

UNICEF submission to Committee on Elimination of all forms of Discrimination Against Women
Access to Justice for women and girls
23 January 2013

UNICEF welcomes the decision of the CEDAW to issue a General Recommendation on Women's Access to Justice. Such a General Recommendation will be both timely and essential considering the enormous challenges women and girls of all backgrounds face in seeking appropriate redress for violations of their rights.

The concept note provides a comprehensive overview of the specific instances in which the Committee has had to make observations and specific recommendations to State Parties towards addressing this issue and therefore serves as an informed basis for the planned General Recommendation.

In recognition of the importance of this initiative, UNICEF makes the following suggestions for consideration by the Committee:

1. Extend considerations to the enforcement of social, economic and political rights of women. By way of example, it would be important for the justice system to provide increased opportunities for addressing the negative portrayal of women in the media as well as for instance negligence during child birth
2. From a public policy perspective, a holistic, rights based, accountability approach for the whole society including girls may be more sustainable and cost-effective in the long run from a State Party perspective
3. In addition to traditional legal systems, the paper could consider the situation in religious legal settings as well as in quasi-judicial mechanisms, e.g. national human rights institutions, where it could be much cheaper and quicker to obtain justice
4. Protection should also be extended to female human rights defenders and organizations who/which in some situations have been harassed or persecuted for promoting the legal rights of women
5. In a number of jurisdictions there is also need to improve the collection of forensic evidence especially at rural level. In some countries, forensic evidence has to be exported for analysis
6. In addition to payment for professional fees, some women are also unable to pay the basic filing fees which should be waived where necessary
7. Finally in terms of participation in the process, it would be good to see the general recommendation developed with a broad range of actors, including obtaining inputs from a range of experts from both the formal, religious and traditional settings. Women magistrates could also be better informants compared to women who sit on higher courts, because of their regular touch with the community.

The Committee might also be interested in the in the initial findings of an exploratory study being undertaken by the UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States in 9 countries of the region on access to justice for children, including girls. The purpose of the study is to clarify for which legal issues children in the CEECIS region may seek justice, through which avenues, what are the obstacles that they meet and which groups are most affected. It looks at justice systems and mechanisms in a broad sense: criminal civil and administrative; judicial and non-judicial (e.g. mediation processes or Ombudsman offices); State and non-State such as traditional mechanisms. While the study focuses on children in general, it is of relevance to girls in particular, and some can be extrapolated to adult women. The initial findings include that:

- Justice systems are generally not adapted to children's rights, and lack specialized courts or officials with specialized training
- Children in the region face extraordinary obstacles in accessing justice, in particular in relation to violence cases
- Some groups of children are more affected than others. Discrimination also was identified as an obstacle to access to justice, including discriminatory attitudes of parents towards the rights of girls, and

discriminatory attitudes of the authorities towards the poor and towards minorities. Children with disabilities often face additional barriers e.g. in terms of physical access or access to information.

The study concludes that, in spite of this reality, children are rarely seen as stakeholders in policies and programming around access to justice and often left out of such agendas or plans. In particular, child victims and witnesses – and even more so access to justice for all children – have not been given systematic attention in justice reforms in the region so far, where the focus, as far as children are concerned, has rather been on children in conflict with the law (juvenile justice).

For further information on this regional study, kindly contact:

Anne Grandjean
Child Protection Specialist
UNICEF Regional Office for CEE/CIS
email: agrandjean@unicef.org

For further information regarding this submission in general, kindly contact:

Beatrice Duncan
Human Rights Specialist
UNICEF Gender and Rights Section
bduncan@unicef.org