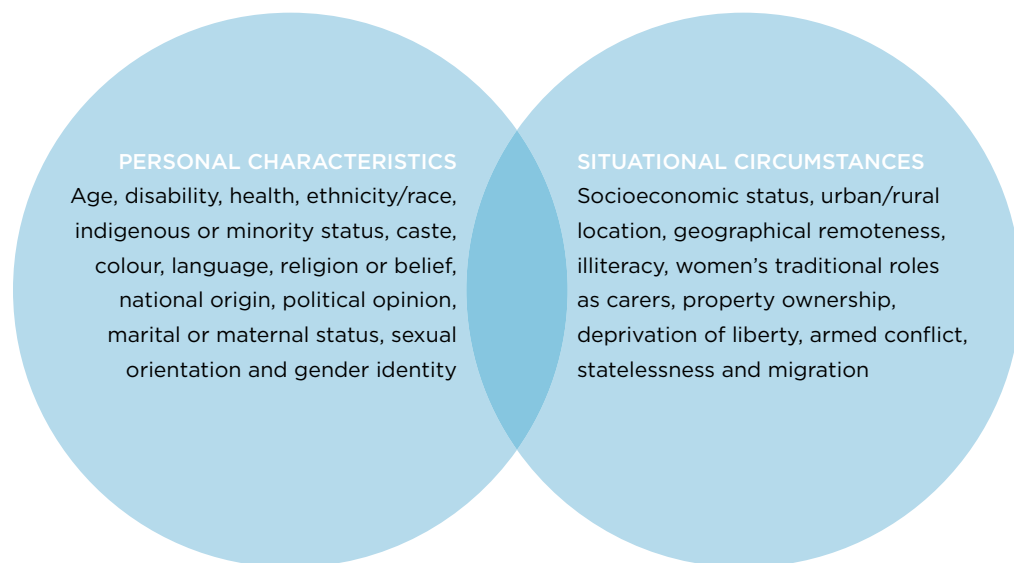


TABLE 2 Vulnerabilities and rights violations that specific groups of women and girls face

<p>Girls and adolescents</p>	<p>Most girls and adolescents <i>will</i> face some form of violation of their rights by the time they reach 18 years of age. They are at risk of early marriage in over 50 countries where the minimum legal age for marriage is lower for women than for men. One in three girls, mainly in developing countries, is married before the age of 18.²⁶ One hundred million to 140 million girls and women worldwide have undergone female genital mutilation/cutting (FGM/C).²⁷ Young girls and adolescents lack the voice and status to challenge discrimination, and young wives and mothers have few opportunities to influence the design of informal and formal justice systems so that programming can reflect and address their realities. Being young and female can be a potential source of intersectional discrimination, placing girls and adolescents at much higher risk for gender-based violence, especially during crisis situations, and a heightened likelihood for rape, early marriage, sexual exploitation, abduction and trafficking. Girls and adolescents also lack the social or legal capacity to make significant decisions about their lives in areas relating to education, health and sexual and reproductive rights. There is some urgency to target the needs of this group: the leading causes of death are suicide, complications during pregnancy and childbirth and AIDS.²⁸</p>
<p>Rural women</p>	<p>Rural women live in locations where the availability of formal justice institutions may be limited, resulting in substantial direct and indirect costs of accessing justice (i.e., traveling long distances). For women who experience extreme poverty, high levels of illiteracy and lack knowledge of their rights and available services, the obstacles are much greater. Reliance on subsistence agriculture for sustained livelihoods demands that women possess secure land tenure, access to a home and an income, whether through inheritance, marriage or their own labour. See CEDAW General Recommendation No. 34 (2016) on the Rights of Rural Women (CEDAW GR 34) for additional information.</p>
<p>Indigenous, Afro-descendant and minority women</p>	<p>Women from indigenous, Afro-descendant and minority (national, ethnic, religious and linguistic) groups experience intersectional discrimination resulting from experiences of colonization and militarization, as well as in their personal characteristics (e.g., sex, race, age and ethnicity). They may have limited legal awareness and suffer from inadequate legal protection. Furthermore, lack of intercultural approaches and recognition of their rights leads to limited confidence in State justice institutions and increased reliance on informal systems, which may uphold discriminatory patterns of behaviour and</p>

The barriers that specific groups of women, adolescents and girls face in accessing justice are enormous and include situations such as poverty, lack of autonomy and agency

	<p>practices. See: United Nations General Assembly Resolution 47/135, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; United Nations General Assembly Resolution 61/295, United Nations Declaration on the Rights of Indigenous Peoples; and International Labour Organization (ILO), Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries.</p>
Women living with HIV	<p>Women living with HIV experience at least three forms of intersectional discrimination: gender, HIV status and perceived disability. The HIV pandemic magnifies barriers and has a disproportionate impact on women. Women are most vulnerable to contracting HIV and least able to mitigate the impact of the virus if infected. Their rights are compromised because of their real or presumed status, or because of the fear or fact of HIV risk and vulnerability. Women living with HIV experience an ongoing continuum of human rights abuses within their families, communities and in legal and health-care settings that include, but are not limited to, violence, violations of sexual and reproductive rights and the denial of property and inheritance rights.</p>
Women migrants	<p>Women migrants have limited legal protections as non-citizens or as undocumented migrants. They often work in invisible sectors as bonded labourers and domestic workers, outside the purview of government institutions responsible for enforcing employment standards and of law enforcement agencies. Linguistic and legal literacy challenges limit their ability to report abuse and identify institutions and organizations that can support them.</p>
Older women	<p>Older women are defined as those who are 50 years and above.²⁹ They are disproportionately affected by unequal power relations within the home, illiteracy, discrimination in the distribution of productive resources, unpaid care work and gender bias in employment and in accessing services. Furthermore, older women experience heightened forms of violations of their rights and therefore exclusion and poverty. Compared to other groups, older women are also at greater risk of accusations of witchcraft, widowhood rites and deprivation of property.³⁰</p>
Sexual orientation and gender identity	<p>Lesbian, bisexual, transgender, intersex and related groups lack legal protection, particularly in the estimated 72 countries where consensual relationships between adults of the same sex are criminalized. Reports of the Special Rapporteur on violence against women, its causes and consequences notes alleged</p>

	incidents of gang rape, corrective rape, family violence and murder experienced by lesbian, bisexual and transgender women in a number of countries, as a result of societal prejudices which often extend into the very systems where women seek protection. ³¹
Women with disabilities	Women and girls with disabilities experience discrimination and prejudice in both public and private spaces and crimes committed against women and girls with disabilities are not routinely exposed or reported. Moreover, the lack of accessible justice facilities and services to persons with diverse forms of disability (e.g., visual, physical, hearing, intellectual, mental), results in exclusion from protection and remedies.

5.0 Programming principles, approach and methodology

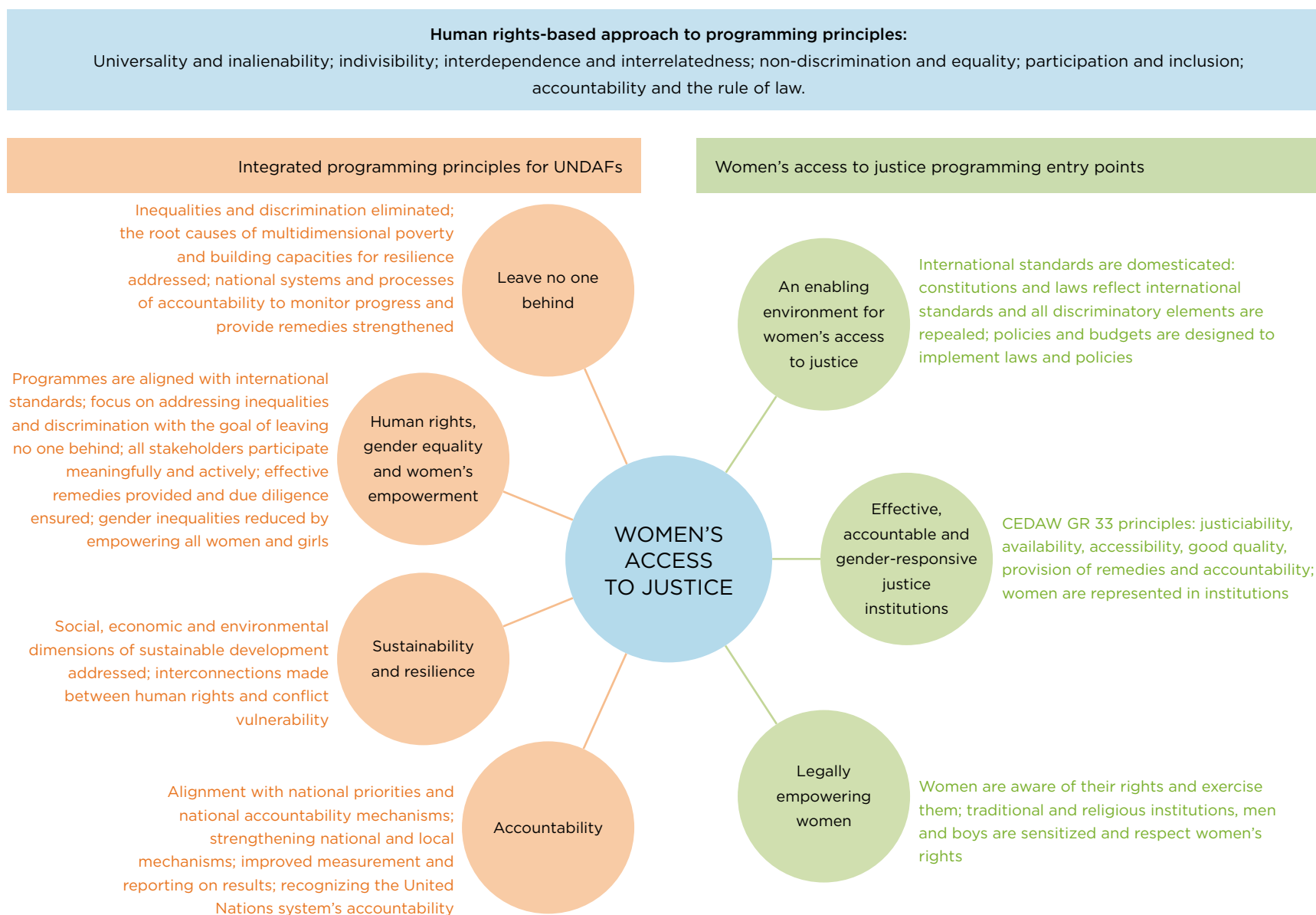
5.1 Programming principles and approach of the Toolkit

The adoption of the four UNDAF integrated programming principles (leave no one behind; human rights, gender equality and women’s empowerment; sustainability and resilience; and accountability) and three programming entry points (creating an enabling environment for women’s access to justice; effective, accountable and gender-responsive justice institutions; and women’s legal empowerment) ensure that the following perspectives are taken into account in programming:

- The elimination of discrimination based on both sex and gender across the entire justice chain, recognizing the complex network of actors and institutions.
- The varying needs and circumstances of diverse groups of women. The Toolkit promotes the inclusive agenda of *leave no woman behind*—especially those who face multiple and intersecting forms of discrimination based on personal characteristics and situational circumstances such as age, race, ethnicity, disability, sexual orientation and gender identity, location and HIV/AIDS status.
- A continuum in women’s access to justice programming across all country contexts—conflict, post-conflict, humanitarian and development (low, medium to high human development), including when countries transition across such contexts.
- Limited awareness of *rights-holders* (women) and *duty-bearers* (justice actors) of their rights and duties within and across the justice chain as well as accountability for their actions.
- Considerations for the local context, history, politics and culture of the country in question.

The Toolkit is informed by the four UNDAF integrated programming principles and the human rights-based approach to programming

FIGURE 2 Principles and entry points for women’s access to justice programming



Sources: UNDG, [United Nations Development Assistance Framework Guidance](#), pp. 9-12, (New York, 2017); [CEDAW GR 33](#); and United Nations, General Assembly, Resolution 70/1, [Transforming Our World: The 2030 Agenda for Sustainable Development](#), 25 September 2015, A/RES/70/1.

6.0 Purpose and scope

6.1 What is covered by the Toolkit?

This Toolkit presents a common operational model for the design, implementation, monitoring and evaluation of women’s access to justice programmes in all country contexts, crisis situations (conflict, post-conflict, natural disasters and development) and across legal systems.³²

While relevant to such contexts, the Toolkit is also capable of responding to evolving shifts and developments in global and regional situations. In this context, the Toolkit is a dynamic tool, capable of expanding over time. It elaborates on the theory and practice of women’s access to justice and incorporates thematic “deep dives” into the areas of: (1) marriage, family and property rights; (2) ending violence against women; (3) women in conflict with the law; and (4) programming at the country level.

In line with CEDAW GR 33, “women” as used in this Toolkit includes girls—“for the purposes of the present general recommendation, all references to ‘women’ should be understood to include women and girls, unless otherwise specifically noted.”³³ This approach is consistent with other standards such as the African Union, [Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa](#) (Maputo Protocol); United Nations General Assembly Resolution 48/104, [Declaration on the Elimination of Violence against Women](#); United Nations General Assembly Resolution 65/228, [Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice](#);³⁴ and Council of Europe, [Convention on Preventing and Combating Violence against Women and Domestic Violence](#) (Istanbul Convention).

6.2 What are the limitations of the Toolkit?

This Toolkit is designed to fill specific gaps in existing resources, and therefore complements, rather than duplicates, tools that are presently available.

Firstly, it does not cover the broader dimensions of access to justice and rule of law, into which the more specific dimensions of women’s access to justice are embedded. Additional scope for examining the wider field of access to justice and rule of law are offered through a number of other resources produced by UN agencies, the World Bank, the Organisation for Economic Co-operation and Development (OECD) and other institutions.

Secondly, justice for the girl child is not included in the context of girls in conflict with the law as juveniles. This is in view of the specialized nature of this important area of law, which is deserving of its own attention and is resourced by several existing tools, particularly those of the United Nations Children’s Fund (UNICEF) and United Nations Office on Drugs and Crime (UNODC).³⁵ Other aspects of the Toolkit, particularly those that involve legislative and policy reforms, and institutional and empowerment measures in areas such as family law and violence, are, however, relevant to girls and adolescents.

The issues covered in this Toolkit are a starting point. Additional thematic chapters will be developed over time in response to the technical needs of UN staff



Above: Bangladesh. A transgender woman poses at her home. © UNICEF/Jannatul Mawa.

Due to the availability of other resources, the Toolkit does not cover issues of transitional justice, which involve Truth Commissions and various forms of national and international criminal courts and investigative processes.³⁶

The Toolkit is expected to catalyse action on the programming gaps identified in the two mapping reports referenced in Section 1.1 and documentation of experiences and lessons will provide opportunities for shaping future Modules.

6.3 Methodology

This Toolkit is based on desk reviews of: (1) the current state of published and unpublished literature on women's access to justice globally; (2) UN agencies' and other international and regional organizations' work on rule of law with a focus on women; (3) the positioning of women's access to justice in UNDAFs and justice sector policies; (4) potential indicators that can support measurements in access to justice from a gender perspective at national level, resulting from a partnership between the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Council of Europe; (5) existing technical resources on access to justice generally, and on women's access to justice specifically; (6) WPS frameworks and reports; and (7) United Nations resolutions on access to justice.

The development of the Toolkit also benefited from expert papers commissioned by UN Women, focus group discussions and key informant interviews with selected national stakeholders. Additionally, it drew on expertise from two representatives of the CEDAW Committee as well as practitioners from the United Nations, government and CSOs, through an expert group meeting held from 17 to 19 October 2016 in New York.

The Toolkit is informed by desk reviews of published and unpublished resources, key informant interviews, focus group discussions and a collation of expert opinions

The following frameworks, resolutions and studies serve as the policy basis for the Toolkit:

BOX 3 Policy basis of the Toolkit

- United Nations and World Bank, [Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict](#), (2018)
- United Nations General Assembly and Security Council, Report of the Secretary-General, [Peacebuilding and sustaining peace](#), (2018)
- Council of Europe, [Improving Women's Access to Justice in Six Eastern Partnership Countries in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine in 2015-2017](#)
- United Nations General Assembly and ECOSOC, Report of the Secretary-General, [Repositioning the United Nations Development System to Deliver on the 2030 Agenda: Ensuring a Better Future for All](#), (2017)
- UNODC, [Model Law on Legal Aid in Criminal Justice Systems with Commentaries](#), (2017)
- International Commission of Jurists (ICJ), Practitioner's Guide 12 on [Women's Access to Justice for Gender-Based Violence](#), (2016)
- Office of the United Nations High Commissioner for Human Rights (OHCHR), [Human Rights and Traditional Justice Systems in Africa](#), (2016)
- United Nations General Assembly Resolution 70/262, [Review of the United Nations Peacebuilding Architecture](#), (2016)
- United Nations General Assembly Resolution 71/243, [Quadrennial Comprehensive Policy Review of Operational Activities for Development of the United Nations System](#) (QCPR) (2016)
- United Nations Security Council Resolution [2282](#), (2016)
- [World Humanitarian Summit](#), (2016)
- CEDAW [General Recommendation No. 33 on Women's Access to Justice](#), (2015) and related recommendations and comments of the CEDAW Committee and other treaty bodies
- OHCHR, United Nations Population Fund (UNFPA), UNODC and UN Women, [Recommendations for Action Against Gender-Related Killing of Women and Girls](#), (2015)
- Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture, [The Challenge of Sustaining Peace](#), (2015)
- UN Women, [Preventing Conflict. Transforming Justice. Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325](#), (2015)
- United Nations High-Level Independent Panel on United Nations Peace Operations, [Uniting Our Strengths for Peace - Politics, Partnership and People](#), (2015)
- United Nations General Assembly Resolution 70/1, [Transforming Our World: The 2030 Agenda for Sustainable Development](#), (2015)
- UNDP and UN Women, [Improving Women's Access to Justice: During and After Conflict: Mapping UN Rule of Law Engagement](#), (2014)
- United Nations General Assembly, Report of OHCHR, [Summary Report on the Recommendations of the Panel Discussion on Gender Stereotyping and on Women's Human Rights in the Context of Sustainable Development Agenda](#), (2014)

- UNODC and UNDP, [Handbook on Early Access to Legal Aid in Criminal Justice Processes: A Handbook for Policymakers and Practitioners](#), (2014)
- UNODC, [Handbook on Effective Prosecution Responses to Violence Against Women and Girls](#), (2014)
- UNODC, [Handbook on Women and Imprisonment](#), (2014)
- UNODC, [Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women](#), (2014)
- OHCHR, [Gender Stereotyping as a Human Rights Violation](#), (2013)
- ILO, International Organization for Migration (IOM), OHCHR, UNDP, UNODC and UN Women, “Mapping of Women’s Access to Justice Activities of Select IANGWE Members in Non-Conflict Settings”. Report prepared by Caitlin Boyce. (Unpublished), (2012)
- UNDP, UNICEF and UN Women, [Informal Justice Systems: Charting a Course for Human Rights-Based Engagement](#), (2012)
- The findings and recommendations of UN Women, [Progress of the World’s Women 2011-2012: In Pursuit of Justice](#), (2011)
- United Nations [Report of the Secretary-General on Women’s Participation in Peacebuilding \(A/65/354-S/2010/466\)](#), [Tracking Progress: 7-Point Action Plan](#), (2010)
- UNODC, [Handbook on Effective Police Responses to Violence Against Women](#), (2010)

7.0 About the Toolkit

7.1 Audience

The primary users of this Toolkit are programming, policy and managerial staff of the United Nations system. It is also adaptable for use by State and non-State actors who seek to better understand perspectives on women’s access to justice programming within their own institutional contexts. In addition to the broader dimensions of programming, the Toolkit assumes that users possess basic knowledge of issues and concepts related to gender and development.

7.2 Overview of the Toolkit

The Toolkit is comprised of five Modules, all of which are structured around the three entry points to justice programming (creating an enabling environment for women’s access to justice; creating effective, accountable and gender-responsive justice institutions; and women’s legal empowerment). Each Module highlights key thematic issues, elaborates on the three programming entry points and outlines the primary considerations for undertaking women’s access to justice programming. The Toolkit is not a policy prescription or one-size-fits-all. It acknowledges that women’s justice needs differ by country and region and on that basis, programming must be context-specific and rooted in local ownership. While recognizing this broader context, the Toolkit also sheds light on valuable experiences and lessons of the United Nations system, governments and CSOs in designing and implementing gender-responsive access to justice programmes.

While designed for UN staff, the Toolkit can also be used by State and non-State practitioners

The Toolkit consists of five interrelated Modules



Above: Afghanistan. Students in a classroom. © World Bank/Sophie Tesson.

The Modules consist of the following:

Module 1: The Theory and Practice of Women's Access to Justice

Module 1 sets out the programming framework and approach that serves as the foundation for subsequent Modules. It brings together the knowledge and the tools that are required for gender-responsive justice programming, to mitigate barriers and strengthen women's capacity to navigate the justice system. It presents a detailed exploration of the three women's access to justice programming entry points, while identifying typical programming challenges and recommendations for each area. This approach recognizes that effective access to justice requires a combination of legal reforms, changes in institutional culture and effective community responses to standards and norms which hinder women's rights.

Module 2: Marriage, Family and Property Rights

Module 2 addresses marriage, family and property rights. It cuts across a range of economic, social, cultural, political and civil domains that have considerable impact on women's ability to access justice. Laws, policies and practices in this area are often the most discriminatory against women and require scrutiny and well-designed programming to support reforms and timely implementation. Furthermore, laws and policies regulating marriage, family and property often overlap with customary law, which is a complex terrain for women who are seeking justice. As such, this Module considers women's ability to access justice in relation to personal law in their capacities as wives, mothers and daughters.

**Module 1:
The Theory and
Practice of Women's
Access to Justice**

**Module 2:
Marriage, Family
and Property
Rights**

**Module 3:
Ending Violence
Against Women**

Module 3: Ending Violence Against Women

Module 3 provides programmatic guidance to support access to justice in the context of violence against women, which manifests in a range of crimes in violation of the fundamental human rights of women. Violence against women is rooted in historical inequality between women and men, and can cause significant physical, social and economic harm to women. It is therefore necessary to carefully consider access to justice programming challenges and options in the context of supporting women to report instances of violence. In so doing, it would be important to assess and address the response of justice and security actors to such situations and to ensure that women are protected at all levels and stages at which the administration of justice is set in motion.

**Module 4:
Women in Conflict
with the Law**

Module 4: Women in Conflict with the Law

Module 4 signals an urgency in programming in a largely neglected area of women and the law. Although the percentage of women in prison is growing at a faster rate compared to that of the male prison population globally, policies, programmes and structures that govern criminal justice administration remain largely male-centred and do not integrate the specific needs and rights of women in a comprehensive manner. Laws and policies, for example, often do not consider the pathways to female incarceration and how those drivers can be mitigated. The Module therefore explores the challenges and opportunities for strengthening women's access to justice across the entire criminal justice chain, from women's first contact with law enforcement officials, pretrial detention, trial, sentencing, detention, imprisonment and release.

**Module 5:
Programming at
the Country Level**

Module 5: Programming at the Country Level

Module 5 provides guidance on how best to advance women's access to justice in the context of the programming cycle of United Nations Country Teams (UNCTs). It identifies synergies between the UNDG [United Nations Development Assistance Frameworks Guidance](#) on preparing UNDAFs, Common Country Analysis (CCA) and international standards and norms on women's access to justice. These Guidelines support the human rights-based approach to programming and are expressed in the three-pronged framework of this Toolkit. The step by step guidance follows the stages of the UNDAF roadmap and identifies key entry points for women's access to justice programming.

**How to use the
Toolkit**

7.3 Navigating the Toolkit

The Toolkit Modules are presented separately and in consolidated form. It integrates additional sources and materials to enhance the user's understanding of women's access to justice, as well as hyperlinks to these resources to facilitate online use. Although integrated and interconnected, each Module of the Toolkit can be used as an independent resource. The full list of acronyms used across the entire Toolkit can be found at the beginning of the consolidated version of the Toolkit and in this Introduction.

ENDNOTES

- 1 The United Nations system's adoption of the human rights-based approach to programming is solidly expressed in United Nations, *The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies*, developed at the Inter-Agency Workshop on a human rights-based approach in the context of UN reform, (3-5 May 2003). More information may be found on the HRBA Portal, available from <http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies> (accessed 15 March 2018).
- 2 Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone*, Report of the Commission on Legal Empowerment of the Poor, vol. 1, p. 19, (New York, Commission on Legal Empowerment of the Poor and UNDP, 2008).
- 3 Pathfinders for Peaceful, Just and Inclusive Societies, *The Roadmap for Peaceful, Just and Inclusive Societies: A Call to Action to Change our World*, p. 12, (New York, Center on International Cooperation, 2017).
- 4 UN Women, *Progress of the World's Women 2011-2012: In Pursuit of Justice*, p. 9, (New York, 2011).
- 5 The World Bank, "Fragility, Conflict and Violence", (9 February 2017), available from <http://www.worldbank.org/en/research/dime/brief/fragility-conflict-and-violence>.
- 6 See Lant Pritchett, Michael Woolcock and Matt Andrews, "Capability Traps? The Mechanisms of Persistent Implementation Failure", Working Paper 234, p. 20, (Washington, D.C., Center for Global Development, 2010) and Philipp Krause, Background Note, "Of institutions and butterflies: is isomorphism in developing countries necessarily a bad thing?", p. 1, (London, Overseas Development Institute, 2013).
- 7 See United Nations, General Assembly, ECOSOC, Report of the Secretary-General, *Repositioning the United Nations Development System to Deliver on the 2030 Agenda: Ensuring a Better Future for All*, 11 July 2017, A/72/124-E/2018/3.
- 8 Ibid., paras. 7-8, 31 and United Nations, UN Peacebuilding Support Office/Policy, Planning and Application Branch, *What Does "Sustaining Peace" Mean?*, p. 5, (New York, 2017).
- 9 UN Women and UNDP, *Improving Women's Access to Justice: During and After Conflict: Mapping UN Rule of Law Engagement*, (New York, 2014). This study was commissioned by UN Women, with support from UNDP, and conducted by Caitlin Reiger, an independent consultant. It has been endorsed by the UN Rule of Law Coordination and Resource Group. See ILO, IOM, OHCHR, UNDP, UNODC and UN Women, "Mapping of Women's Access to Justice Activities of Select IANGWE Members in Non-Conflict Settings", (2012). Report prepared by Caitlin Boyce. (Unpublished).
- 10 UN Women and UNDP, *Improving Women's Access to Justice: During and After Conflict*, p. 68.
- 11 Ibid., pp. 64-68. See "Mapping of Women's Access to Justice Activities of Select IANGWE Members in Non-Conflict Settings".
- 12 United Nations, Security Council, Report of the Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, para. 7, 23 August 2004, S/2004/616.
- 13 Ibid., para. 7. See United Nations, International Covenant on Civil and Political Rights (ICCPR), Human Rights Committee, General Comment No. 31 [80], *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 29 March 2004, CCPR/C/21/Rev.1/Add.13. General Comment No. 31 discusses the nature of the general legal obligation imposed on States parties,

- along with United Nations, General Assembly, Resolution 60/147, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, 16 December 2005, A/RES/60/147 and United Nations, Human Rights Council, *Report of the Special Rapporteur on the independence of judges and lawyers*, Gabriela Knaul, 29 April 2011, A/HRC/17/30.
- 14 United Nations and World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, (Washington, D.C., World Bank, 2018) and United Nations, General Assembly, Security Council, Report of the Secretary-General, *Peacebuilding and sustaining peace*, 18 January 2018, A/72/707-S/2018/43.
 - 15 UNDP, *Programming for Justice: Access for All – A Practitioner’s Guide to a Human Rights-Based Approach to Access to Justice*, p. 5, (Bangkok, 2005).
 - 16 “Mapping of Women’s Access to Justice Activities of Select IANGWE Members in Non-Conflict Settings”.
 - 17 The Toolkit uses the terms “justice sector” and “justice and security sector” interchangeably.
 - 18 The g7+ countries are a voluntary association of countries that are, or have been, affected by conflict and are now in transition to the next stage of development. See g7+, “Who We Are”, (2018), available from <http://www.g7plus.org/en/who-we-are> (accessed 15 March 2018).
 - 19 In 2012, civil society was brought into the dialogue as “the third partner” although it has struggled to maintain a voice in the process. See Jacob Hughes, Ted Hooley, Siafa Hage and George Ingram, *Implementing the New Deal for Fragile States*, Global Economy and Development at Brookings, Global Views, Policy Paper 2014-02, p. 2, (Washington, D.C., The Brookings Institution, 2014).
 - 20 United Nations, Security Council, Report of the Secretary-General, *Women’s Participation in Peacebuilding*, paras. 7, 18, 7 September 2010, A/65/354-S/2010/466.
 - 21 United Nations, Security Council, *Resolution 2282*, p. 2, 27 April 2016, S/RES/2282(2016).
 - 22 OHCHR, “Ratifications of the Convention on the Elimination of All Forms of Discrimination against Women”, (20 June 2016), available from http://www.ohchr.org/Documents/HRBodies/CEDAW/OHCHR_Map_CEDAW.pdf.
 - 23 United Nations, General Assembly, Resolution 54/4, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, 15 October 1999, A/RES/54/4.
 - 24 Refer to the Annex of United Nations, General Assembly, Resolution 65/228, *Strengthening Crime Prevention and Criminal Justice Responses to Violence Against Women*, 31 March 2011, A/RES/65/228.
 - 25 United Nations, CEDAW Committee, *General Recommendation No. 33 on Women’s Access to Justice*, para. 10, 3 August 2015, CEDAW/C/GC/33.
 - 26 UNFPA, *Marrying Too Young: End Child Marriage*, p. 22, (New York, 2012).
 - 27 UNFPA, *State of the World Population 2014: The Power of 1.8 Billion: Adolescents, Youth and the Transformation of the Future*, p. 36, (New York, 2014).
 - 28 See UNFPA, *State of the World Population 2015: Shelter from the Storm: A Transformative Agenda for Women and Girls in a Crisis-Prone World*, pp. 36-55, (New York, 2015).
 - 29 World Health Organization (WHO), *Women, Ageing and Health: A Framework for Action: Focus on Gender*, p. 2, (Geneva, 2007).
 - 30 *Ibid.*, pp. 5-6, 38.
 - 31 Aengus Carroll and Lucas Ramón Mendos, *State-Sponsored Homophobia 2017: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, 12th ed., p. 8, (Geneva, International Lesbian, Gay, Bisexual, Trans and Intersex Association, 2017). For an example of the

Special Rapporteur's findings see United Nations, Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to South Africa*, Dubravka Simonovic, paras. 33-34, 18 November 2016, A/HRC/32/42/Add.2. For a full list of the Special Rapporteur's reports see OHCHR, "Annual reports", available from <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/AnnualReports.aspx> (accessed 15 March 2018).

- 32 According to Urban Jonsson, internal conflict can be of three types: (1) armed conflict between government and dissident forces, where the latter control part of the territory, enabling them to carry out sustained concerted military operations; (2) armed conflict between government and dissident forces, when the latter do not have control of the territory; and (3) lower intensity conflict, classified as internal tensions and disturbances. See Urban Jonsson, *Human Rights Approach to Development Programming*, p. 194, (Nairobi, UNICEF, 2003).
- 33 CEDAW/C/GC/33, para. 1.
- 34 Refer to the Annex of A/RES/65/228.
- 35 Resources in the field of child justice administration include: United Nations, General Assembly, Resolution 40/33, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, 29 November 1985, A/RES/40/33; United Nations, General Assembly, Resolution 45/112, *United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)*, 14 December 1990, A/RES/45/112; United Nations, General Assembly, Resolution 45/113, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, 14 December 1990, A/RES/45/113; United Nations, General Assembly, Resolution 69/194, *United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*, 18 December 2014, A/RES/69/194; United Nations, ECOSOC, Resolution 1997/30, *Administration of Juvenile Justice*, 21 July 1997, E/RES/1997/30; United Nations, ECOSOC, Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, 22 July 2005, E/RES/2005/20; United Nations, Committee on the Rights of the Child, *General Comment No. 10, Children's Rights in Juvenile Justice*, 25 April 2007, CRC/C/GC/10; Office of the Special Representative of the Secretary-General on Violence against Children, *Safeguarding the Rights of Girls in the Criminal Justice System: Preventing Violence, Stigmatization and Deprivation of Liberty*, (United Nations publication, Sales No. E.15.I.10); and UNODC, "Children, Victims and Women's Issues", (2018), available from <https://www.unodc.org/unodc/en/justice-and-prison-reform/childrensvictimswomensissues.html> (accessed 15 March 2018). Latest tools developed by UNODC in the field of justice for children include: (i) Introductory Booklet on the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice; (ii) Checklist to the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the field of crime prevention and criminal justice; (iii) Training Programme on the Treatment of Child Victims and Child Witnesses of Crime - for Prosecutors and Judges; (iv) Training Programme on the Treatment of Child Victims and Child Witnesses of Crime - for Law Enforcement Officials; and (v) INSPIRE: Seven Strategies for Ending Violence against Children. See UNODC, "Tools and Publications", (2018), available from <https://www.unodc.org/unodc/en/justice-and-prison-reform/tools.html> (accessed 15 March 2018).
- 36 For resources in the field of gender and transitional justice, see UN Women, *A Window of Opportunity: Making Transitional Justice Work for Women*, prepared by Nahla Valji, (New York, 2010); UN Women, *Gender and Transitional Justice Programming: A Review of Peru, Sierra Leone and Rwanda*, prepared by Nahla Valji, (New York, 2010); UN Women, "Chapter 4: Justice for Women During and After Conflict", in *Progress of the World's Women 2011-2012: In Pursuit of Justice*, pp. 80-103; UN Women, "Toward an Era of Transformative Justice", in *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of UN Security Council resolution 1325*, pp. 98-129, (New York, 2015).



*Empowered lives.
Resilient nations.*

