



Justice for Women

High-level Group Report

The Pathfinders for Peaceful, Just and Inclusive Societies

When world leaders adopted the 2030 Agenda, they included SDG16, a goal that seeks to create peaceful, just and inclusive societies. Such an overarching ambition was absent from the Millennium Development Goals, the SDGs' predecessor. However, there was no clear path to implementation of this aspirational goal, and no agreement on how to turn it into an agenda for action.

In response, a number of countries took the lead to become the Pathfinders for Peaceful, Just and Inclusive societies. These Pathfinder countries come together to demonstrate the action they will take to build more peaceful, just and inclusive societies, providing a basis for exploring the partnerships, funding, and knowledge sharing required to underpin delivery of this new goal.

The Pathfinders focus on all targets for peaceful, just and inclusive societies, linking the 12 targets from SDG16 to 24 targets from seven other goals that directly measure an aspect of peace, justice or inclusion. They call this SDG16+.

In September 2017, the Pathfinders launched the Roadmap for Peaceful, Just and Inclusive Societies, as a 'first guide' to implementation, supported by 28 Pathfinder countries and 18 international organizations. The Roadmap identifies three grand challenges, areas in which the Pathfinders want to set a policy and learning agenda while raising ambition and increasing political will.

The Task Force on Justice was set up in response to one of these grand challenges—the ambition to provide access to justice for all.

The Task Force on Justice

In February 2018, the Task Force was launched in Buenos Aires, as an initiative of the Pathfinders. It is chaired by ministers from Argentina, the Netherlands, and Sierra Leone, and by Hina Jilani, lawyer and human rights activist who is one of the Elders.

The Task Force on Justice aims to contribute to better justice outcomes for people and communities who are outside the protection of the law, in line with SDG16.3 and related targets on justice, in several ways:

- It will encourage governments (national and sub-national) to make ambitious commitments to implement SDG16.3, backed up by credible, realistic, and funded strategies and plans.
- It seeks to contribute to increasingly coherent and comprehensive support for the implementation of SDG16.3 by international and regional organizations, and by multi-stakeholder partnerships.
- It is at the heart of efforts to build a more effective and empowered movement for justice at global, regional, national and local levels.

The Task Force took on three core tasks: to develop a new global estimate of the justice gap; to make the case for investment in justice; and to identify the strategies, tools and approaches that will increase access to justice.

The Task Force is supported by a growing alliance of justice partners. The World Justice Project, UNODC and other partners are developing a new synthesis of justice data. The OECD and the World Bank are building a case for investment in justice. HiIL is leading a working group on innovation, and the International Center for Transitional Justice is heading the working group on transitional justice. Multiple partners, including UNDP and the Open Government Partnership, are supporting countries to strengthen national implementation.

In this way, the Task Force will act as a platform for commitments on justice ahead of the High-Level Political Forum in 2019.

The High-level Group on Justice for Women

Members of the Task Force on Justice feel strongly that there cannot be justice for all without justice for women, and they made this a priority in the Task Force's workstreams.

On the initiative of UN Women, three co-conveners came together to form the High-level Group (HLG) on Justice for Women, as represented by:

- **Phumzile Nguka-Mlambo, Executive Director, UN Women;**
- **Irene Khan, Director General, IDLO; and**
- **Sandie Okoro, Senior Vice President and Group General Counsel, World Bank Group.**

In addition to the co-conveners, the HLG is composed of high-level representatives from governments, international and national organizations, academics and CSOs, across various regions:

- **Abubacarr Marie Tamberdou**, Minister of Justice, the Gambia;
- **Catherine Harrington**, Campaign Manager, Global Campaign for Equal Nationality Rights;
- **Dubravka Simonovic**, UN Special Rapporteur on Violence against Women, its causes and consequences;
- **Frida Angelica Gomez Perez**, Director-General, Noticias Tiemposmodernos, and National Councilor for the Evaluation and Monitoring of Public Policies on Youth, Mexican Youth Institute, Mexico;
- **Hilary Gbedemah**, Chairperson, CEDAW Committee;
- **Maria Fernanda Rodriguez**, Under-Secretary, Ministry of Justice and Human Rights, Argentina;
- **Nana Darkoa Sekyiamah**, Director of Information, Communications and Media, AWID;
- **Nathalie G. Drouin**, Deputy Minister of Justice and Deputy Attorney General, Canada;
- **Nursyahbani Katjasungkana**, Head, Association of Indonesian Women for Justice, Indonesia;
- **Patricia Scotland**, Commonwealth Secretary General; and
- **Rangita de Silva de Alwis**, Associate Dean, University of Pennsylvania.

The HLG was tasked to address the following questions:

Measuring the justice gap for women and girls

What do women and girls need and want when they seek justice? Are the justice needs of women and girls being comprehensively addressed across their life cycle and in challenging circumstances such as during conflict and in post-conflict situations? What is the impact of gender discriminatory legal frameworks and social norms, as well as gender bias, on the delivery of justice for women?

Making the case

What impact will women's increased access to justice have on reducing violence and ensuring access to economic resources and basic services such as land, credit, sexual and reproductive health, and education? What is the case for action and investment in access to justice for women and girls, and how can this case be made effectively?

Understanding what works

What strategies, tools and approaches are likely to increase access to justice for women and girls? How can legal, policy and fiscal reforms be scaled up and accelerated in their favor? How can discriminatory social norms and gender bias be addressed in formal and informal justice systems?

Call to action

What commitments should national and local actors make to close the justice gap for women and girls? How can international and regional cooperation support access to justice for women and girls at national levels? What can be done in the immediate, medium and long term?



The current report is the result of this work. It seeks to bring together insights and make recommendations on strategies to further justice for women. As such it charts a course that will support implementation of SDG16 and SDG5. The HLG invites justice leaders from across the world to join them in their commitment to further actions to accelerate implementation of the vision of Agenda 2030 on justice for all and justice for women.

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Foreword

“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”.¹ To reach those aims and to achieve the promise of sustained, transformative change, the globally agreed 2030 Agenda for Sustainable Development commits to leave no one behind— not women, not minorities, not migrants, not indigenous people, not people with disabilities. More than that, those farthest behind must now be moved to the top of the global community’s agenda.

Four decades after the landmark Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and with unprecedented consensus on the 2030 Agenda for Sustainable Development, the international commitment to gender equality and the empowerment of women and girls has never been stronger. The rallying call of the 1992 Vienna Declaration and the 1995 Beijing Conference – that women’s rights are human rights and human rights are women’s rights – still resonates around the world.

Since that message was first articulated, major progress in girls’ and women’s education and health demonstrates that commitment and action can lead to real transformative change. Yet there is still much to do to achieve justice for women. In line with CEDAW’s approach to substantive equality – which looks beyond equality of access and opportunity to equality of results – this report covers access to justice for women, the process of attaining justice and outcomes in terms of justice for women.

Across the globe, women’s demands for accountability for violations and abuses have gained greater attention than ever before. This


is a watershed moment for gender equality, with campaigns and movements worldwide such as #MeToo, NiUnaMenos and SheDecides, with women’s marches, local and national-level agitation, and many governments and corporations underlining their commitment to change.

These movements have exposed the persistent disparity between the promise of justice and the realities on the ground, at home, in communities and in the workplace. Women continue to face legal discrimination, patchy legal protections and uneven implementation of existing safeguards. In 2017, more than one billion women lacked protection from sexual violence by an intimate partner, while an estimated 1.5 billion were without legal protection against sexual harassment at work.² And while there is much-warranted attention on ending violence, the areas of family justice and penal justice, among others, have been relatively neglected. Around the world, discriminatory social norms and laws, compounded by multiple layers of disadvantage – due to poverty, ethnicity, disability, geography, and migratory status – remain powerful obstacles to equal rights and opportunities for hundreds of millions of women.

Today, the world faces the urgent task of accelerating progress. The current momentum for gender justice presents unprecedented opportunities for amplifying change. In 2019, SDG16 and the 2030 Agenda for Sustainable Development will respectively undergo their first reviews by the High-level Political Forum and the United Nations General Assembly.³

We are delighted to present this unprecedented report which contributes to those fora by outlining the investment case for justice for women, the existing gaps and what works, and concludes with a call to action.

Signed by the heads of the institutions that co-convene HLG.



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List of acronyms

CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
FAO	Food and Agriculture Organization
GDP	gross domestic product
GPP	Gender Population Poll
HiIL	Hague Institute for Innovation of Law
HLG	High-level Group on Justice for Women
ID	identification card
IDLO	International Development Law Organization
ILO	International Labour Organization
IMF	International Monetary Fund
NGO	non-governmental organization
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDG	Sustainable Development Goal
SIGI	Social Institutions and Gender Index
UN	United Nations
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WPS	women, peace and security



Introduction

We are at a pivotal moment for women's rights. The historical and structural inequalities that have allowed oppression and discrimination to flourish are being exposed like never before. From Latin America to Europe to Asia, on social media, on film sets, on the factory floor and in the streets, women are calling for lasting change and zero tolerance for sexual assault, harassment, and discrimination of all kinds.

UN Secretary-General's message for International Women's Day, 2018

The adoption of a global commitment to promote peaceful, just and inclusive societies and access to justice for all (SDG 16) and a stand-alone commitment to gender equality and the empowerment of women and girls (SDG 5) are unprecedented. These goals recognize that there can be no justice for all without justice for women: equal and effective justice for women and girls provides a foundation for more sustainable and inclusive patterns of development and is essential to reaching the furthest behind.

There are major synergies in the policies and interventions bringing together SDGs 5 (achieve gender equality and empower all women and girls) and 16 (peace, justice, inclusion and strong institutions) to remove barriers to justice, close the justice gap and accelerate progress on all SDGs, including SDG 1 (ending poverty) and SDG 10 (10.3 reduce inequality). The SDGs are interconnected and mutually dependent, with a focus on gender reflected throughout (Box 1.2).

The High-level Group (HLG) on Justice for Women was established to present data and evidence on what needs to be done to achieve justice for women and girls, contributing strategically to global debates. The HLG is a part of the Task Force on Justice, an initiative of the Pathfinders for Peaceful, Just, and Inclusive Societies. The Pathfinders group is seeking to collectively advance peaceful, just and inclusive societies (SDG16+). A gender and human rights perspective is at the heart of its work, with concerted efforts to tackle the epidemic of violence and other violations experienced by women and girls. The Task Force aims to provide justice for all, in line with SDG 16.3 and related targets, and has worked with the world's leading justice data organizations to integrate survey data with other sources of evidence on the nature and scale of injustice and the performance of the justice system.

This report aims to inform the Task Force on Justice by highlighting critical concerns for women and girls and the transformational potential of equitable justice outcomes.⁴ Key terms used in the report are defined in Box 1.1.

Box 1.1: Selected key definitions

Gender-based violence: Violence directed against a person on the basis of their gender (this is elaborated upon in CEDAW General Recommendation No. 19 on violence against women as updated by General Recommendation No. 35 on gender-based violence against women).

Intimate partner violence: Violence inflicted by a husband, partner, or boyfriend, which can include sexual, physical, psychological, and economic forms of violence.⁵

Investment in justice: Commitment of resources for initiatives to improve access to justice. It does not include all spending on “law and order”.

Justice gap for women: The disparity in access to justice and satisfaction of legal needs experienced by women and girls. This gap reflects women’s unmet justice needs and the gap between women and men’s access to justice.

Rule of law: A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.⁶

Unmet legal needs: refers to a situation in which people cannot access justice to address their legal problems. For women, CEDAW General Recommendation No. 33 highlights constitutional, civil, criminal, family and administrative protections and acknowledges the importance of formal, informal and legal pluralism in understanding women’s unmet justice needs.

Violence against women: Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.⁷ Gender-based violence against women makes explicit the gendered causes and impacts of the violence.

Women’s access to justice: The ability of women to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards.⁸ CEDAW General Recommendation No. 33 on women’s access to justice lists six components – justiciability, availability, accessibility, good quality, accountability and provision of remedies – which are necessary for ensuring women’s access to justice.

A human rights-based approach to justice seeks “to develop people’s capacity to demand accountability in two ways: by defining a minimum scope of legitimate claims (human rights); and by enhancing the accountability mechanisms and processes through which they protect these claims (e.g. the justice system)”.⁹

Women and girls: In this report, all references to “women” should be understood to include women and girls, unless otherwise specifically noted.¹⁰

Box 1.2: The Sustainable Development Agenda and gender equality

The post-2015 development agenda, led by UN Member States with broad participation from a range of stakeholders, has targets under SDG 5 on gender equality and women's empowerment.

SDG 5 aims to achieve gender equality and empower all women and girls. It has nine associated targets, all with links to economic empowerment. Those most relevant to this report include:

- End all forms of discrimination against all women and girls everywhere.
- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.
- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.
- Ensure universal access to sexual and reproductive health and reproductive rights.
- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

SDG 16 seeks to build more peaceful and inclusive societies, highlighting the prevention of all forms of violence and actions to increase social, economic and political inclusion. Specific targets include significant reductions in all forms of violence and related death rates everywhere, ensuring equal access to justice for all and responsive, inclusive, participatory and representative decision-making at all levels. There is a commitment that, by 2030, there will be legal identity for all, including birth registration, as well as the promotion and enforcement of non-discriminatory laws and policies for sustainable development.

Addressing gender disparities is recognized in SDG 8 for decent work and economic growth through "full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value" (Target 8.5) and through "protect[ing] labor rights and promot[ing] safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment" (Target 8.8).

SDG 10 seeks to ensure "equal opportunity and reduce inequalities of outcomes, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard".



Understanding Women's Justice Needs

A decade ago, a landmark United Nations (UN) study stated that “at least four billion people are excluded from the rule of law”.¹¹ Today, advances in data and knowledge allow a more detailed assessment of justice needs. By 2019, legal needs studies had been conducted in more than 100 countries, by governments, statistical agencies, think-tanks, NGOs and others.¹² The Task Force on Justice is synthesizing data on the

scale of unmet justice needs – what people need and want when they seek justice, and how the burden of injustice is distributed between and within countries; women, children, and men; and excluded groups, documenting structural and systemic barriers to justice for all. This chapter complements this analysis with selected estimates for women based on recent legal needs surveys and other evidence.

Box 2.1: Justice journeys in Nigeria

In Nigeria, 25 million people face a new legal problem every year, but only 11 million will resolve their justice problems. What happens to the remaining 14 million?

Imagine a group of 10 diverse Nigerians starting their justice journeys at the same time. The first step is access to affordable and complete information and advice. Of our 10 justice seekers, only seven will have access to any legal information and advice, of any quality. Men and women typically access information equally, but women tend to seek advice from relatives and religious leaders while men are more likely to go to friends and formal institutions, such as the police or lawyers. The next step on the journey is taking action—seven of our Nigerian justice seekers (six who received legal advice and one who did not) will take action to solve their problems. For three people, the journey ends here. Women living in poverty are the least likely to act. Of these seven remaining justice seekers, only four will have their justice demand resolved by the end of the journey, one will have given up on the process and two will still be waiting for a solution. This means that only four of our original 10 justice seekers will reach a resolution for their justice problems, while six get lost or give up en route. Women living in poverty face greater hardship in getting their legal problems resolved—only three out of 10 poor women in Nigeria fully resolve their legal demands.

Now imagine the journey from the perspective of Fatima, a 42-year-old widow and an internally displaced person. One day, when an NGO came to her camp for internally displaced people to distribute goods, she collected some items for her neighbors who could not attend. Her neighbors, rather than being appreciative, abused her for not collecting more items and reported the matter to the police. Fatima was illiterate and did not have representation or know her rights, but local leaders got involved, and the story was narrated to the police. The local leaders and police worked together to resolve the matter and bring the neighbors to justice. Fatima was fortunate to have the support of local leaders and for their cooperation with formal institutions. But this is not always the case.¹³

It is useful to begin with an illustration of the reality of women’s justice journeys, to show how key challenges can be intertwined and compounded, sometimes leading to very difficult situations.

What do the data show?

Women’s justice needs vary enormously, depending on their socioeconomic and family status, location, ethnicity and other sources of advantage and disadvantage – see UN Women *et al.* 2018 for a useful overview¹⁴ – as well as the nature of the legal system and the extent of protection and discrimination under the law. Their needs not only vary, but can run the gamut from family, marriage, property, inheritance, and land disputes to due process, immigration and asylum matters, sexual harassment, trafficking and labor exploitation, and even denial of the right to self-employment. In many countries, particularly in Africa, it is a criminal offense to be a street vendor. Even when it is not a criminal offense, as in Latin America, street vendors –like other women who use the public space for commercial purposes, such as sex workers – may be adversely affected by the norms and regulations (such as Codes of Misdemeanors) and be vulnerable to police abuse and extortion, without the social, economic and legal resources to obtain justice.¹⁵

Our analysis looks at two sources of country-level data, using the World Justice Project’s General Population Poll (GPP) on access to justice in 45 countries,¹⁶ and The Hague Institute for Innovation of Law (HiiL) surveys, available for 13 countries,¹⁷ which document common legal problems, whether they were resolved, and whether hardship was experienced as a result of these legal problems.

The headline results suggest that for both men and women, just over half – 53 percent – had experienced a legal problem over the past two years. The data also suggest that in countries where the situation of women is worse overall –

in terms of women’s inclusion, justice and security, countries in the bottom tercile of the Women, Peace and Security (WPS) Index¹⁸ – a higher share of women, around 60 percent, express legal needs. Figure 2.1 shows the overall share of those surveyed across 45 countries who had experienced a legal problem in the last two years, disaggregated by gender, and for the bottom WPS Index country tercile. The HiiL surveys likewise suggest that, in the 13 countries covered, about 52 percent of men had experienced some type of legal problem in the past four years, compared to 48 percent of women. There are country outliers, such as Ukraine, where nearly 57 percent of women but only 43 percent of men had experienced a legal problem during the period.

Across all the domains surveyed – from health to consumer issues, debt, family and public services – similar shares of women and men face civil legal problems. At the same time, higher shares of women experience challenges related to family legal problems – including separation and divorce – and education. In the HiiL surveys, while men reported slightly higher rates of legal problems overall, women reported legal problems at a much higher rate in the categories of family, children, and social welfare. For example, 40 percent more women than men experienced legal problems related to domestic violence and 75 percent more women reported legal problems around obtaining child support.

While men reported more employment-related problems in both surveys, the HiiL surveys found that nearly 40 percent more women than men experienced harassment at work, and around 40 percent more women than men experienced workplace discrimination. And while men experienced more crime-related legal problems, 90 percent more women than men experienced sexual assault. Women informal workers can be more vulnerable to gender-based violence due to the intersection of their gender and insecure working conditions.¹⁹

Figure 2.1: More people face civil legal problems in countries performing poorly on WPS Index

	Overall average		Top WPS tercile		Bottom WPS tercile		Gender gap, percentage points	Gender gap, in percent	Gap in bottom tercile, in percent
	Male	Female	Male	Female	Male	Female			
Total	53.1%	53.0%	58.2%	58.0%	62.6%	60.8%	0.1%	0.2%	3.1%
Accidental Illness & Injury	7.8%	6.9%	11.6%	10.9%	5.6%	4.7%	0.9%	12.6%	21.4%
Citizenship & ID	6.1%	5.8%	5.7%	4.6%	11.6%	12.5%	0.4%	6.4%	-7.2%
Community & Natural Resources	12.8%	11.5%	12.4%	9.7%	20.1%	19.3%	1.3%	11.6%	4.0%
Consumer	26.1%	24.7%	27.7%	25.8%	31.9%	29.6%	1.4%	5.6%	7.8%
Debt	10.0%	9.5%	15.5%	15.0%	5.9%	5.0%	0.5%	5.1%	17.2%
Employment	9.9%	8.3%	14.7%	13.4%	7.5%	4.6%	1.7%	20.0%	63.9%
Education	5.7%	6.0%	8.4%	8.1%	5.2%	5.6%	-0.3%	-5.0%	-7.7%
Family	8.1%	9.0%	11.0%	11.3%	7.4%	8.8%	-0.9%	-10.4%	-15.9%
Housing	19.8%	20.1%	27.2%	26.6%	16.2%	16.8%	-0.3%	-1.7%	-3.4%
Land	9.6%	8.8%	11.3%	10.3%	11.1%	9.2%	0.8%	8.7%	21.2%
Law Enforcement	1.7%	0.9%	2.1%	1.1%	2.2%	0.9%	0.9%	99.6%	138.7%
Money	12.4%	10.2%	18.7%	15.6%	8.9%	6.6%	2.2%	21.6%	33.8%
Public Services	13.5%	13.5%	19.7%	18.3%	10.6%	12.6%	0.1%	0.6%	-15.5%

Reported experience of legal problems over the last two years, 45 countries, by gender, 2017

Source: Author estimates based on GPP Dispute Resolution Model

Note: Gender gap defined as (male level –female level) / female level. A negative gap indicates larger problems for women.

These surveys provide important insights, but may not well capture major cross-cutting challenges, most notably overlapping disadvantage and legal discrimination. It is likely that the needs of those living in poverty are larger. Neither surveys had data showing patterns across income groups.

The World Justice Project survey also asked respondents whether their legal problem was “resolved” or “ongoing.” The share who described the problem as “done” was lowest in the bottom WPS Index country tercile – 49 percent – for both men and women.

The survey data suggest that a majority of women and men – 60–70 percent – have legal capabilities in that they reportedly know where to get advice and obtained the expert advice they needed. About 70 percent globally were also confident that they could achieve a fair outcome. However, the rates are lower in countries in the bottom WPS Index tercile, around 50–60 percent for

women across various aspects of legal capability. The gender gap is largest for knowledge about where to get advice and getting the expertise needed for women living in countries in the bottom WPS Index tercile: nearly 71 percent of women in the top WPS Index country tercile but only 49 percent in the bottom tercile got all the expert advice they needed.

Cross-cutting challenges

Several cross-cutting themes shape our understanding of women’s justice needs, namely legal discrimination, plural systems and overlapping disadvantage. Overlapping disadvantage and social exclusion limit the ability to fully participate in society, the economy and civic life. When greater social inclusion is achieved, opportunities and justice are more accessible to all.²⁰ Two stories of how these challenges can affect women’s justice journeys are outlined in Box 2.2

Figure 2.2: Most people report legal capabilities, but fewer women have legal capabilities in countries performing poorly on WPS Index

	Overall Average		Top WPS tercile		Bottom WPS tercile		Gender gap, percentage points	Gender gap, in percent	Gender gap in the bottom tercile, in percent
	Male	Female	Male	Female	Male	Female			
Knew where to get advice	69.4	67.1	69.7	69.0	66.0	61.2	2.3	3.5	8.0
Confident they could achieve a fair outcome	69.8	69.4	71.7	70.8	61.8	62.1	0.4	0.6	-0.6
Got all the expert help they needed	57.5	56.7	58.1	58.7	51.6	49.1	0.8	1.3	5.3

Aspects of legal capability, by gender, 2017

Source: Author estimates based on World Justice Project GPP data

In this light, cross-cutting challenges are first addressed, followed by selected themes which have particular resonance for women.

Overlapping disadvantage

People living in poverty experience more frequent and more complex, interrelated legal problems. This phenomenon, which is a critical aspect of what is also known as “intersectionality”, can lead to cumulative disadvantage.²² Marginalized and socially excluded populations are more likely to

experience civil legal problems than other groups. In the United States (US), for example, people from low-income households are approximately 30 percent more likely to have civil justice problems than those with a high income. In Jordan, people living in poverty are more likely to have legal needs involving family matters – such as marriage/divorce, child support and custody, alimony, and inheritance.²³

Box 2.2: Justice journeys in Uganda and Jordan

In 2011, Joan, a Ugandan woman, married a man and moved to Kampala. There she realized that her husband had seven children with various women and he expected her to take care of all of them. She sold goods in the market, but making ends meet was a challenge. One day he left her for another woman. He was eventually jailed for abandoning his children, but upon release, he fled the city. Joan has no proof of marriage and her name is not on her home’s title. She will be forced to leave the house that she built with her husband.

Sawsan is a 35-year-old Syrian refugee living in Jordan, raising four children – one of whom is with disabilities – alone as her husband is in jail. When she rented a house for her family, the landlord required that she sign a promissory note, but did not provide her with information about its legal consequences. Sawsan did not understand financial practices or the law in Jordan and when she moved out, she did not cancel the note. When new tenants moved in, and did not pay the rent, the landlord demanded payment from Sawsan, whose promissory note was never cancelled. The landlord took her to court – she had to either pay 1,200 dinars (over 1,600 dollars) or go to jail. She did not have the money but knew that going to jail would mean her children living on the street. A local legal aid organization provided a lawyer for Sawsan’s case, and she was able to reach a settlement with a drastically reduced fine.²¹

The cumulative effect of legal problems means that every additional problem experienced by an individual increases the probability of experiencing more problems, especially true for low-income people and members of disadvantaged groups.²⁴ In Australia, where just 9 percent of survey respondents accounted for 65 percent of legal problems, people with multiple levels of disadvantage are more vulnerable to legal problems.²⁵ People with multiple (at least six) indicators of disadvantage reported six times as many problems as those with none.²⁶

Marginalized and disadvantaged groups face both cultural and structural barriers in accessing justice. They may be illiterate or face language barriers in the courts. For example, a recent United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) report revealed that monolingual members of ethnic minorities in Myanmar are less likely to approach the legal system because they do not speak enough Burmese to engage with legal staff, much less interpret legal terminology.²⁷

Intersecting inequalities exist everywhere, but the identities and experiences of those furthest behind differ widely across countries and regions. Some examples: in Latin America, labor earnings reflect disparities based on the gender, location, race and ethnicity of working people, with indigenous women earning the least, controlling for education; in Serbia, young Roma women attain two thirds of the schooling of Roma men, even though nationally, young women average more in education than men.²⁸ In Nigeria, wealth, education and child marriage are linked: over 95 percent of women in the richest households who married at age 18 or older completed secondary education or higher, while less than 2 percent of women in the poorest households who married before the age of 18 did so.²⁹ Likewise, in Colombia, rates of child marriage are below 10 percent for the richest urban households, but approach 50 percent among the poorest rural households, who are mostly Afro-Colombian.³⁰

Box 2.3: Age and disability as forms of disadvantage

Inequalities associated with older age are often ignored or marginalized. Old age can be an important determining factor in access to housing, healthcare, and freedom from violence. Older persons can face a high incidence of poverty and other sources of disadvantage.

Disabilities also contribute to exclusion. Data from prevention interventions in six countries in Asia and Africa show that women with disabilities are two to four times more likely to experience partner violence than those without disabilities, and that the risk increases with the severity of impairment.

WHO estimates that globally more than one billion people live with some form of disability, with higher prevalence rates among women than men. The Committee on the Rights of Persons with Disabilities (2014) noted that women with disabilities are three times more likely than those without disabilities to suffer sexual and physical abuse; with even higher risks for women who reside in institutions. They also have less access to social services and support systems. Girls with disabilities are more likely to be institutionalized and are at greater risk of being subjected to forced marriage, forced sterilization and forced abortion and are more likely to be victims of physical and sexual violence, both inside and outside the home.³¹

Overlapping disadvantage is certainly not unique to women, but affects women disproportionately in communities where they are more likely to be disadvantaged and living in poverty. And as can be seen below, challenges like violence at home can be compounded by housing, debt and other justice issues.

Legal discrimination

Hundreds of millions of women live in countries where they face legal discrimination in the family, workplace and/or polity and society, or they do not have legal protection.³²

Where the national system of justice does not guarantee gender equality, where deliberate discrimination against women persists, and/or legal protection is lacking, justice for women is undermined. Discriminatory legal frameworks are an injustice in and of themselves – indeed in such situations the law itself is a source of injustice. In some countries, women are not guaranteed equal treatment with men in applying for a passport; freely choosing their marital residence; acquiring, retaining, changing or conferring their nationality on their spouses or children; and deciding when and whom to marry. Labor laws in some jurisdictions exclude women from various jobs on the pretext of protecting their health, while unequal pay for women and men who undertake the same tasks is legal in many countries.³³ Discriminatory laws have a range of repercussions – barring women from owning property, opening bank accounts, taking out loans and starting businesses.³⁴

The focus is often on explicitly discriminatory laws – of which there are many, as tracked by *Women, Business and the Law*, a World Bank publication.³⁵ At the same time, even laws that look “gender-neutral” – and do not explicitly differentiate between men and women – may adversely affect one sex. This is because existing inequalities and norms affect how the law operates in practice.³⁶ This is not just about laws on the books – but is also very much related

to how laws play out in practice and how discriminatory attitudes affect implementation and enforcement.

The gap between law and practice led to the establishment of the Working Group on the issue of Discrimination against Women in Law and in Practice in 2010 by the Human Rights Council due to its deep concern that women everywhere are still subject to significant disadvantage as a result of discriminatory laws and practices, that de jure and de facto equality has not been achieved in any country in the world, and that pledges to eliminate discriminatory laws have not been fulfilled.³⁷

One example of how law plays out in practice is regulations around business formalization, particularly lengthy and complex registration, incorporation and licensing rules. These can effectively exclude women because of restrictions on their mobility and time, in some cases making it impossible for them to formalize their businesses. Women may be less able than men to afford long and expensive registration procedures, in part because of the “double workday” of domestic and business responsibilities or because they may face higher levels of “interference” from government officials. It was reported on a survey in Bangladesh that government clerks who were charging “speed payments” to process claims were more likely to target women, especially pregnant and ill women because they were seen to be in too weak a position to protest.³⁸

Small-scale cross-border trade may be dominated by women – for example more than 70 percent of the traders in the Great Lakes region are women, trading goods (foodstuffs, clothes and so on) between the Democratic Republic of Congo, Rwanda, Uganda and Burundi. This trade is mostly informal but is subject to export or import taxes.³⁹ Trade barriers that impinge heavily on women documented by the World Bank include lack of transparency and awareness of rules, difficulties

in obtaining required documents, lack of access to information, and poor conditions and harassment when crossing borders.⁴⁰

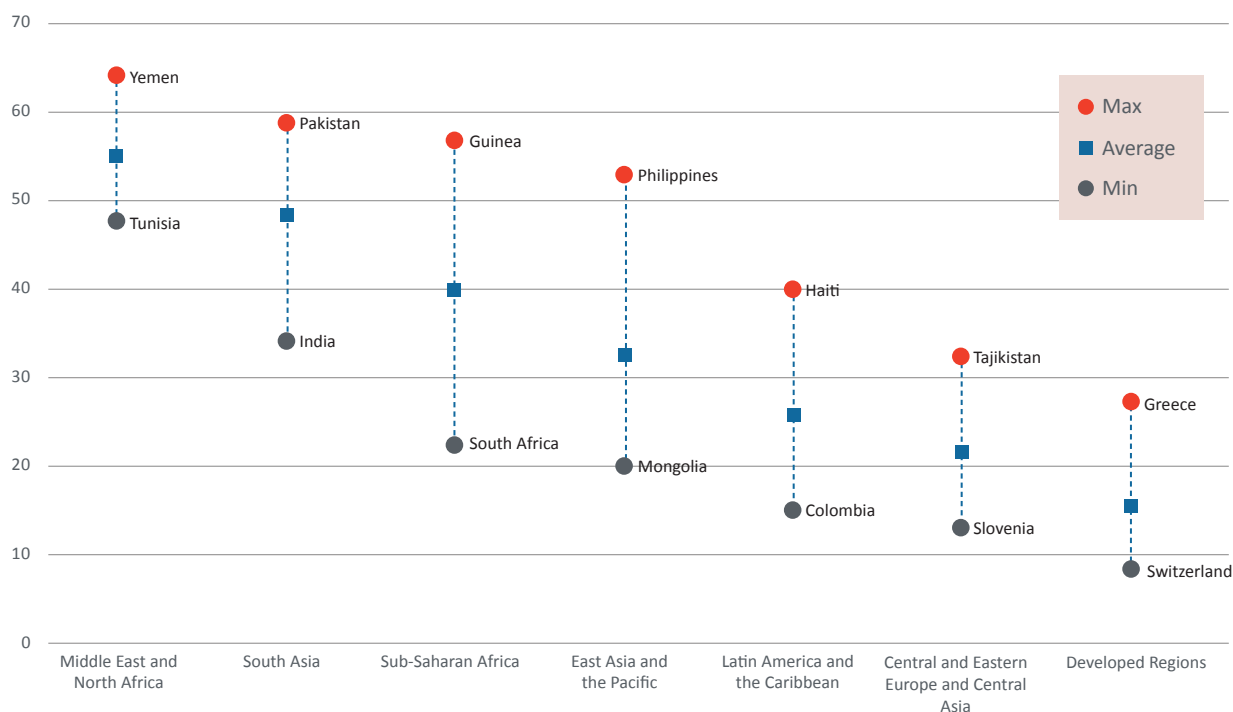
As explored further below, similar issues can be at play in land reform programs. Ostensibly gender-neutral laws in a context where men are recognized as household heads can operate to deprive women of their rights to inherit or transfer land⁴¹ if they fail to recognize that women are less empowered than men to use formal processes. Again, women may also be subject to illegal demands for payment. In 2015, Transparency International found that in Ghana, nearly 40 percent of women compared with 23 percent of men said corruption hindered their access to land, and that they faced bribery and sexual harassment.⁴²

The Social Institutions and Gender Index (SIGI), estimated and published by the Organisation

for Economic Co-operation and Development (OECD), provides a useful global overview of the extent of discrimination, both on paper and in practice.⁴³ The SIGI covers several dimensions of discriminatory social institutions, and quantifies such variables as unequal inheritance rights, early marriage, violence against women, and unequal land and property rights across 120 countries. Figure 2.3 shows the patterns across countries and country outliers, both negative and positive. The regional groups with the highest and lowest index scores – Middle East and North Africa and Developed countries –also have the lowest within-region variance.

Addressing discriminatory laws and norms is central to justice for women, especially in countries that stand out for the extent of discrimination – as in Yemen, Pakistan, and Guinea – highlighted in Figure 2.3.

Figure 2.3: Measured rates of discrimination vary across and within regions



OECD SIGI by region, 2019

Source: Author estimates based on <https://stats.oecd.org/Index.aspx?DataSetCode=SIGI2019> using UN Women country group classifications.

Box 2.4 Regional spotlight: the Pacific

A recent review of legislative barriers to gender equality in 14 Pacific island countries found that the most common barriers include:

- gaps in the definition of discrimination set out in constitutions and broad exceptions to the prohibition on discrimination that may erode gender equality;
- the lack of effective measures to address the under-representation of women in leadership and decision-making;
- limited or no anti-discrimination and sexual harassment laws to protect women in the workplace;
- the lack of secured transaction legislation to increase access to finance and credit;
- fault-based divorce; and
- either outdated sexual offenses legislation; or newly introduced domestic violence legislation, presenting challenges for effective implementation.⁴⁴

Regional patterns of legal discrimination are evident. A recent review of discriminatory laws in 14 Pacific island countries documented a range of barriers which underpin women's disadvantage in the region (Box 2.4).

Plural legal systems

All legal systems are plural, which means there is a plurality of laws and venues for resolving disputes.⁴⁵ The formal justice system "is simply one possible avenue in the reality of multiple legal orders".⁴⁶ "Informal justice systems" is a broad term encompassing all conflict resolution and justice mechanisms that operate outside of the formal or State legal system. This includes religious and customary systems, alternative dispute resolution mechanisms, and popular justice forums.⁴⁷

Many constitutions of the world recognize customary law and religion.⁴⁸ Customary law draws its legitimacy from practice and encompasses the rules and dispute resolution processes of clans, lineages and traditional groups. The content differs across countries and across communities within the same country, and changes over time to adapt to new circumstances.⁴⁹

The vast majority of justiciable problems are resolved outside of the formal system: in developing countries, up to 80 percent of the cases are resolved by informal justice systems.⁵⁰ According to *Afrobarometer*, in African countries, about 52 percent of people first go to the police if they are the victim of a crime, while almost 1 in 5 turn to traditional leaders or the courts, and 10 percent to their own family members. As seen in the HiIL surveys above, women are slightly less likely to go to the police than men (51 versus 53 percent) and a slightly higher share of women turn to their own family members (11 percent vs 9 percent of men).⁵¹

Customary legal systems are diverse in terms of the implications for women's justice. Some are matrilineal where women have a traditional role in decision-making; others are patrilineal and exclude or marginalize women;⁵² others still have adapted to the changing roles of women and men in society. As in formal law, entrenched stereotypes about the role of women may be expressed in customary law and can limit their ability to participate in decision-making, inherit and use land and property, and access and control resources. While Article 5 of CEDAW calls on State Parties to "take all appropriate measures" to eliminate "customary and all other practices which are based on the idea

of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”, the importance of engaging with informal systems is increasingly well recognized, and that progressive change is possible within informal systems.⁵³

Key challenges facing women

Major challenges around justice for women need addressing. The selection of topics is based on the scale of the challenge (the number of women directly affected globally) and relevance to the global SDG agenda (intimate partner violence, barriers to women’s work and property, and legal identity), as well as the severity of the problem, reflected in women in conflict with the law.

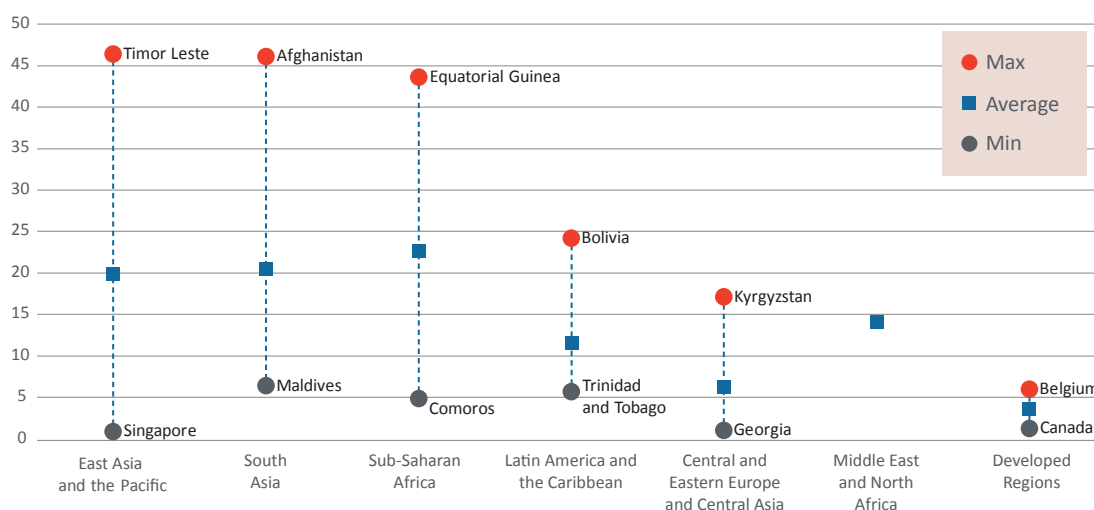
The report’s coverage is *not* comprehensive – for a more complete overview, the interested reader is referred to UN Women (2011), UN Women *et al.* (2018) and IDLO (2013).⁵⁴ Women in need of administrative protection – refugee and asylum status, as well as trafficking – are not dealt with

separately, since these raise further major issues that are beyond the scope of this report and are extensively covered by the International Organization for Migration, UNHCR and, for example, the Women’s Refugee Commission.⁵⁵

Intimate partner violence

The focus here is on the justice needs of the 1 in 3 women experiencing violence at the hands of an intimate partner in their lifetimes.⁵⁶ Intimate partner violence can affect any person, regardless of age, gender, socioeconomic status or cultural background. However, the vast majority is perpetrated against women, usually by a man. Women experiencing intersectional disadvantage, such as Aboriginal and Torres Strait Islander women in Australia, face the highest risk of intimate partner violence. Figure 2.4 shows rates of intimate partner violence across countries, based on population surveys capturing violence experienced in the preceding 12 months.⁵⁷

Figure 2.4: Rates of intimate partner violence are highest in Asia and sub-Saharan Africa



Regional rates of intimate partner violence, and country outliers (past year prevalence)

Source: UN Women, 2018.

Note: The sample size is 108 countries; only two of the 16 countries in the Middle East and North Africa region (Egypt and Jordan) have data, which show rates of intimate partner violence at about 14 percent.

Billions of women are still legally unprotected against violence. More than a billion women do not have legal protection from intimate partner sexual violence.⁵⁸ As of 2018, 144 countries had enacted laws against domestic violence (see Figure 4.4) but 21 out of 36 fragile and conflict-affected States lack such legislation, even with the tendency to pass laws during post-conflict periods. The three States with severe ongoing conflict (more than 10,000 deaths in the past year) – Afghanistan, Iraq, and Syria – do not have laws criminalizing domestic violence.⁵⁹

Even where laws exist, enforcement may be weak. In Russia, for example, recent investigations reveal that the authorities often fail to protect women experiencing domestic violence, due to a combination of serious gaps in national laws, a lack of protection orders, and inadequate police and judicial responses.⁶⁰ Survivors in Russia face social stigma, lack of awareness, and experience lack of trust in the police, as well as obstacles to finding emergency shelter. Police often refuse to register or investigate women’s reports of domestic violence, instead directing victims toward private prosecution, for which the victim must gather all necessary evidence and bear all costs.

The recent United Nations Office on Drugs and Crime (UNODC) *Global Study on Homicide* focused on the killing of women and girls as a result of gender norms.⁶¹ Out of the 87,000 women killed intentionally in the world in 2017, more than half – 50,000 – were murdered by members of their own family, and 30,000 women by their current or former intimate partner. This means that, every day, 137 women die at the hands of someone they trust.

The risks for women are larger in countries where gun ownership is widespread. Women in the US are 11 times more likely to be murdered with a firearm than women in other high-income countries. Over the past 25 years, more

intimate partner homicides in the US have been committed with guns than with all other weapons combined. When a gun is present in a domestic violence situation in the US, the woman’s risk of death increases fivefold. Yet in 35 states, persons convicted of domestic violence misdemeanors or subject to restraining orders are not prohibited from acquiring guns, and 41 states do not require all domestic abusers to relinquish guns they already own.⁶²

Under-reporting of intimate partner violence is pervasive around the world. In the majority of countries with available data, fewer than 4 in 10 women who experience violence seek help of any sort. Among women who do, most turn to family and friends and fewer than 10 percent of those seeking help report their assault to the police.⁶³

Leaving an abusive relationship engenders legal issues involving separation, parenting matters and divorce, as well as criminal justice, victims of crime assistance applications and child protection. Because victims are often dealing with other forms of disadvantage, this adds to the complexity of their legal needs, and family breakdown can itself be a trigger for disadvantage, like debt and housing problems.

Women experiencing violence at home often face a range of barriers to accessing justice. They and their children may rely on their partners for financial support; they may fear violent retribution if they leave or seek assistance. They may not know the law or what legal protections are available to them. Engaging with the justice system can heighten trauma for victims, as when, for example, the process is protracted. This is true for all forms of violence against women. IDLO found in Liberia that out of 1,396 cases of rape reported to “one-stop centers”, only about 267 were reported to the police and only three went to trial, despite the existence of specialized police, prosecution units and court.⁶⁴

Box 2.5: Sexual violence in conflict settings

Sexual violence is often used as a strategy to terrorize and displace individuals, communities, and entire populations – in 2017, the Special Representative of the Secretary-General on Sexual Violence in Conflict documented sexual violence being used as a tactic of war in 19 countries.⁶⁵ The economic and social impacts of this violence are long-lasting for the individual survivors, their families and their communities – including in terms of lost employment opportunities and marriage possibilities as a result of stigma, unwanted pregnancy and HIV infection. Many cases of sexual violence are referred to customary or traditional courts, including an estimated 90 percent of cases in Somalia and South Sudan, which often require victims of rape to marry the perpetrator. Thirty-seven countries still exempt perpetrators of rape from prosecution when they are married to, or subsequently marry, their victims.⁶⁶

A new typology of transitional justice arrangements emerging in the Latin America and Caribbean region is making use of national courts in place of UN tribunals.⁶⁷ Further evidence is needed to assess the comparative effectiveness of addressing these crimes against women and girls in the contexts of national and international courts and tribunals.

While awareness about the unacceptability of violence is rising and laws against violence are being passed in an increasing number of countries, this may not be accompanied by sufficient investment in courts and legal services to manage the downstream impacts. In Australia, for example, victims often cannot access legal representation and many are forced to self-represent.⁶⁸

Further challenges around violence arise for women in conflict settings. Around 264 million women live in countries classified by the World Bank as fragile or conflict-affected. Armed conflict and fragile situations contribute to spikes in conflict-related sexual and gender-based violence that largely goes unpunished.⁶⁹ Box 2.5 highlights recent evidence about the scale of violence and responses.

New forms of violence against women include online abuse and harassment. According to the UN Special Rapporteur on Violence against Women, its causes and consequences, 1 in 10 women have experienced online violence since age 15 and almost 1 in 4 have experienced online abuse or harassment.⁷⁰

Discrimination against women at work⁷¹

Today, the legal landscape for women at work fails to reflect the value that women's participation adds to the economy. Nations continue to undervalue women's work and undermine their participation in the formal and informal sectors.⁷² The World Bank estimates that globally, over 2.7 billion women are legally restricted from having the same choice of jobs as men.⁷³ Ninety percent of economies have at least one law that discriminates against women. These laws cover seven domains, namely, accessing institutions, using property, getting a job, providing incentives to work, going to court, building credit, and protecting women from violence. There are 943 legal gender differences across 170 economies.⁷⁴

Developed countries as a group have the lowest incidence of gender legal differences (Canada, Spain, Estonia, Hungary, the Netherlands, New Zealand and Slovakia have no formal gaps). The Latin America and Caribbean region is the next best regional performer. As shown in Figure 2.5, the Middle East and North Africa stands out as having the largest number of gender legal differences.

Box 2.6: Spotlight on sexual harassment

The #MeToo movement has put the spotlight on sexual harassment. Sexual harassment is a form of violence against women that occurs when someone experiences behaviors that they find improper or unwanted, which make them feel uncomfortable, and are offensive due to their sexual nature.⁷⁵ Although not limited to unwanted male behavior vis-à-vis women, this is by far the most common form. There is also evidence that some groups of women are more at risk – for example, in the US, African American women.

Survey evidence suggests that harassment is pervasive in diverse settings:

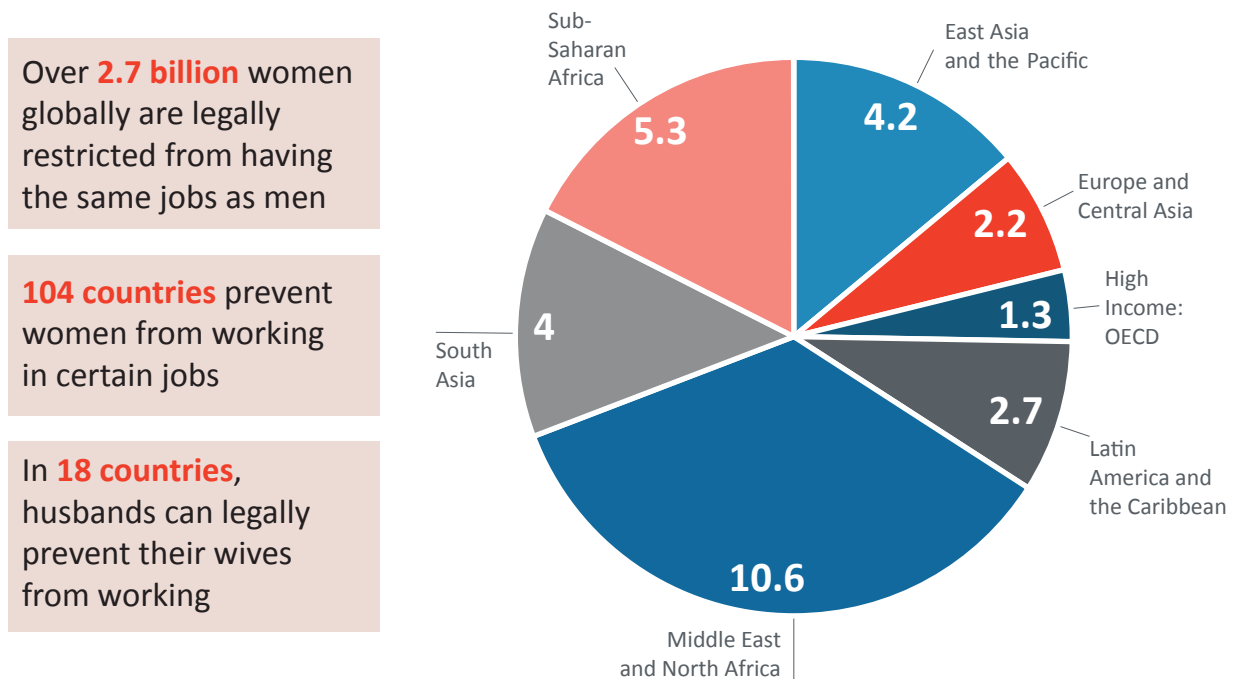
- A recent OECD report noted that “violence, bullying and sexual harassment are a bane in Mexico’s civil service”. A 2014 survey of more than 600,000 public officials found that 77 percent felt that women public servants experience sexual advances in return for the promise of better jobs. While a standardized complaints procedure exists, data on the number, type and outcome of complaints are not available. Moreover, there is not a dedicated complaints mechanism to handle harassment.
- A sample survey in South Africa found that 77 percent of women experienced sexual harassment at work.
- In Tanzania 89 percent of women farm workers witnessed sexual harassment and in Kenya, 90 percent of women claimed sexual harassment to be the greatest challenge for women in the flower sector.⁷⁶
- A recent online survey of over 6,000 British adults, one of the largest ever conducted into sexual harassment in the workplace, found that 2 in 5 women in the United Kingdom (UK) had experienced unwanted sexual behavior at work and only a quarter of them reported it – among men, 1 in 5 (18 percent) said they have been harassed at work.⁷⁷

The incidence of sexual harassment in the workplace has not fallen over time – at least that is what surveys in the US since the 1980s show. In studies over several decades in the US, about one quarter of workers has reported harassment. This is despite widespread adoption in workplaces of training programs and grievance procedures.

Recent estimates suggest that 362 million, 1.5 billion, and 2.2 billion women do not have legal protection against sexual harassment at work, in education, and in public life, respectively.⁷⁸ Globally, 59 countries do not have legislation on sexual harassment in employment. While every OECD country except Japan legally prohibits sexual harassment at work, at least five OECD countries do not have civil remedies, and as many as 18 countries do not have criminal penalties for sexual harassment in employment.⁷⁹

Recent revelations have exposed how laws on defamation and confidentiality, and devices such as non-disclosure agreements, can contribute to sexual harassment in the workplace and the impunity of perpetrators. The US Congress recently introduced a bill that would prohibit companies from requiring employees to sign non-disclosure and non-disparagement agreements related to workplace harassment. While yet to pass, the bill is a step toward barring organizations from hiding sexual harassment claims.⁸⁰

Figure 2.5: There are, on average, more biased laws and institutions in the Middle East and North Africa



Over **2.7 billion** women globally are legally restricted from having the same jobs as men

104 countries prevent women from working in certain jobs

In **18 countries**, husbands can legally prevent their wives from working

Regional patterns in key laws, 2018

Source: Women, Business and the Law, 2018

It is important to consider the needs of women who are working in the informal sector, who typically have few employment-related protections, even those which formally exist in law. Recent International Labour Organization (ILO) statistics from 126 countries show that more than 6 out of 10 jobs globally are informal – with rates as high as 86 percent in Africa, around 68 percent in Asia and the Pacific and in the Arab States.⁸¹ About one third of women participating in the labor force in sub-Saharan Africa and South Asia are contributing family workers, against 1 percent in developed countries.⁸² Where rates of domestic violence are high, women working from home are also at risk of violence and controlling behavior at work.

Alongside the gender-based discrimination that characterizes property, family and even contract law in many countries, informal workers and businesses are regulated by a complex range of laws, rules and enforcement practices –

often in the realm of public law – that can be restrictive and even punitive. Due to licensing ceilings in Mumbai, for example, about 110,000 street vendors operate without a license and are subject to treatment as criminals under the Indian Penal Code and to paying bribes in seeking licenses.⁸³ Lack of legal recognition leaves them subject to arbitrary warrants, evictions, and confiscation of goods.

Legal barriers to women’s entrepreneurship are pervasive, especially for married women. Figure 2.6 provides country examples. Where married women cannot register a business or sign a contract in the same way as their husbands can (as in Pakistan), starting and operating their own businesses is difficult or impossible. Legal constraints on women’s mobility can further stunt their opportunities. In 17 countries, married women cannot travel outside the family home in the same way as married men, and in 37 economies, married

Figure 2.6: Examples of laws that discriminate against women and limit their opportunities, 2018

Action that women cannot legally perform in the same way as men	Economies	Number of economies
Apply for a passport	Afghanistan; Algeria; Bahrain; Barbados; Belize; Benin; Botswana; Cameroon; Congo, Rep.; Cyprus; Dominica; Egypt, Arab Rep.; Fiji; Gabon; Grenada; Guyana; Haiti; Iran, Islamic Rep.; Jordan; Malawi; Mali; Myanmar; Nigeria; Oman; Pakistan; Philippines; Samoa; Saudi Arabia; Seychelles; Solomon Islands; St. Vincent and the Grenadines; Sudan; Trinidad and Tobago; Uganda; United Arab Emirates; Yemen, Rep.; Zambia	37
Choose where to live	Afghanistan; Bahrain; Benin; Brunei Darussalam; Burkina Faso; Cameroon; Central African Republic; Chad; Comoros; Congo, Rep.; Equatorial Guinea; Gabon; Guinea; Guinea-Bissau; Haiti; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Malaysia; Mali; Niger; Oman; Qatar; Saudi Arabia; Senegal; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza; Yemen, Rep.	31
Be head of household	Bahrain; Burundi; Cameroon; Central African Republic; Chad; Chile; Comoros; Congo, Dem. Rep.; Congo, Rep.; Djibouti; Gabon; Guinea; Guinea-Bissau; Indonesia; Iran, Islamic Rep.; Iraq; Jordan; Libya; Madagascar; Mali; Mauritania; Morocco; Niger; Oman; San Marino; Saudi Arabia; Senegal; Sudan; Tunisia; United Arab Emirates; Yemen, Rep.	31
Get a job without permission	Bahrain; Cameroon; Chad; Comoros; Gabon; Guinea; Guinea-Bissau; Iran, Islamic Rep.; Jordan; Kuwait; Mauritania; Niger; Qatar; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza; Yemen, Rep.	18
Travel outside the home	Afghanistan; Bahrain; Brunei Darussalam; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Malaysia; Oman; Qatar; Saudi Arabia; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza; Yemen, Rep.	17
Apply for a national identity card	Afghanistan; Algeria; Benin; Cameroon; Congo, Rep.; Egypt, Arab Rep.; Mauritius; Namibia; Oman; Pakistan; Saudi Arabia	11
Travel outside the country	Iran, Islamic Rep.; Iraq; Qatar; Saudi Arabia; Sudan; Syrian Arab Republic	6
Register a business	Bhutan; Guinea-Bissau; Pakistan; Suriname	4
Open a bank account	Chad; Guinea-Bissau; Niger	3
Sign a contract	Equatorial Guinea	1

Source: Women, Business and the Law database

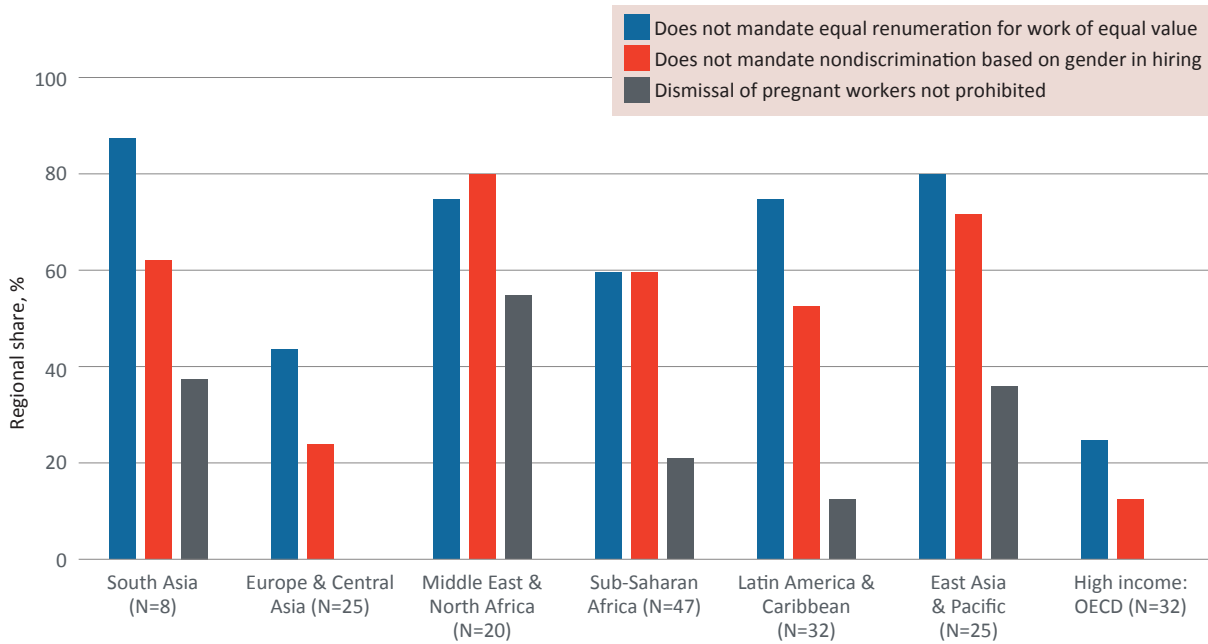
women cannot apply for a passport in the same way as married men. In 18 economies, husbands can legally prevent their wives from working. In 104 countries, women cannot do the same jobs as men. They are barred from working in certain manufacturing jobs in 47 countries and prohibited from working at night in 29 countries.

Many countries fail to offer basic legal protection for women in the world of work. Non-discrimination in hiring is a critical dimension of equal opportunities, and tends to boost women’s employment opportunities.⁸⁴ Yet 94 of 189 countries do not legally mandate non-discrimination in hiring, and 113 countries do not legally mandate equal remuneration

for work of equal value⁸⁵ (Figure 2.7). “Work of equal value” refers not only to the same or similar jobs but also to job content.⁸⁶ Moreover, as underlined above, having laws on the books may not suffice; State obligations include actions to ensure implementation, including raising awareness, understanding, and addressing adverse bias.

While reforms around the world show that progress is underway, there are still far too few efforts to eliminate the barriers which persist in every region, and are typically absent from mainstream discussions on economic policy.⁸⁷

Figure 2.7: Too many countries do not legally guarantee equal hiring or equal pay for work of equal value



Share of countries that do not prohibit key types of work discrimination against women by region, 2017

Source: Women, Business and the Law, 2018

Discriminatory family laws

Discriminatory practices in family life, codified into law, remain a major obstacle to justice for women in many countries.⁸⁸ Divorce is a very common legal need, for both women and men. The way that a society organizes marriage and divorce can have a big impact on people’s lives. There should be systems in place that allow people to separate and dissolve a marriage without conflict, undue financial losses, unnecessary emotional trauma and negative impacts on children.

Family law refers to rules governing the formation of marriage and its dissolution; the respective rights, obligations and capacities of spouses; the relationship between parents and children; marital property; child custody or guardianship; and inheritance.⁸⁹ Several of these aspects are detailed elsewhere in this report – specifically property and inheritance, as well as intimate partner violence. Some problems around child marriage⁹⁰ laws are outlined in Box 2.7.

The large number of reservations to CEDAW’s article on equality in the family means that many “States deny women’s and girls’ right to equality in deference to religious norms, and refute their accountability for the universal applicability of human rights”.⁹¹

Here the focus is on aspects related to the dissolution of marriage. For example, a review of 157 family codes’ treatment of parental authority after divorce found that in 57 countries, women do not have the same rights as men to become the legal guardian of a child.⁹²

There is a diversity of approaches to the regulation of marriage, and history and often religion play critical roles – Box 2.8 provides an overview. In practice, laws and practices around divorce can be biased or discriminatory in both secular and religious law. As Htun and Weldon (2012) note, secular laws are not always egalitarian. The Swiss Civil Code, on which the Turkish Code is based – adopted in 1907 and 1926 respectively – were

Box 2.7: Child marriage laws

Reforms around the world mean that most countries have set the minimum age of marriage at 18. However, two countries do not have a minimum age (Saudi Arabia and Yemen), while an estimated 93 countries provide exceptions with parental consent or authorization of the court.

In many countries, marriage of girls under the age of 18 is prohibited, yet around 12 million girls marry early each year. In some nations, religious and customary law and practice undermine formal legal protections. Weak enforcement of existing laws – and the absence of laws in about 19 countries – bring substantial risks and suffering for girls who marry early. Even where laws have been amended to raise the minimum age, courts often have a poor record on enforcement, as seen in the cases of Jordan and Morocco, for example. The development benefits from delayed marriage are outlined in Chapter 3.⁹⁴

both secular and sexist. Women’s legal status in those countries differed little from their status under sharia laws that were codified around the same time in Egypt.⁹³ In Algeria and Djibouti, women must provide reasons or meet specific conditions in order to be granted a divorce whereas men can divorce without reason or justification. In Israel, regardless of whether the ceremony was religious or not, divorces must

be obtained through religious-rabbinical courts, which tend to be biased against women.⁹⁵ In many countries with Islamic codes, women do not have the right to divorce, and even where they do have this option, significant legal, bureaucratic and social obstacles may exist. Divorced women also face disproportionate disadvantage in terms of financial matters, future remarriages, and child custody or guardianship.⁹⁶

Box 2.8: The historical evolution and forces affecting family law

Historically, family law has been non-State law – consisting of rules interpreted and administered by traditional authorities including tribal chiefs, heads of clans, and religious officials. In many countries, some people are still governed by non-State family laws, including the customs of their cultural and religious communities.

The State’s assumption of authority over family law has been a crucial part of the State-building process, but remains uneven and incomplete in much of the world. Bargaining between State leaders on the one hand, and religious, tribal elites, and regional elites on the other, over the demarcation of legal jurisdiction has often played out on the terrain of family law.

In North Africa, for example, weaker central leaders preserved traditional Islamic family laws to appease clan groups (Morocco) and stronger central leaders broke clan power by secularizing the law in national family codes (Tunisia). In India, Nehru, following British policy, opted not to secularize family law but to preserve separate personal laws for the main religious groups so as to ease Muslim fears about Hindu domination after partition. In communist and former communist States, governments adopted secular and egalitarian family laws, a legacy that has persisted in the former Soviet bloc and is also evident in China, Vietnam, and Cuba.⁹⁷

As explored in Chapter 4, reforming family laws to eradicate patriarchal biases has been a common goal for women’s movements at the international and national levels, with some important achievements.⁹⁸

Discriminatory property regimes

Women’s disadvantage in terms of access and control over land is well documented,⁹⁹ and can contribute to the risk of poverty. Women account for about one eighth of total land ownership in developing countries, according to the Food and Agriculture Organization (FAO), while representing about 43 percent of all those working in agriculture (and almost half – 49 percent – in Africa). A recent study investigating different types of land rights – ownership, use and management – demonstrates that while reported ownership and other rights over land do not always overlap, there were significant gender gaps in all six African countries reviewed, except in Malawi. Most striking was women’s disadvantage in land ownership in Nigeria and Niger.¹⁰⁰ For many poor women, home is also their place of work. Yet they do not have secure tenure.

While property rights can be insecure for women whose customary use of land depends on their relationship with their husband or male relative, formal registration may also be exclusionary. Gender norms can not only prevent land titling programs in improving women’s access to land, but also formalization can lead to worse outcomes for women in practice.¹⁰¹ Statutory titling systems introduced in Kenya resulted in titles being held mostly in men’s names only and failed to recognize women’s customary rights to use the land.¹⁰² In many countries in Europe and Central Asia, privatization of farmland only listed the male head of household on the title or deed, thereby reducing the de facto rights of other family members.¹⁰³

Formalization can worsen matters for various reasons. Constraints may emerge at the registration stage when identification documents (which women are more likely to lack; see below) are required, or where the forms only have space for one signature. Women may refrain from claiming their titles due to fear of social stigma or backlash from their husband and family. In some countries, including Palestine, Jordan and Saudi Arabia, some women have renounced their land inheritance rights for these reasons; these three countries have introduced policies aiming to reduce the likelihood of relatives forcing women to waive their inheritance after the loss of a husband or father.¹⁰⁴

Land tenure registration was adopted by the Burundian Government to reduce land disputes, stimulate agricultural investments and foster land productivity. However, studies by IDLO found that while women were traditionally the main rights holders to nearly one fourth of the land, very few of these rights were registered in their names. This was partly because men’s rights had superior status under customary law, so that only their rights were recorded on the certificate. Among the repercussions of formalization was that a woman’s customary right to cultivate a portion of her father’s land when she was abandoned or widowed – known as *igiseke* – was more difficult to exercise if only her brother’s name appeared on the certificate. How this challenge is being addressed is outlined in Box 4.14 below.

The inheritance regime affects women’s access to land and other forms of property, reducing their access to credit (via collateral) and their ability to build a business. Key aspects of the inheritance regime include whether sons and daughters are treated equally and whether spouses have equal inheritance rights to each other’s estates. A contemporary example is

Tunisia, where the President in 2018 backed equal inheritance rights for women, but faced entrenched opposition in the legislature from the Islamist opposition party.¹⁰⁵

In some countries, plural systems can complicate women's land rights. In Afghanistan, the constitution allows for equal property rights, but many women are unaware of these rights and customary laws prevent many from owning property. It is estimated that almost 90 percent of Afghans turn to customary laws for property rights, which encourage women to relinquish their inheritance to family members.¹⁰⁶

Widow's inheritance rights are formally restricted, relative to men, in about 1 out of 5 countries, particularly in the Middle East and North Africa and sub-Saharan Africa.¹⁰⁷ Widows inherit no assets, including land, in more than half of 15 countries studied in sub-Saharan Africa.¹⁰⁸ In 33 developing countries including Bangladesh, Indonesia and Tanzania, sons and daughters do not have equal rights to inherit assets from their parents. And in 34 developing countries, mainly in the Middle East and North Africa, female and male surviving spouses do not have equal rights to inherit assets.

For women living and working in the urban informal sector, their livelihoods often depend on access to public property – that is, public space,¹⁰⁹ as recognized in ILO Recommendation

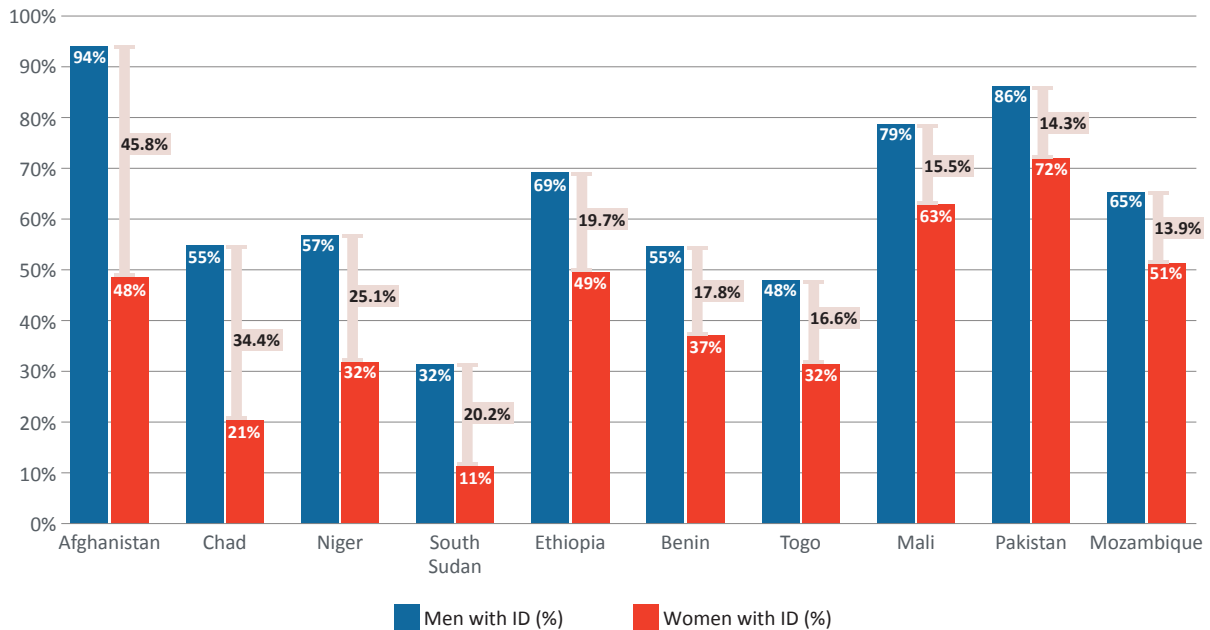
204 on the Transition from the Informal to the Formal Economy. The Constitution of the Mexico City Metropolis includes the right to use and enjoy public spaces. Various other types of property rights can be relevant to women in poverty – for example waste pickers rely on rights to moveable property, that is to collect waste;¹¹⁰ while women in forested or coastal areas need use rights for resources such as fish or forest products on which their livelihoods depend.

Gaps in legal identity

Legal identity for all, including birth registration, is an agreed part of the SDGs, and is seen as increasingly critical to the principle of leaving no one behind. Having legal identity documents – relating to property, business, housing, marriage, employment, children or immigration status – affects people's abilities to protect their rights and access services, including access to finance and even a cellphone.

Recent data show, for the first time, the coverage of identification for 99 countries,¹¹¹ revealing that an estimated one billion people face challenges in proving who they are.¹¹² In low-income countries, close to 2 out of 5 people aged 15 and above do not have an ID, whereas over two thirds (46 out of 68) of the surveyed middle-income countries have achieved coverage of at least 90 percent of the population.

Figure 2.8: Top 10 countries with the greatest gender gaps in ID coverage



Gaps in ID coverage by country, 2018

Source: Insights from ID4D-Findex Survey Data at id4d.worldbank.org

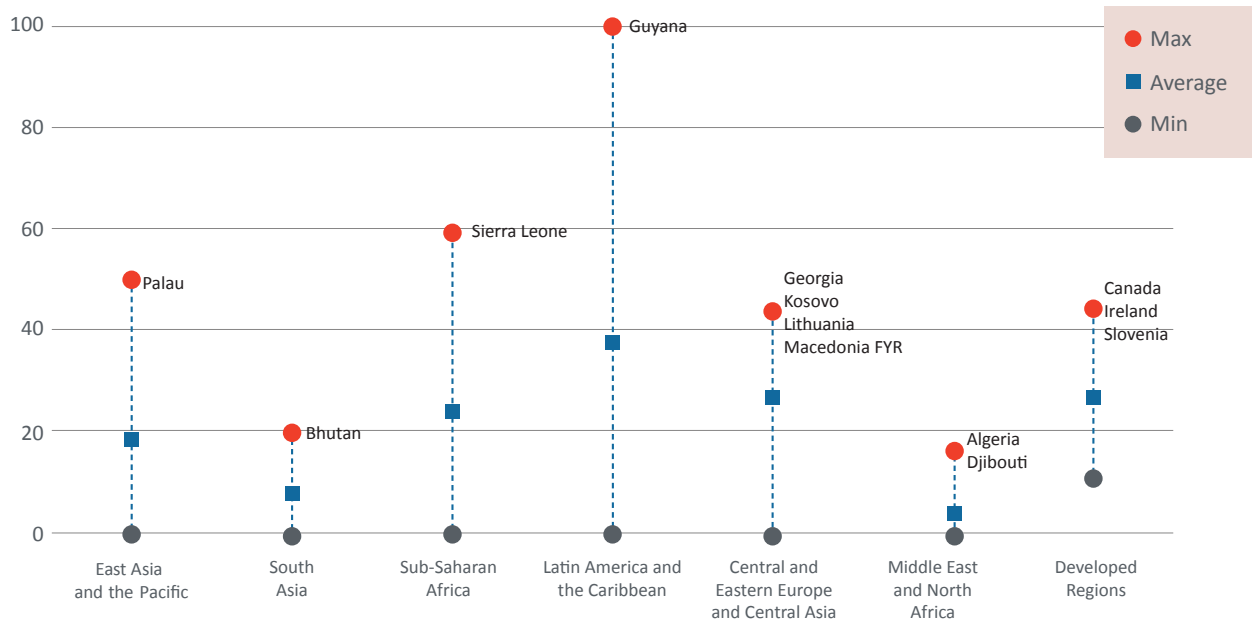
In low-income countries, on average, over 45 percent of women lack an ID, compared to 30 percent of men. Gender differences are much greater in a number of countries – Figure 2.8 shows the 10 countries with the largest gap. In Afghanistan, for example, almost twice as many men as women have an ID (known as a *tazkira*). In Chad, Niger, and South Sudan, there is more than a 20 percentage point gender gap. Unsurprisingly, the countries with the greatest exclusion of women in ID coverage also tend to have associated legal barriers. For example, in Afghanistan, Benin, and Pakistan, a married woman cannot apply for a national ID in the same way as a married man.

There is also a clear association between poverty and lack of identity – across the 18 low-income countries surveyed, 45 percent of the poorest quintile lack an identity, compared to 28 percent of the top. This may be partly due to the costs of obtaining an identity, including travel costs and supporting documentation.

Further difficulties arise when gender-based discrimination in nationality laws or barriers to birth and marriage registration cause statelessness and prevent individuals from gaining a legal identity.

Specific challenges are also faced by transgender persons attempting to change their legal identity to match the gender with which they identify. In the US, for example, the laws and policies for changing gender markers on birth certificates vary across states, resulting in a complicated patchwork of processes across the country. Some online resources are available to guide what is needed to go to court, change social security number and records, get a new driver’s license or state ID, and fix immigration, passport, and birth certificate documents.¹¹³ Inclusion in the context of SDG 16 applies to all groups of women, including those experiencing diverse forms of discrimination, such as discrimination on the basis of gender identity status.

Figure 2.9: In most countries there are few women on constitutional courts



Percentage of woman justices on constitutional courts by region, 2017

Source: Author estimates based on data from *Women, Business and the Law*, 2018

Exclusion of women from decision-making

Women’s professional participation in the justice sector is both a human right and a crucial component of good governance. Women have historically suffered discrimination and exclusion from public life and senior roles, including the legal system. The ILO extensively documents the under-representation of women in senior management that characterizes the private sector and government across most countries.¹¹⁴ Women in legal decision-making roles can counteract both actual, and perceptions of, gender bias,¹¹⁵ as well as public perceptions that justice institutions are out of touch with the population.¹¹⁶

Globally, fewer than one third of managerial positions are filled by women, up only 4 percentage points since 2005.¹¹⁷ At the same time, the law may be worse: Claudia Goldin, in an influential article as president of the American Economic Association, singled out legal practice, together with finance, as the

last bastions of professions which accord extraordinary premiums to very long hours of work and hence continue to see the largest gender gaps in pay.¹¹⁸

The low representation of women in decision-making in the justice sector characterizes nearly all countries and both formal and informal systems. While comprehensive data are not available, *Women, Business and the Law* tracks the number of women on constitutional courts in 165 countries. Figure 2.9 shows low overall representation alongside significant regional and country-level variation:

- Only 24 percent of constitutional court justices globally were women, with Latin America and the Caribbean having the highest on average (nearly 2 in 5) and the Middle East and North Africa region having the fewest (only 1 in 25).
- While 28 countries had no woman justices at all, all the constitutional justices in Guyana are currently women.

- Only 32 countries had a woman chief justice. Again, Latin America and the Caribbean had the highest proportion of woman chief justices (35 percent) while in the Middle East and North Africa region, this stood at zero.¹¹⁹

Too often, transitional justice mechanisms also exclude women as justice leaders. For example, in 2018, women comprised 30 percent of commissioners on UN-supported truth commissions, ranging as low as 5 out of 25 in Mali,¹²⁰ although the share exceeded 40 percent in Colombia and Tunisia.¹²¹

There is a perception that most informal justice providers are elderly men, but a 2013 UN study found that as more countries adopt quotas, more women are becoming local justice leaders. Uganda, Bangladesh, and South Africa all have quotas for women’s representation, and while data are not available for many countries, the study shows that in Malawi and Papua New Guinea, roughly 30 percent of informal justice providers are women.¹²²

Criminal justice: women in conflict with the law

The needs of women in the criminal justice system have often been overlooked, in part because men numerically dominate prison populations. Women and girls are routinely marginalized and rendered invisible in public debates about criminal justice reform and mass incarceration. However, the number of women incarcerated has been increasing rapidly in many countries – including in Guatemala, Brazil, and Cambodia.¹²³ This raises concerns about their rights as suspects, accused, and detainees.¹²⁴ In some countries, women human rights defenders get “into conflict” with the law because of their activism, and a trend of “criminalization” is being used to deter activism.¹²⁵

The challenges facing women in conflict are often not visible.¹²⁶ For example, one problem is how incarcerated mothers experience stigma differently than fathers. Incarcerated mothers are thought to be careless and negligent, which also affects society’s perception of their families.

Box 2.9: Women in prison in the US

Overlooked: Women and Jails in an Era of Reform revealed that the number of women in US jails has increased 14-fold since 1970, and statistics from the Ella Baker Center for Human Rights show that 1 in 4 women in the US has an incarcerated family member – for black women, it’s 1 in 2.

In the US, women offenders characteristically are poor, women of color, unemployed and mothers of young children. Nearly 60 percent of women in state prisons across the country have a history of physical or sexual abuse, and entering the justice system often leads to re-victimization. Surveys conducted among incarcerated women have also shown a strong link between childhood abuse and adult mental health problems, particularly depression, post-traumatic stress, panic attacks, and eating disorders.

Vera’s report on women and jails explored the many ways in which incarceration traumatizes women, leading to a cycle of trauma for survivors who end up in the system. Returning to society may also be more difficult for women who have experienced abuse before and during prison, as re-entry often focuses on the needs of men. Until now, however, there’s been little discussion on the specific kind of emotional support necessary for women.¹²⁷

Women are also affected by the incarceration of family members – partners, siblings and children. The historical invisibility of women in American jails is recounted in Box 2.9.

Space constraints prevent detailed treatment of approaches to address the needs of women in conflict with the law. These are a subject of focus in the recent UN Women report, *Practitioners Toolkit* (2018) (Module 4), which recommends that non-custodial alternatives and accessible legal aid should be priorities.¹²⁸

Further useful resources are UNODC’s *Handbook on Women and Imprisonment*¹²⁹ and Information Note on non-custodial measures for women offenders,¹³⁰ and the UN Bangkok Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.¹³¹

Informed by the shape and scale of the gaps in justice for women, the case for investment will now be examined.



Making the Case for Investment

The case for reform and investment in justice for women has intrinsic foundations that do not rely on showing that the monetary returns exceed the cost. The case can be made from several important perspectives – the human rights and moral case, the contribution to peace and security, as well as benefits for overall well-being. It has also been argued that the legitimacy and credibility of justice institutions are enriched by greater diversity.

Justice for women is a human right

Justice for women is first and foremost a basic human right, reflected in a range of core human rights treaties such as CEDAW (see Box 3.1), reinforced by associated recommendations, procedures and reviews.¹³² The Beijing Declaration and Platform for Action, UN Security Council Resolutions on Women, Peace and Security, as well as the Sustainable Development Agenda seek to ensure justice for women and girls. Justice for women is critical to progress on all the SDGs. The centrality of human rights has guided the Group's work and is reflected in its commitments and recommendations.

The denial of justice can be both cause and consequence of violence and conflict, entrenched poverty, inequality, and exclusion.¹³³ This buttresses the case for reforms and investments to advance women's inclusion, justice and security.

The economic case for investment

It is by now widely accepted that empowering women is not only the *right thing* to do to honor the world's commitments to human rights. It is also the *smart thing* to do as an enabler of development, economic growth and business. This chapter demonstrates that this argument is as true for justice for women as for other aspects of women's empowerment.

The value added of this chapter is to show the investment case from an economic perspective, using quantitative empirical data, in order to persuade finance ministers and leaders who are more likely to be persuaded by the monetary gains expected to flow from greater justice for women. Evidence demonstrating and illustrating the investment case includes the returns to human development, national income and economic growth. While limited by the data and analysis available, the global evidence demonstrates the importance of justice for women in the form of eliminating legal barriers, as well as the returns to reducing gender-based violence and child marriage, and advancing birth registration.

Gender equality can be defined as the equal rights, responsibilities and opportunities of women and men, and girls and boys.¹³⁴ Gender equality and justice for women are critically linked. Indeed, where gender inequality persists – whether in law, the home, community, workplace or society – justice for women is being denied. The focus of this chapter is on gender equality since this is much better measured for the purposes of the investment

Box 3.1: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocol

CEDAW is an international treaty adopted by the UN General Assembly to protect and promote women's rights and has been ratified by 189 UN Member States. The Convention lays out a clear definition of what constitutes discrimination against women and sets out a comprehensive agenda for achieving gender equality.

CEDAW introduced the concept of *substantive equality*, which focuses on the outcomes and impacts of laws and policies. Article 2 calls for State Parties to:

- embody the principle of substantive equality in national constitutions and legislation, and to ensure through law and other appropriate means the practical realization of this principle;
- adopt appropriate legislative and other measures, including sanctions, where appropriate, prohibiting all discrimination against women;
- establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against discrimination;
- refrain from discrimination as well as eliminate discrimination by private persons and entities;
- modify or abolish laws, regulations, customs and practices which constitute discrimination against women

CEDAW also calls for State Parties to take “all appropriate measures” in “all fields” to ensure women's full advancement and the equal enjoyment of their rights (article 3); put in place “temporary special measures”, to accelerate the achievement of de facto equality (article 4); and to take “all appropriate measures” to change social and cultural patterns of conduct, and eliminate prejudices and customary practices based on stereotypes or ideas about the inferiority of women (article 5).

Under CEDAW's Optional Protocol, ratified by 109 countries, the CEDAW Committee, the Convention's monitoring body, is given the authority to consider a State's compliance with the Convention in response to complaints or inquiries. These cases have established States' duties to exercise “due diligence” in the implementation of laws, including by providing a well-functioning justice system that meets women's rights.¹³⁵

case than justice for women, which has not yet been quantified in ways that are comparable across countries.

Because access to justice has major “public good” elements and multiplier effects, with larger benefits for societies and economies, the rationale for action is reinforced. However, in practice, women's access to justice interventions are a low priority of development assistance. Based on the limited data available, UN Women

estimated that only 5 percent (around US\$206 million) of the US\$4.2 billion allocated by development partners to justice in 2009 was spent on projects in which gender equality was a primary aim.¹³⁶ Comparable data on domestic spending out of national budgets are not available. The analysis here is designed to persuade policy and decision makers of the strong economic case for increased investments, using both domestic resources and development assistance where appropriate.

Box 3.2: The costs of unequal justice

Unequal access to justice is expensive. Evidence is mounting that unresolved legal problems are costly both to the individuals directly affected and to society as a whole. While not gender specific, it is important to outline these repercussions.

Unmet legal need can have many repercussions, including undue financial burdens, increased stress and attendant health consequences, strain on family relationships, disruption and inability to work, sometimes leading to loss of employment. The failure to resolve legal problems can contribute to a “cycle of decline” in which one problem leads to another with escalating individual and social costs.

At the community level, the inability to exercise legal rights can result in or reinforce social exclusion. Unequal access to justice also diminishes public confidence in the justice system, eroding the social fabric. Lack of access to justice has also been found to reduce the impacts of poverty reduction programs and democratic governance by undermining participation in the community, transparency and accountability.

At a societal level these costs include lower productivity and higher public spending (e.g. disability and unemployment benefits, social assistance, health). Recent Canadian research estimates these knock-on costs are approximately 2.35 times more than the annual direct service expenditures on legal aid.

Studies have also shown that inadequate legal aid results in additional costs to other justice services through, for example, longer and less efficient hearings.¹³⁷

This report outlines potential gains in terms of human development, national income and competitiveness at the macroeconomic level—and then turns to look at the measured impacts for greater justice for women in terms of health, delayed marriage, reduced intimate partner violence, and so on. Box 3.2 helps to set the scene by outlining the costs of unequal justice.

Gains at the macroeconomic level

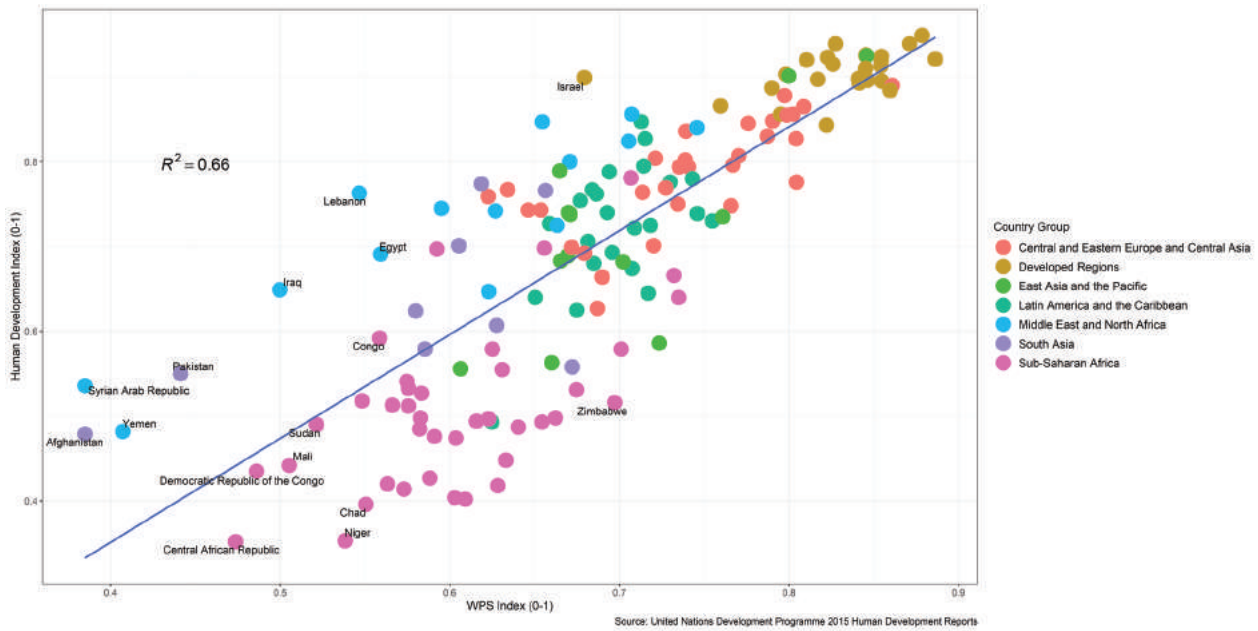
Evidence is accumulating about the gains to justice for women, both from cross-country studies which associate measures of justice with levels of national achievement on various fronts (human development, income and

economic growth), as well as the gains from specific aspects of justice, like the elimination of violence and of child marriage.

Patterns across countries

Women’s inclusion, justice and security – as captured in the WPS Index¹³⁸ – are strongly associated with national levels of development and economic achievement. In addition to being the first gender index framed explicitly by the Sustainable Development Agenda, the WPS Index is also the first to bring together women’s inclusion, justice, and security into a single number and ranking. This is a valuable innovation in how we think about and measure women’s well-being by viewing achievements in, for example, schooling and access to cell phones,

Figure 3.1: Women’s inclusion, justice and peace is associated with human development



Correlation between WPS Index and Human Development Index by country, 2017

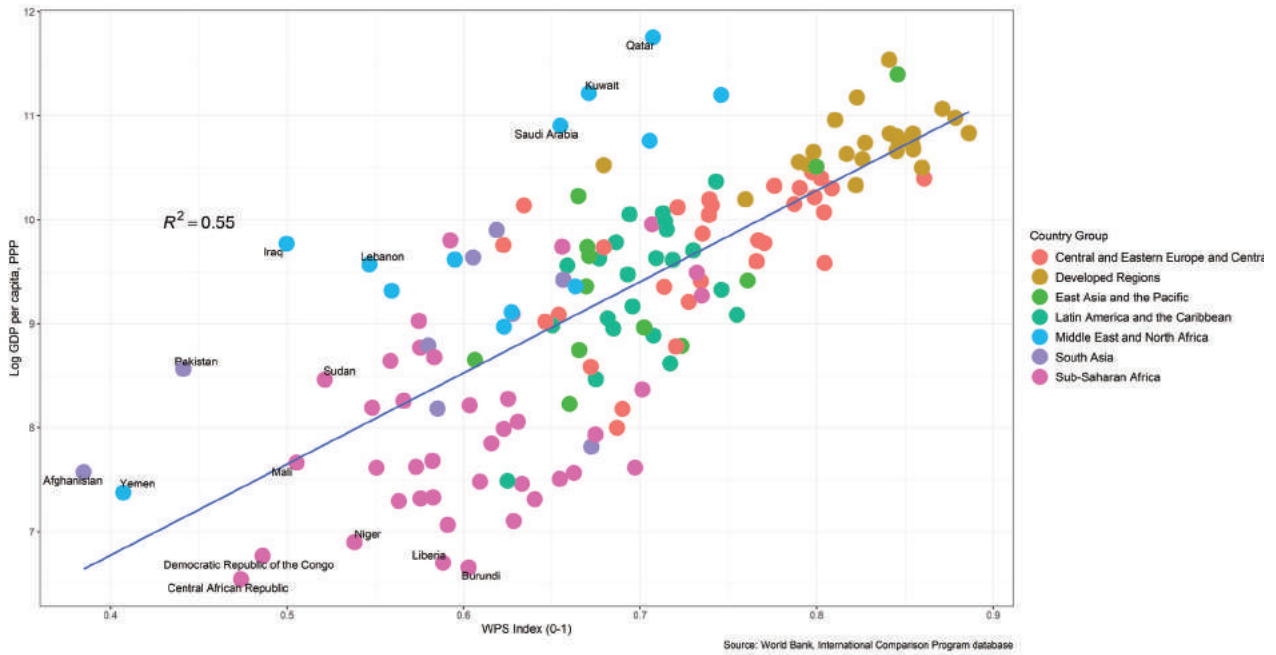
Source: United Nations Development Programme, Human Development Reports, 2015

together with data on key aspects of formal and informal justice. The Index aggregates measures of inclusion – economic, social, political; justice – formal laws and informal discrimination; and security – at the family, community, and societal levels.

The Human Development Index is a widely used measure of national achievement, capturing average levels of income, health and education. As shown in Figure 3.1, higher levels of women’s inclusion, justice and security are associated with greater achievements in

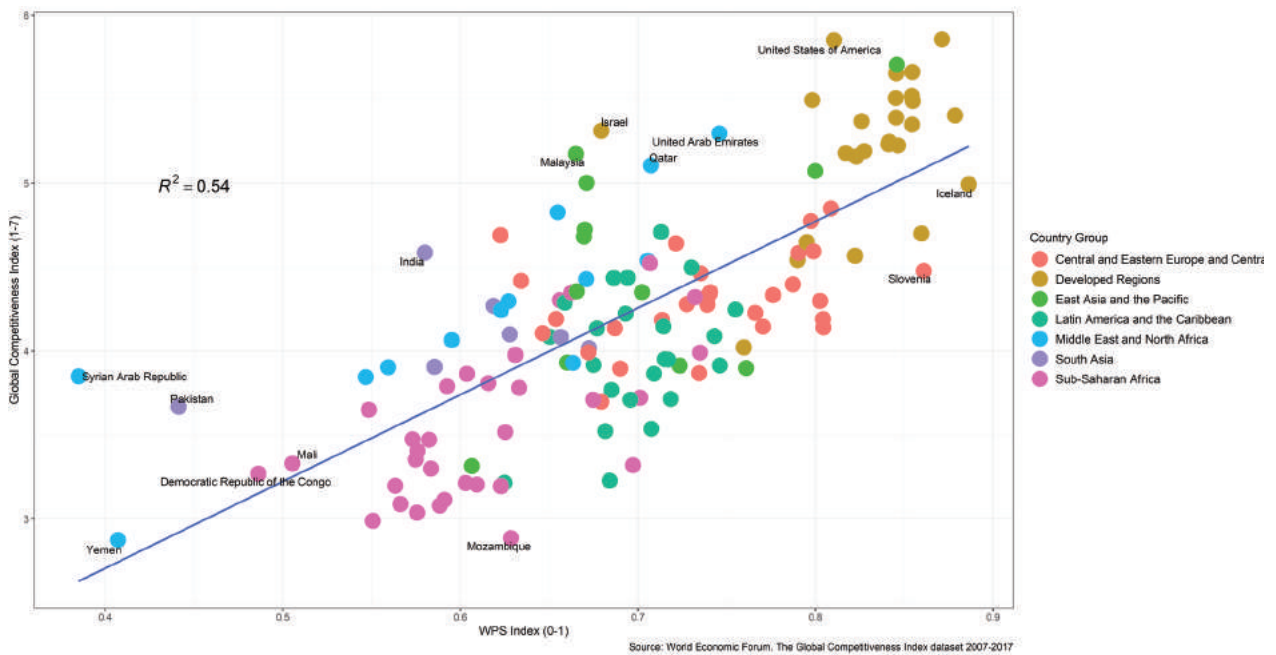
human development for individuals, families and societies. Women’s empowerment can yield human development gains through several channels– for example, increasing the share of household income controlled by women tends to boost spending on children’s education and health.¹³⁹ In terms of benefits for the economy, there is strong and accumulating evidence that higher levels of gender equality are associated with gains in income and national competitiveness, as illustrated in Figures 3.2 and 3.3.

Figure 3.2: Women’s inclusion, justice and peace is associated with higher income per capita



Correlation between WPS Index and Log GDP per capita by country, 2017 or most recent year
Source: World Bank, International Comparison Program database

Figure 3.3: Women’s inclusion, justice and peace is associated with stronger national competitiveness



Correlation between WPS index and Global Competitiveness index by country, 2007–2017
Source: World Economic Forum, The Global Competitiveness Index dataset, 2007–2017

Beyond the gains for economic growth, human development and competitiveness, gender equality can reduce poverty and foster a more equitable distribution of income –advancing major goals of the Sustainable Development Agenda. Gender inequality affects income inequality through several channels, including rates of labor force participation and part-time work, wages and access to education, health and assets.¹⁴⁰ Indeed, the World Bank estimates that higher female labor force participation accounted for about 30 percent of the reductions in poverty and income inequality in Latin America between 2000 and 2010.¹⁴¹

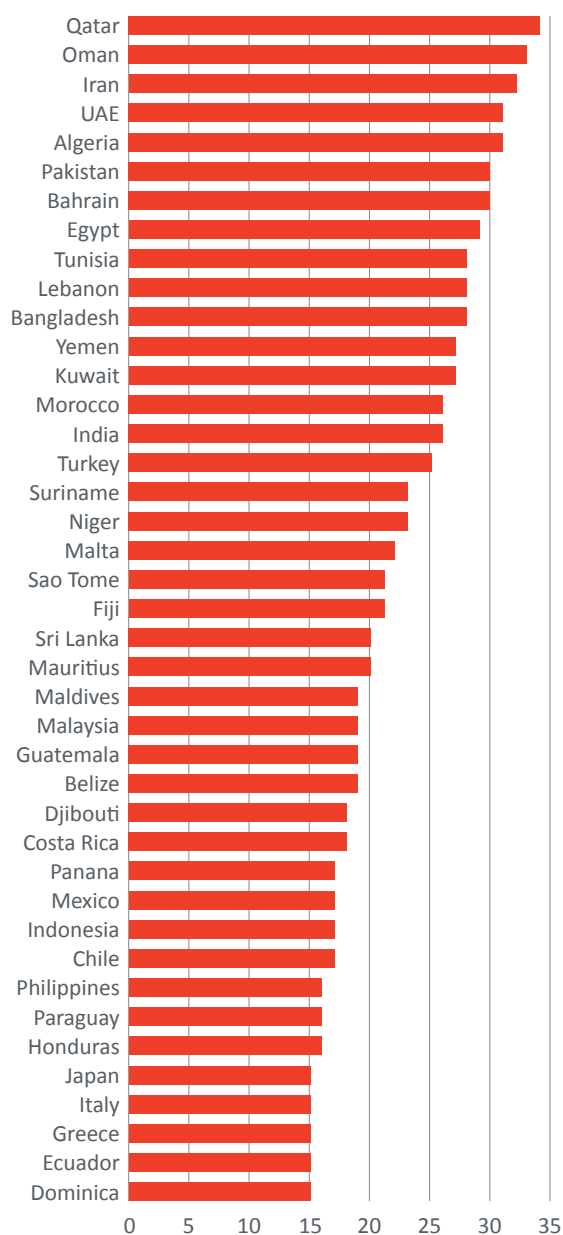
The foregoing macro analysis implies that the economic and human development costs of the denial of women’s justice are enormous. These costs include both actual costs and opportunity costs, and have been documented in major recent reports that informed the Group’s work – including McKinsey’s *The Power of Parity*¹⁴² and the UN Secretary General’s High-level Panel on Women’s Economic Empowerment¹⁴³ – and underpin the investment case for the call to action.

It is instructive to investigate the benefits to women’s equality and justice across further specific domains. While the available evidence does not provide for an aggregate picture, there is a concrete sense of the potential monetary gains. The report focuses on several domains – viz., women’s labor force participation, child marriage and gender-based violence. While the evidence base would benefit from additional research, the studies to date are revealing and buttress the case for action.

Gains via reduced legal barriers to women’s labor force participation

A growing body of literature documents how women’s participation in the labor force boosts economic growth, while a separate strand investigates the ways in which legal barriers to women’s work inhibit their economic opportunities. Both avenues are relevant here.

Figure 3.4: In 41 countries, closing gender gaps in paid work would generate at least a 15 percent gain in national income



IMF estimates of GDP losses due to economic gender gaps in selected countries, percent of GDP, 2014

Source: Estimates by Cuberes and Teignier, 2014

Losses are estimated for a particular year for each country and can thus be interpreted as a one-off increase in GDP if gender gaps were to be removed.

Indeed, the legal barriers to women’s labor force participation, and economic opportunities more broadly, are a major element of the investment case for justice for women, as shown below.

Despite differences in methodology, regional focus and time period, recent studies consistently find substantial income gains from increasing women’s labor force participation, ranging up to the McKinsey Global Institute’s estimated 26 percent boost to global output.¹⁴⁴ The gains are largest for countries with low fertility rates like Japan, the Republic of Korea, Germany, Italy and Singapore and for countries where women’s labor force participation rates are very low, like those in the Gulf region.¹⁴⁵ David Cuberes and Marc Teignier use a similar methodology that incorporates women’s entrepreneurship and find the largest gains – approaching 40 percent of GDP – in the Middle East and North Africa.¹⁴⁶

Given the projected slowdowns in global labor supply growth due to aging populations and falling fertility, addressing women’s lack of justice in the labor market will become more important to sustaining economic growth in the coming decades.¹⁴⁷ In rapidly aging economies, higher women’s labor force participation can mitigate the impacts of a dwindling labor force on growth potential.¹⁴⁸

These results about the contribution of women’s labor force participation are especially relevant because we know that many governments legally restrict women’s participation. Chapter 2 highlighted the nature of such restrictions and the numbers of women affected. Studies suggest that the elimination of restrictions on women’s economic rights is correlated with a range of benefits for the economy and society – including higher educational attainment, higher rates of women’s labor force participation, and more women moving out of agriculture and into wage employment. Hallward-Driemeier *et al.* (2012) showed these patterns operating across time – 1960–2010 –in Africa.¹⁴⁹ World Bank cross-

country analysis documents how restrictive laws lower women’s employment and management opportunities, as well as wages, as shown in the scatter plots below (Figure 3.5).

Evidence is accumulating that less legal discrimination against women is strongly associated with higher female labor force participation. Recent IMF analysis¹⁵⁰ shows that gender-related legal restrictions– as on women’s rights to inheritance and property–are strongly associated with lower women’s labor force participation, controlling for demographic characteristics and other policies. Specifically, each of the following is associated with a statistically significant narrowing in the gender gap in labor force participation:

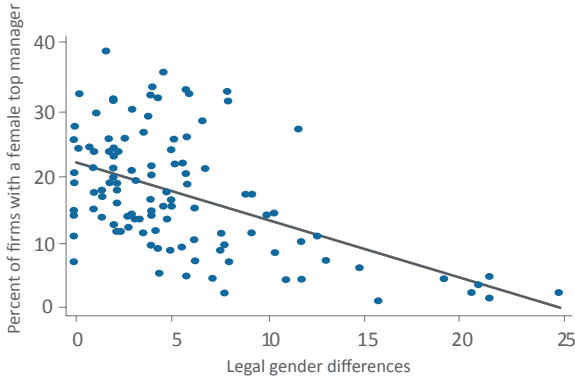
- legally guaranteed equality between men and women;
- equal property rights;
- equal inheritance rights for sons and daughters;
- joint titling for married couples;
- women’s liberty to pursue a profession, obtain a job, or open a bank account;
- a woman’s right to initiate legal proceedings without her husband’s permission;
- right to sign a contract; and
- a woman’s right to be the head of a household.

The same study estimates that in half of the countries, when gender equity was reflected in the law, women’s labor force participation rose by at least 5 percentage points in the following five years.

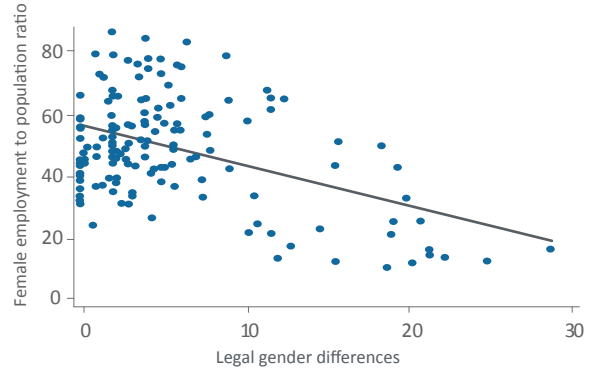
A country-level example comes from the gains associated with changes in family law in Ethiopia in 2000.¹⁵¹ Legal restrictions allowing a husband to deny his wife permission to work outside the home were removed, both spouses’ consent was required to administer marital property, and women’s minimum age at marriage was increased. As the reform was initially rolled out only in some parts of the country, evidence

Figure 3.5: How restrictive laws limit women’s economic opportunities

**Statistically significant relation, at 5% level, controlling for income per capita;
for 103 and 94 countries respectively**

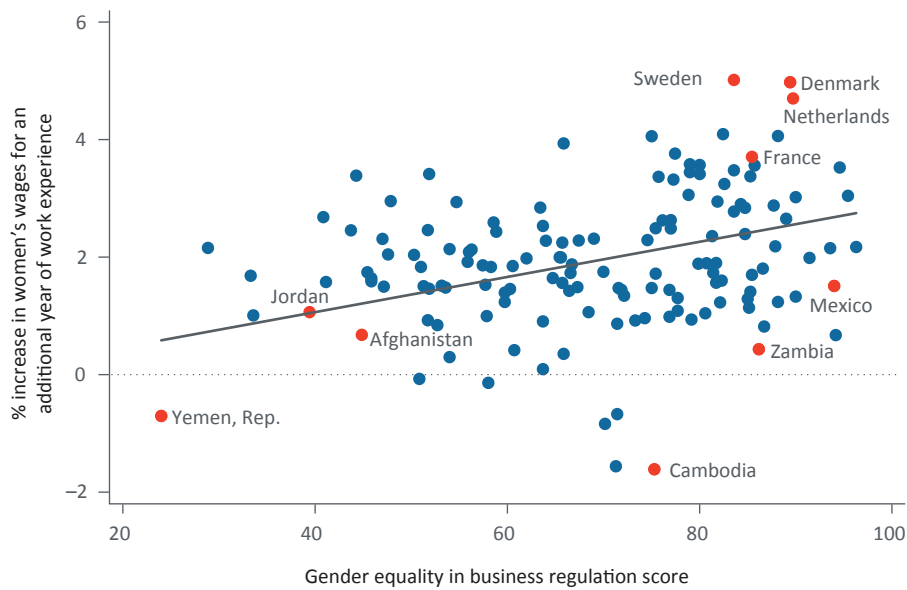


Share of firms with female top manager



Women’s employment/population ratio

Source: Women, Business and the Law, 2016



Sources: WDR 2019 team, based on World Bank (2018) and household and labor force survey data from the World Bank’s International Income Distribution dataset

Note: The World Bank’s Women, Business and the Law measure of gender legal equality scores economies based on whether they treat men and women differently. The higher the score, the greater is the gender legal equality.

showed that, compared to women in areas where the reform was not yet enacted, women in reform areas were more likely to work outside the home, in jobs that require more skills, as well as in paid full-time jobs.

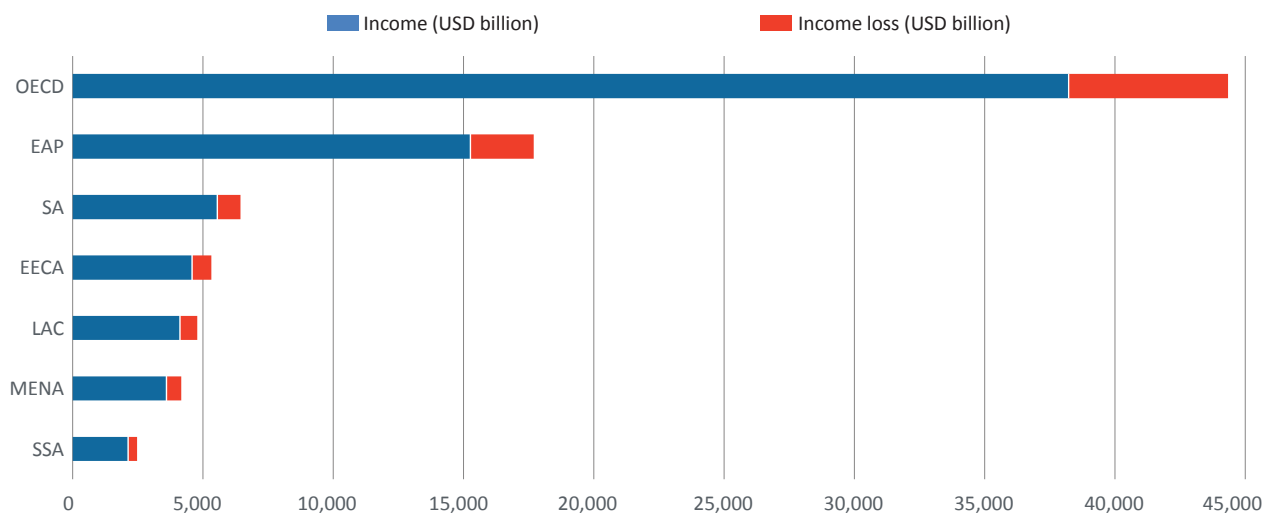
The policy implication is clear: governments that want to boost economic growth should review, and as needed reform, their laws to ensure a level playing field in the economy for women and men. Beyond the removal of barriers, greater justice in the labor market –including remedies for sexual harassment, redress for unequal pay, protection for working women’s collective voice and courts that are responsive to women’s justice needs– would all be expected to enhance women’s participation in the economy, although these benefits have not, to date, been quantified in global economic terms.

Further valuable evidence about the investment case for tackling gender-based discrimination

is provided by an OECD study which takes a different approach to the IMF and others.¹⁵² It shows how gender-based discrimination in social institutions, as measured by the SIGI – including but going beyond formal laws on the books¹⁵³ – reduces productivity and economic growth by lowering both human capital investment and labor force participation, with larger effects in low-income countries.

The output losses associated with current levels of gender discrimination are estimated at up to US\$12 trillion, or 16 percent of global GDP, and shown at the regional level in Figure 3.6. At the same time, the analysis shows that reducing gender-based discrimination in social institutions could yield substantial economic benefits, boosting the annual global economic growth rate by up to 0.6 percentage points by 2030, depending on the scenario.

Figure 3.6: OECD countries experience the largest income losses due to gender discrimination



Notes: This figure presents the regional income and income loss associated with current levels of gender-based discrimination in social institutions. Income losses are measured in terms of 2011 real income at current PPP. The regions are: East Asia and the Pacific (EAP), South Asia (SA), Latin America and the Caribbean (LAC), Sub-Saharan Africa (SSA), Eastern Europe and Central Asia (EECA) and Middle East and North Africa (MENA). This regional classification excludes Organisation for Economic Co-operation and Development (OECD) countries, which are represented as a stand-alone group.

Income and income losses due to gender discrimination by region and country group, 2016

Source: Ferrant, G. and A. Kolev (2016). “Does Gender Discrimination in Social Institutions Matter for Long-term Growth?: Cross-country Evidence”. OECD Development Centre Working Paper No. 330

Gains to greater justice across selected domains: what the evidence shows

Evidence of economic and income benefits of greater justice for women will be examined across the several domains where it is available, beginning with property rights.

Increased productivity via access to women's property rights

Women's land rights are associated with better outcomes for women and their families along a number of economic and social fronts.¹⁵⁴

A study in Tanzania, for example, found that women earned nearly four times more in areas where they have control over land.¹⁵⁵ There is evidence that more secure land rights have a more pronounced positive effect on productive land investments for woman-headed households, relative to their male counterparts,¹⁵⁶ partly because they had worse property rights to begin with.¹⁵⁷ Higher tenure security for women reduced productivity losses on their plots in Ghana.¹⁵⁸ Regularization of women's land rights through titling programs have increased investment in land soil conservation in women's plots in Rwanda.¹⁵⁹ As noted above, resource rights beyond land are especially important for poor informal sector workers, including access to waste (in the case of waste recyclers); and natural resources such as rights to fishing, and to forest products.¹⁶⁰

The benefits are much more than economic. Broader empowerment effects of women's land ownership include increased bargaining power in the household,¹⁶¹ better child nutrition,¹⁶² lower exposure to HIV-AIDS,¹⁶³ and higher protection against domestic violence.¹⁶⁴ In India, women with secure rights to land were eight times less likely to suffer violence at home.¹⁶⁵ Studies also suggest that the Hindu Succession Act not only significantly increased women's likelihood to inherit land, but levels of girls' educational attainment also rose alongside women's socioeconomic status.¹⁶⁶

These findings suggest the broader investment case for women's land rights, given the impacts on agricultural productivity, poverty reduction and gender equality more broadly.

Health benefits of the rule of law

A recent study of 96 countries, covering over 90 percent of the world's population, found that "the higher the country's level of adherence to the rule of law, the better the health of the population". This means that robust rule of law may be "a foundational determinant of health" and that investing in justice could improve population health.¹⁶⁷

More directly related to women's justice and the returns to health, a forthcoming study investigates the predictive value of the above-mentioned WPS Index on health outcomes.¹⁶⁸ It finds that a 1 percentage point improvement in the WPS Index is associated with 43 fewer maternal deaths per 100,000 live births, controlling for other explanatory variables, and 8 fewer infant deaths per 1,000 live births. Indeed, the WPS Index is at least as good if not a stronger predictor of maternal and infant mortality than income per capita, when accounting for regional factors.

Income gains from delayed marriage¹⁶⁹

Ending child marriage is the right thing to do from a legal, moral and ethical standpoint. There is also an investment case, because the practice has large economic costs. A recent study by the World Bank and the International Center for Research on Women(ICRW) documents the substantial costs of child marriage on fertility, population growth and education, as well as earnings.¹⁷⁰ The annual costs, estimated for 106 countries for 2015 and for 2030, the reference year for achieving the SDGs, are as follows:

- Income gains from lower population growth when ending child marriage are estimated globally at US\$22 billion in 2015 and US\$566 billion in 2030. The large impacts on women's earnings and productivity arise because child marriage curtails girls' education, which reduces future earnings. Some of the impacts on health, nutrition, and violence are large, especially for children born of young mothers, and the much higher 2030 benefits flow because the impact of child marriage and early childbirths on population growth is cumulative.¹⁷¹
- Lower rates of child mortality and malnutrition bring monetary benefits in terms of future wages for the children who survive beyond their fifth birthday and who avoid stunting. Globally, using a discount rate of 5 percent, the estimated benefits rise from US\$42 billion in 2015 to US\$82 billion in 2030 for child mortality, while in the case of stunting, the estimated benefits rise from US\$9 billion to US\$16 billion over the same period.

There are also fiscal savings for governments from lower fertility and population growth. Lower population growth reduces the cost of reaching universal secondary education. For just 18 countries, the associated benefits are estimated to reach up to US\$17 billion (current value) by 2030.¹⁷²

The new evidence buttresses the case for higher investments in justice and related initiatives aiming to end child marriage. Importantly, the costs of child marriage tend to be larger for those living in poverty, who are also more likely to marry early.¹⁷³ Girls living in poverty are more likely to marry young. And poor people are likely to suffer more from the negative impacts of child marriage due to various constraints they face, such as barriers in access to health and education services. This implies that ending child marriage would benefit poor people the most, and strengthens the investment case.

Gains from eliminating intimate partner violence

Gender-based violence is a denial of justice that has multifaceted costs. We know that experiencing violence increases a woman's risk of poor physical and mental health outcomes. The focus here is on intimate partner violence, which is experienced by 1 in 3 women globally in their lifetimes. There are multiple adverse effects on women's well-being. For example, a recent systematic review found that intimate partner violence increases a woman's risk of experiencing depression two- to threefold.¹⁷⁴ Women experiencing intimate partner violence are almost twice as likely to have alcohol use disorders.

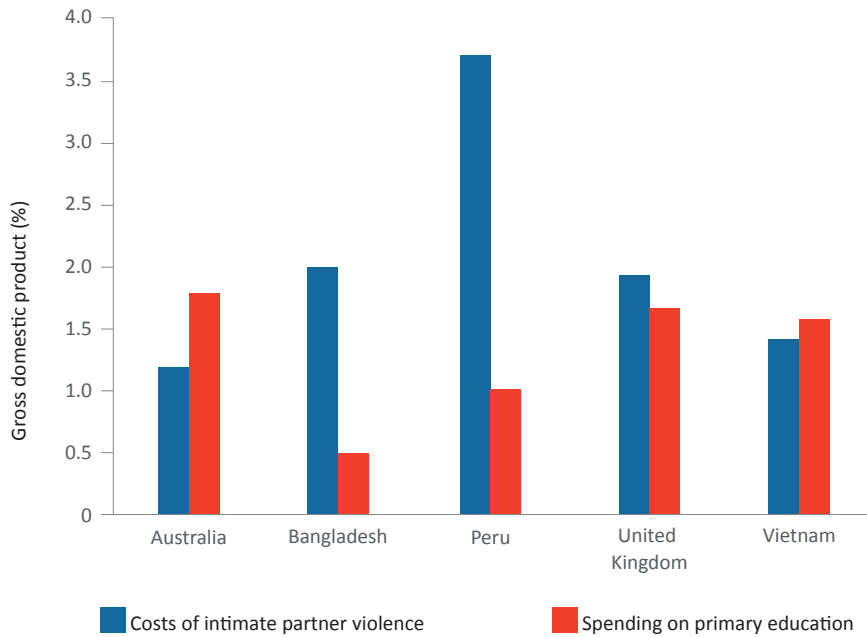
Intimate partner violence also increases the risk of contracting HIV and other sexually transmitted infections, as well as risks of unintended pregnancy, and unsafe abortion. Women in abusive relationships are 1.5 times more likely to acquire HIV and other sexually transmitted diseases. Three longitudinal studies from sub-Saharan Africa, and supporting evidence from cross-sectional surveys, suggest that women who experience intimate partner violence are 50 percent more likely to acquire HIV than those who do not.¹⁷⁵

There are also intergenerational impacts: children exposed to violence in the home have worse health outcomes and lower education and professional attainment.¹⁷⁶ And they are at much higher risk of being victims or perpetrators of violence in the future. There are also repercussions for the men who perpetrate, like absenteeism from work.¹⁷⁷

These add up to major development costs. And beyond the repercussions for health, violence constrains women's economic opportunities.

So, can we work out what are the costs of intimate partner violence, in dollars or shillings or rupees? While it is difficult to estimate exactly, researchers have attempted to quantify the lost wages, lost productivity, and expenditures on services for survivors. Strikingly, estimates consistently put

Figure 3.7: The costs of intimate partner violence often exceed spending on primary education



Costs of IPV and spending on primary education as a percentage of GDP, selected countries, 2014

Source: Klugman et al., 2014

these costs roughly around what most developing country governments spend on primary education – about 1.5 percent of GDP. Recent studies have documented economic costs in terms of higher absenteeism and lower productivity. Women exposed to partner violence in Vietnam have higher work absenteeism, lower productivity, and lower earnings than similar women who are not beaten.¹⁷⁸ Women in Tanzania exposed to severe partner abuse were found to experience earning declines of 60 percent.¹⁷⁹

Notably, these estimates do not include long-term emotional effects, and are conservative estimates. One UK study estimates the cost of domestic violence linked to loss of life satisfaction at 10 percent of GDP.¹⁸⁰

Combating sexual harassment

Sexual harassment has major negative repercussions, including for women’s mental

health and career opportunities. Targets of harassment report increased depression, post-traumatic stress, work withdrawal, intentions to quit and reduced productivity,¹⁸¹ as well as job turnover and team conflict.

It is not only more severe harassment that generates costs and productivity losses. An analysis of workplace harassment in Australia, for example, found that the more frequent, less intense and often unchallenged sexism and harassment was at least as detrimental for women’s well-being as more severe forms.¹⁸²

Workplace harassment can also be damaging and costly for companies.¹⁸³ ICRW recently published a framework to help companies understand these costs –related to lawsuits, reputational damage (which in turn affects recruitment), increased insurance premiums, and through the absenteeism and lost productivity of victims and perpetrators.¹⁸⁴

Box 3.3: Benefits of legal identity

Further work is needed to quantify the gains from ensuring legal identity. This could build on accumulating evidence about the benefits of legal identity – specifically birth registration:¹⁸⁵

- 1 Protection – individuals need to be able to prove age to be treated as a minor in court, and to be protected from trafficking and child marriage and so on.
- 2 The basis for proof of place of birth and parents, which can establish nationality and so birth registration, can help prevent statelessness.
- 3 As a gateway to proving ID as an adult – birth certificates are needed to get national IDs and proof of ID for a driver’s license, to register land and so on.
- 4 Education and health – used to register children at schools, ensure immunization coverage, and keep better records and administrative data. In many countries, birth registration is needed for children to access services, such as schools and health care.

Ensuring legal identity

Each of these aspects has major implications for productivity, human development and growth.

The foregoing – while not comprehensive – demonstrates the case for advancing justice for women on multiple fronts, given the benefits for peace, security and inclusivity more broadly.

This chapter has outlined accumulating evidence that the economic and social gains from investments are large. Nonetheless, national budgetary and other constraints will require prioritization, especially in the short run, as not everything can be done at once, and not all outcomes are win-win. Governments, professional associations, civil society organizations and development partners will need to assess trade-offs when setting their strategic priorities. This report aims to help to inform their decisions.

This report did not attempt to estimate the monetary expenditures required to ensure justice for women, which is far beyond its scope. What is needed will vary enormously across countries. Moreover, some aspects of spending in the justice sector – like detaining more people behind bars–does not necessarily ensure that the system is just. Likewise, increased spending on “law and order” which

leads to increased arrests has additional downstream costs in terms of prosecutions, courts and incarceration.¹⁸⁶

Many of the proven and promising actions outlined in Chapter 4 – including eliminating discriminatory laws, and ensuring inclusion of women as decision makers at all levels– should be cost-effective, relatively easy to implement and able to produce sizeable gains without major new spending. Change requires commitment and leadership, not a significant infusion of new resources. Even in these areas, however, some additional resources are required to *enforce* existing and new laws and regulations.

Other interventions – including providing accessible and affordable access to legal services for disadvantaged rural populations – are likely to require much larger budgetary commitments from governments. Moreover, effective implementation may require significant resources, time and capacity.

Equally, as underlined in Chapter 5, governments and development partners should invest in new data and research, so that the evidence base will expand alongside the practice. A growing body of knowledge will inform better decisions in the pursuit of justice for all.



Addressing the Justice Gap: Promising Approaches

We envisage a world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed.

Sustainable Development Goal Declaration

Justice for women is central to the 2030 Agenda. Yet, as Chapter 2 has shown, major shortcomings persist.

This chapter identifies proven and promising actions to accelerate progress, based on evidence of what works. It is not intended to be prescriptive, comprehensive nor encyclopaedic; rather, the report focuses on five primary drivers to expand justice for women— as outlined in Figure 4.1 – and within each driver, identifies actions and interventions that have demonstrated impact, or that hold potential based on experience and analysis. While it does not reiterate existing international commitments, laws and standards, practices should be considered in that context.¹⁸⁷

A key lesson from the history of rule of law initiatives is that a one-size-fits-all approach is

not effective – programs must adapt to local context.¹⁸⁸ The diversity of country and local circumstances means that not every action is appropriate to every situation. While there are common themes and directions, the most effective approaches will depend on the specific development, institutional, political, legal, and cultural conditions.

More generally, Box 4.1 underlines the need to interpret the evidence with caution. And while evidence on impact, cost, effectiveness and scalability are all important when assessing interventions, most of our examples lack at least some of this evidence. This is due to significant data gaps and inadequate attention and resources devoted to measuring results. These shortcomings are not unique to women’s justice but should be borne in mind in interpreting the strength of the evidence.

Box 4.1: Measurement challenges and shortcomings in the evidence about justice

A lack of common definitions and framework means that it is difficult to generalize from results. There is no widely accepted definition of “effective” or “meaningful” access to justice and there is no common framework for developing process and outcome indicators that would facilitate comparison of results.

Unlike such sectors as health, employment and education, investment in sound evidence-based research and evaluation has not yet built a common understanding of what strategies and interventions work for justice, how cost-effectively they work, and for whom. And most research fails to adopt an intersectional lens.

A recent review – the first of its kind – of civil society-led legal empowerment efforts underlined that evidence on large-scale programs is crucial.¹⁸⁹ Of the studies that specified scale, the most common program size was between 1,000 and 10,000 people. The second-most common size was under 1,000 people. It is always uncertain whether small-scale interventions or pilots can be scaled up.

Finally, published evidence is biased toward successful interventions, a problem across all disciplines.¹⁹⁰ It is important to encourage honest, critical reflection, learning and genuine evidence-based decision-making.¹⁹¹

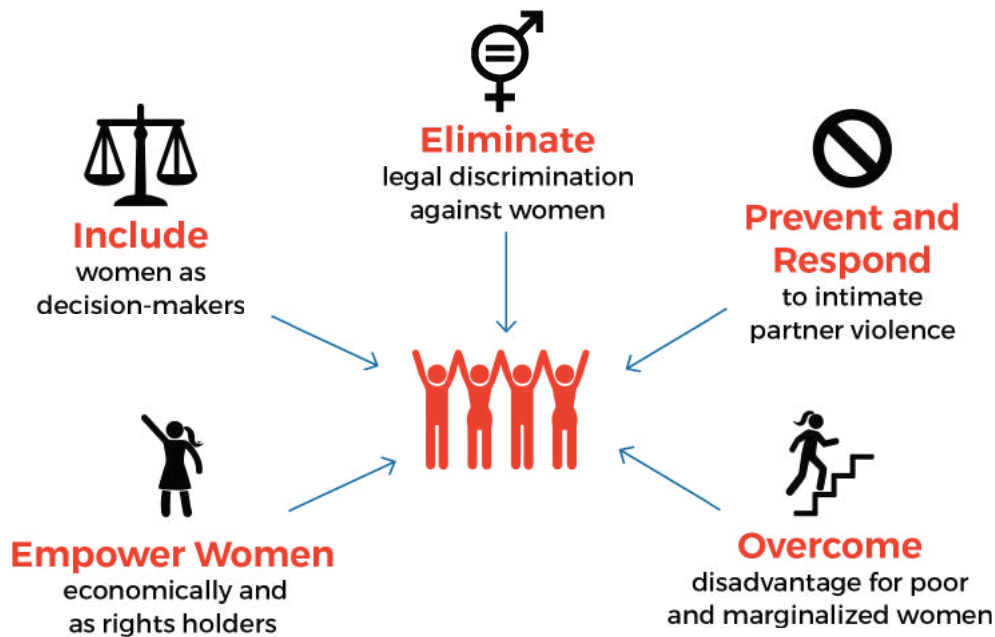
Addressing the justice gap involves overcoming the structural and cultural barriers that can limit justice for women— including insufficient knowledge of rights and remedies, poor literacy, fear of retaliation, lack of time to engage in justice processes, as well as discriminatory practices. These challenges are largest for women who are subject to multiple forms of disadvantage, because they are poor, and/ or part of an indigenous or ethnic minority community, religious or sexual minority, or due to their immigrant status, for example. Women subject to overlapping disadvantage are a key focus of this report. However, this chapter does not review policies and programs to address literacy, poverty and other constraints that may have important effects on justice for women, but rather focuses on those programs and interventions which have a primary justice-related objective.

A framework

Promising approaches to women’s justice are framed under five broad drivers, as outlined in Figure 4.1. The report addresses each of these in turn, after outlining some cross-cutting challenges and cautions at the outset. The chapter does not aim to provide practical guidance for programmers, which is well laid out in the Practitioner’s Toolkit on Women’s Access to Justice recently published by UN Women, UNDP, UNODC and OHCHR.¹⁹²

The focus of the framework is on women themselves – and enhancing their opportunities and outcomes. At the same time, changes are also often needed to make the system more accessible and people-centered. The challenge is not only about teaching people how to use the system, but also making the system easier to use, and bringing justice to the people. Innovation, data, evidence and learning are all key elements in this shift.

Figure 4.1: Promising approaches to justice for women



Reflections on “Good Practice”

As underlined by a recent report of the UN Working Group on the issue of Discrimination against Women in Law and in Practice,¹⁹³ what is a good practice typically extends substantially beyond the framing of the law itself:

[L]aws may at times constitute good practices in and of themselves, but ... more often they function as a component in the development of good practices... This is not to understate the importance of the law itself, but rather to emphasize that considerations of good practices cannot be based wholly on the legal texts themselves, but must be analysed in context, including tangible outcomes (para. 18).

No matter how strongly the law is drafted, it is filtered through the biases and limitations of the individuals and institutions, public and private, responsible for grounding it in reality, compounded by a social environment that disadvantages women through the perpetuation of historical discrimination, the patriarchal construction of gender and the perpetuation of stereotypes and prejudices.

These factors must be considered closely when identifying which laws have become good practices (para. 20).

[G]ood practices are viewed in isolation from the breadth of actions and actors involved in processes of social change, they can lose their power as a source of learning and fail to enhance collective knowledge of what it takes to bring human rights principles into reality (para. 22).

Space and resource constraints prevent the full presentation of the contexts associated with various good practices, which should be borne in mind when considering the cases highlighted. Moreover, promising practices are included that have not fully come into fruition, or have been derailed but nevertheless help to understand what is required to develop and sustain good justice practices for women. As noted by the UN Working Group on the issue of Discrimination against Women in law and in Practice, while contexts vary, core principles are transferable, even when a practice is not directly replicable.

Box 4.2: Multi-pronged strategies: working with men and women for equality

Promundo's MenCare fatherhood campaign, which is active in more than 45 countries, promotes men's involvement as equitable, non-violent fathers and caregivers who are allies in supporting women's social and economic equality. Promundo's innovative and community-driven programming paired with global campaigns and advocacy have led to real results—paid parental leave has increased in Brazil, South Africa, the Netherlands, and the District of Columbia in the US.

A rigorous evaluation of Promundo's Program P in Rwanda confirmed that involved fatherhood is a powerful force for equality. Compared to the control group, in intervention sites, intimate partner violence and punishment of children decreased, there was less dominance of men in decision-making, family planning use increased, men were more involved in antenatal care and had greater participation in care work.¹⁹⁶

While this report focuses on demonstrated successes and the efficient use of resources, there is often as much, if not more, to learn from failures and efforts that result in unexpected or counter-intuitive outcomes. A critical examination of "failed" interventions provides an opportunity to reassess assumptions about change, to improve the relevance of programming, and to inform future policy and program design.

Evidence overall suggests that multi-pronged strategies are most effective where top-down measures, like legal reforms, are coupled with grassroots efforts. Cases demonstrating this potential include SASA!¹⁹⁴ and Promundo's Prevention+, as outlined in Box 4.2.¹⁹⁵

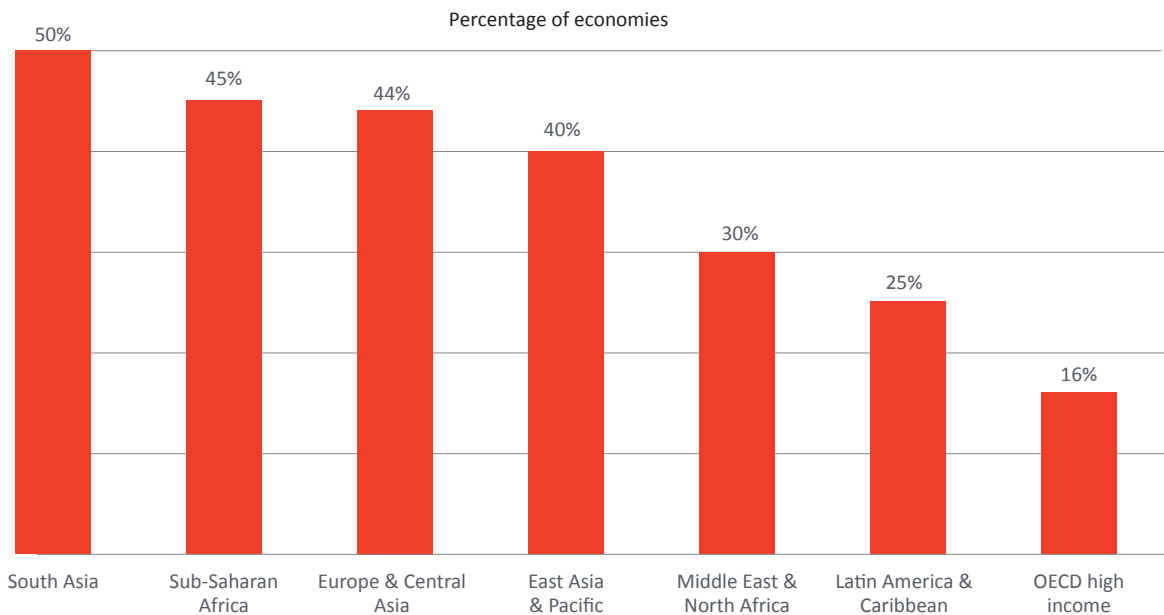
Eliminating discriminatory laws

Eliminating discriminatory laws facilitates the legal empowerment of women and is a moral marker for justice for women. As tracked by *Women, Business and the Law*, there has been major progress in repealing discriminatory laws

around the world, with 87 recent legal changes toward gender equality across 65 countries. Figure 4.2 highlights recent examples of reform since 2013, as reported in *Women, Business and the Law* 2018.

Four of the five economies implementing the most reforms are in sub-Saharan Africa – the Democratic Republic of Congo, Kenya, Tanzania and Zambia –the other is Iraq. The Democratic Republic of Congo, supported by the ministries of Gender and Justice, adopted a new Family Code in 2016 which allowed married women to sign contracts, get jobs, open bank accounts and register businesses in the same way as married men – and removed the obligation for a married woman to obey her husband. The law now mandates non-discrimination based on gender in hiring and promotions, as well as banning gender discrimination by creditors in financial transactions.¹⁹⁷ The World Bank is supporting efforts to build awareness about the new Family Code among women entrepreneurs, government agencies and the private sector.

Figure 4.2: South Asia region has the highest share of countries that improved the legal framework over the past five years



Percentage of countries in the region introducing legal reforms, 2013–2017

Source: Women, Business and the Law, 2018, Figure 1.7

How have these changes come about? While analysis of the political economy of legislative reform related to women’s justice is thin, influential recent research across 70 countries found that countries with the strongest feminist movements tend, other things being equal, to have more comprehensive policies on violence against women than those with weaker movements. Autonomous women’s movements were found to be more important than left-wing parties, the numbers of women legislators, or national wealth.¹⁹⁸

Beyond legal reforms to combat disadvantage, regulations – such as minimum wage floors – can play a critical role, especially for under-represented women. Collective action, combined with better minimum wage coverage, has led to positive results for domestic workers, who are mainly women. In South Africa, minimum wage legislation benefited domestic workers (and other low-wage sectors) without job losses, contrary to what standard economic models predict.¹⁹⁹

Effective approaches are not necessarily a simple task of legal reform. While some barriers to women’s justice can be addressed by constitutional or legislative amendment – such as by specifying sex as a ground for discrimination or increasing the age of consent to marriage – typically legislative action alone will not suffice. Change requires collective action, development of wider policy frameworks and often complementary efforts around community engagement.²⁰⁰ Examples include domestic violence legislation and reforms to family law. Strategic litigation can be pursued to change interpretation and application of the law, as documented recently by the Open Society Justice Initiative (see also Box 4.15).²⁰¹

There are cases where legislative solutions are ineffective in the face of entrenched power inequalities and social norms. Customary and informal systems and social norms may be stronger than formal laws, as evidenced by the persistently high rates of child marriage in Bangladesh, despite being legally prohibited

for almost a century, and the ineffectiveness of laws banning sex selective abortion in India.²⁰² Complementary interventions can advance the aims of legal reform, although that may not suffice. For example, education campaigns and advocacy work followed a legislative ban on female genital mutilation law in Senegal. However, among those who strongly supported female genital mutilation, the law reportedly did little to change practices, and sometimes drove the practice underground.²⁰³

As outlined above, the justice system can have different impacts on men and women not only due to explicit discrimination but because of underlying structural inequalities and overlapping disadvantage. This can arise even where laws are ostensibly gender neutral. Gender impact assessments and ex-ante gender audits can reveal potential impacts and suggest changes to avert adverse effects. According to the OECD, to be effective, such assessments require appropriate data, staff and expertise, and the process needs to be integrated into the design and planning of policies²⁰⁴ (see also Box 4.12).

Country examples include Austria, where since 2013, all new or amended federal laws, regulations, and major investment or procurement contracts must include an ex-ante gender impact assessment and other assessments of potential socioeconomic and environmental impacts. The impact assessments are disclosed for consultation and parliamentary discussions. Ex-post evaluations of the impacts are required by ministries within five years and reported to Parliament. In Sweden, binding regulations stipulate that gender impact assessments must be conducted on policy

proposals potentially affecting gender equality. Bills require a separate section assessing whether proposals and expected outcomes contribute to or hinder the achievement of gender equality goals.

The upshot is that legislative reform can play a critical role in both signaling the acceptability of different types of behavior, as well as providing standards and protection and enforcing change. It is important to understand the expected gender impacts, even where there is not explicit discrimination, especially where there are gaps between laws on the books and laws on the ground. Legal reforms are more likely to be effective when supported by locally driven efforts to change norms.

Preventing and responding to intimate partner violence

Violence against women is an injustice (as is violence against children and men); justice for all requires radical reductions in the prevalence of violence. Chapter 2 has already outlined the epidemic proportions of intimate partner violence around the world. This is a major breach of women's rights to live safely and without violence. Preventing and responding to such violence has moved to the top of the global, and in many countries, national agenda. The law plays an important role, as outlined below, not least as "an important means available to demonstrate that certain behaviours are unacceptable".²⁰⁵ The focus here is on the role of the law and legal reform, while recognizing that these are just part of a larger puzzle and a multi-pronged effort to change norms around violence against women, as outlined in Figure 4.3.

Figure 4.3: Promising directions for changing social norms around violence against women



Source: Adapted from Klugman *et al.*, 2014

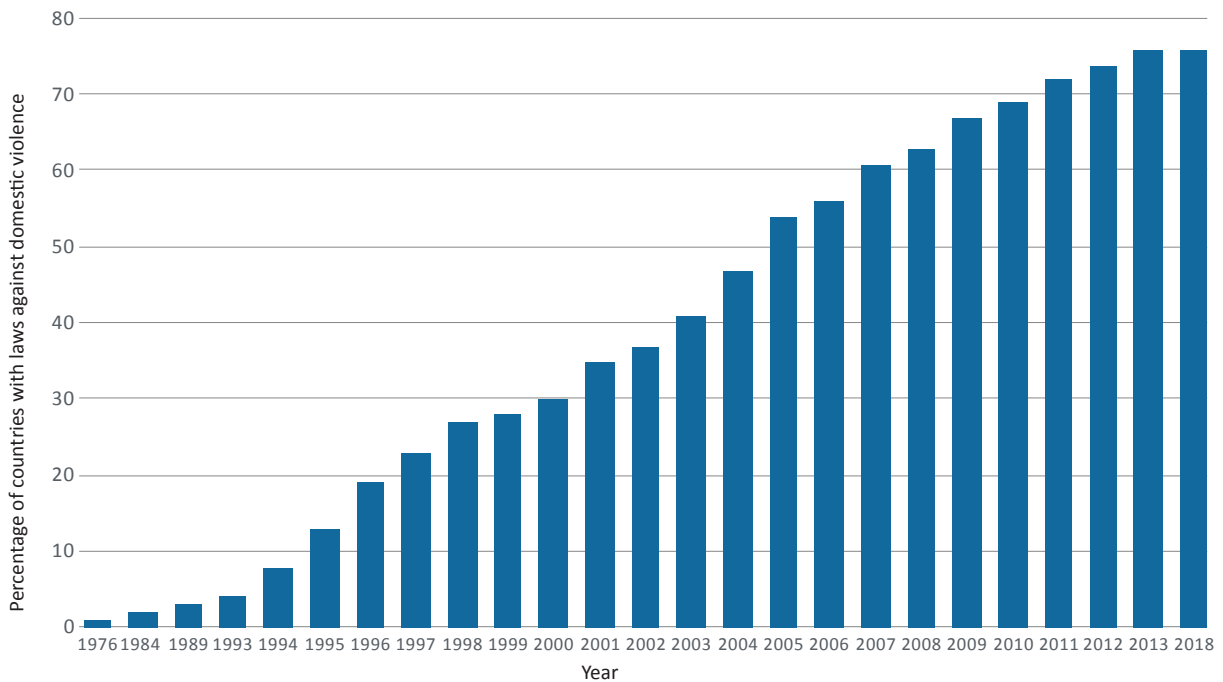
A recent global review found that there has been major and increasingly rapid progress establishing, in both international and national law, the right of women to live free of violence in the home, as shown in Figure 4.4.²⁰⁶ The pace of national reform has been rapid since 1976, when only one country prohibited marital rape. Globally, the share of countries with laws on domestic violence rose from 71 to 76 percent between 2013 and 2017, including recent reforms in Algeria, Belarus, Kenya, Latvia, Lebanon, the Netherlands, and Saudi Arabia.²⁰⁷

What accounts for the acceleration of legal reforms to address gender-based violence? One powerful force has been women’s rights movements and mobilization efforts demanding greater justice for women and freedom from gender-based violence. As noted above, Weldon and Htun concluded that feminist action is the “most important and consistent factor driving policy change”.²⁰⁸ Nigeria’s Legislative Advocacy Coalition on Violence Against Women campaign contributed to the passage of the Violence

Against Persons (Prohibition) Bill in 2013, which included a more comprehensive definition of rape, stricter sentences, compensation for victims of rape and other sexual offenses, protection from further abuse through restraining orders, and a fund to support victim rehabilitation.²⁰⁹ Women’s mobilization, including the more recent #MeToo movement, has driven legal reforms in both developed and developing countries.²¹⁰

So how important are laws in reducing the risk of violence? Recent reviews show benefits in places where laws against domestic violence exist. Simply comparing countries with and without domestic violence laws reveals that average current rates of violence are indeed lower in countries with legislation prohibiting violence – 10.2 versus 17.4 percent. At the same time, there is a large range in the rates of violence within both sets of countries. And the causality may run in the direction of countries with lower acceptability of violence being more likely to enact prohibitions against violence.²¹¹

Figure 4.4: Increasing coverage of domestic violence legislation across countries



Percentage of countries with laws against domestic violence by year, 2014

Source: Author based on Women, Business and the Law, 2018 and Klugman et al., 2014

Forthcoming analysis by Jeni Klugman and Li Li provides important new insights about the correlates of rates of intimate partner violence and the potential role of laws: systematic regression analysis for 84 countries suggests that laws and, more specifically, laws against violence, do matter.²¹² Controlling for levels of human development, women’s economic opportunities, gender norms, and laws supportive of gender equality, the presence of a law against domestic violence is associated with lower national rates of intimate partner violence. On average, the existence of such legislation is associated with a 3.7 percent lower rate of physical intimate partner violence. Clearly a host of policies and norms matter – but the prohibition of gender-based violence can have a preventive impact, partially because laws help to establish and reinforce social norms.²¹³

While better legislation is important, improved implementation and enforcement is critical. Sufficient funding can make a difference.²¹⁴ In the US, jurisdictions that received funding

for implementation of the Violence against Women Act had significantly greater reductions in the number of sexual and aggravated assaults, compared to those that did not receive funding.²¹⁵

It is critical that the justice chain becomes more responsive to the needs of victims, including by ensuring confidentiality and safety for survivors both inside and outside the courtroom. This includes avoiding unnecessary and repeated postponements, allowing a support person to be present, and improving interpretation and translation services.

Training judges and specialized police forces and ensuring emergency and support services for women can support implementation.²¹⁶ Thirteen Latin American countries have introduced women’s police stations, and Brazil alone has over 300. When well executed, such initiatives can be effective in raising awareness, linking women to quality services, and increasing rates of reporting.²¹⁷

Box 4.3: A proposed new model domestic violence court in Argentina

Argentina's judicial branch is presently unable to adequately respond to domestic violence. The Model Law proposes a deep process of institutional re-engineering in the courts, taking advantage of economies of scale and common management offices. The judges would have unified civil and criminal competence that offers (together with prosecutors and specialized defense attorneys) effective, comprehensive and coordinated responses to violence. The new courts would be specialized bodies with a focus on gender, unified at the individual case level.²²¹

A review by Mary Ellsberg *et al.* found that that interventions focused on victim advocacy, including case management and legal services, are deemed “promising” in high-income countries, though there was insufficient evidence for low- and middle-income countries.²¹⁸

There has been some success in improving the sensitivity, accountability, and effectiveness of justice actors by providing technical guidance, such as court authorities and protocols, on handling cases of gender-based violence.²¹⁹ Argentina created the Gender Violence Victims Attorneys Corps to promote better responses at the national level. It guarantees timely access to free and quality legal advice and support, and connects victims with a group of specialized, gender-sensitive, and knowledgeable lawyers. The Corps is a joint effort by the government, professional associations, and civil society.²²⁰ A new model being proposed in Argentina is outlined in Box 4.3.

Other examples to improve institutional responsiveness to violence against women include Thailand and Kenya, where UNODC has supported training programs for prosecutors on effective responses. In Afghanistan, IDLO is working to raise legal awareness, training key members of the justice sector, and supporting specialized units under the Attorney-General's Office. Assessments suggest better awareness for both women and members of the justice sector, and improved services for victims. IDLO is also working with the Afghan Government to develop an electronic database to track cases.²²²

Addressing intimate partner violence should not be limited to the formal legal system. Many promising rule of law programs in developing countries address the connection between informal and formal justice systems. Some programs have worked to reduce discriminatory practices or customary laws, support woman local leaders, and encourage community dialogues on gender-based violence and its connection to customary law.²²³ In rural Uganda, for example, it is estimated that about half of women and girls first contact informal justice systems in response to civil and criminal legal issues. UN Women has supported several approaches, as described in Box 4.4, to tackle the gaps in referral pathways and investigation processes, that have led to low prosecution rates for crimes of sexual violence.

Informal systems of justice can be connected to community dialogue and mobilization, engaging women and men to prevent violence by changing norms.²²⁴ Evidence is accumulating on how groups of people can be supported to prevent gender-based violence. Examples of such programs include Oxfam's We Can campaign across South Asia, Men's Action to Stop Violence Against Women in India, and Raising Voices' SASA! in Uganda.²²⁵

SASA! is a community mobilization approach that aims to prevent violence against women by changing community norms and behaviors that result in gender inequality, violence, and increased HIV vulnerability. The intervention promotes critical discussions around power

Box 4.4: Innovations to support women’s justice in rural Uganda

“The Karamojong Cultural Principles” and the “Administering Traditional Justice in Acholi: Case Management Handbook” were developed through in-depth consultations with cultural leaders in each region, and input from leading Ugandan justice advocates and lawyers. Around 120 community-based paralegals and 119 cultural and religious leaders were trained on this basis.

Further capacity development activities included training for top and middle managers in the police, using the UN Essential Services for Prevention and Response to Violence against Women and Girls package, and national and international law. This brought together several parts of the formal system – namely Uganda Police Force Child and Family Protection Officers, Criminal Investigative Division Detectives, Medical Officers, Public Prosecutors, Resident State Attorneys and Probation and Welfare Officers.

In 2017, UN Women assisted the Uganda Police Force to develop a gender policy which provides for equal treatment of women staff within the Force, ensuring equal access to training and promotions and in the provision of services. A gender training institute will provide professional courses for officers to build specialized skills. UN Women is currently working with the police to develop standard operating procedures to strengthen investigation and management of cases of violence against women and girls, aligned to international standards.

In response to concerns raised by a 2017 UN Women report about plea-bargaining in Uganda, processes have been launched to review prosecutor training manuals, general sentencing guidelines and to develop a separate sentencing guideline in plea-bargained cases. In 2017, UN Women supported training of prosecutors and the senior management team of the Office of the Director of Public Prosecution on the Domestic Violence Act, particularly relating to restraining orders.²²⁸

dynamics and mobilizes communities around norm, attitude, and behavior change related to intimate partner violence. A randomized control trial of the SASA! intervention in Uganda found that the community mobilization component is key in preventing violence against women.²²⁶ SASA! is now being used in more than 20 countries in such settings as refugee camps, pastoralist, rural as well as high-density urban communities.²²⁷

The importance of prevention is underlined by the pervasive under-reporting of violence. Globally, only about 6 percent of victims report the incident to authorities.²²⁹ Women may not report for a multitude of reasons, including feelings of shame, fear of retaliation, and/or

because they did not know where to turn, or did not believe that seeking help will result in prosecution of the perpetrator.²³⁰ A recent UN Women and Government of Vietnam survey of about 200 women and justice providers revealed that while most women were aware of their rights, most victims were unclear on reporting procedures. Some were told they had to report the incident to four agencies: head of residential cluster, People’s Committee, Women’s Union and the police. While a majority of respondents strongly agreed that the criminal justice system was fair, helpful and approachable, the majority of the victims interviewed were dissatisfied with their experience of the criminal justice system and lacked trust in it.²³¹

Box 4.5: New approaches to addressing domestic violence in Bhutan

Bhutan passed a Domestic Violence Prevention Act in 2013, defining domestic violence – physical, sexual, financial or emotional – as criminal. However, local community volunteers with the NGO RENEW voiced an urgent need for informal means to address alleged incidents. Survivors, they reported, were for a variety of reasons unwilling to take their concerns to the police or the courts. Many might be willing to approach a village elder, but those elders had been told not to accept cases involving domestic violence. Many survivors turned to RENEW’s domestic violence resource persons to act as mediators.

The community volunteers asked RENEW’s management for training as mediators. This request was complicated by the fact that mediation in Bhutan is allowed only in civil cases, whereas the legislation clearly defines all forms of domestic violence as criminal. Even cases that might be addressed by means of counseling or neighborly intervention, like less serious forms of emotional abuse, are a potentially criminal offense. Moreover, a mediation process carries dangers since it assumes voluntary participation and lacks many of the procedural safeguards inherent in formal judicial process.

The preferred model that emerged from discussions in Bhutan was a consensus-building approach, where community volunteers would serve as facilitative problem-solvers, with the backing of local elders and the police, but stripped of any authority to formally write up an agreement. Over the course of several months, the Jigme Singye Wangchuck School of Law’s clinic and RENEW developed the model, in consultation with various justice sector stakeholders, the Royal Bhutan Police, Bhutan’s National Commission on Women and Children, survivors groups, Bhutan’s judicial training institute, and RENEW’s community-based support volunteers and counseling department.

Cases can come to RENEW volunteers either directly or by referral from the police. In the former case, the volunteer must check with a designated police officer, usually one trained to handle domestic violence, to seek permission to act as a consensus-builder in the case. The response is based on criteria detailed in a legislative clause that allow referral to a “negotiated settlement” proceeding. For example, only first-time alleged offenses can be referred for consensus-building, and only those that would not qualify as felony offenses. This means that the consensus-building option is available primarily for alleged instances of emotional or financial domestic violence.

Once the volunteer is engaged, they are empowered to employ a “gender-informed” facilitative style. The police have to approve and ratify any final mediated agreement, which must be written up by the police, a lawyer, or a village elder. In all cases, however, the settlement must be written down, which also serves the purpose of creating evidence in a subsequent criminal proceeding if the abusive behavior recurs.

A number of challenges exist, including developing meaningful indicators to inform whether the dispute system is achieving its intended purpose, and more specifically, if it indeed represents an improvement over the formal justice system. Can a clear and easily replicable training be developed? And how to best address problems as these arise?²³²

Some survivors may feel more comfortable reporting violence to village elders or trusted community volunteers, rather than the police or the courts. To address this challenge, in Bhutan, a local NGO called RENEW is training community volunteers to work closely with local elders and the police to respond to domestic violence reports. These volunteers are trained to be “gender-informed” facilitative problem-solvers and use an effective consensus-building approach, as described in Box 4.5.

When women are informed of their rights, they may be more able to pressure their local leadership to ensure better protection under the customary judicial system. Reported examples include Malawi, Cambodia, Bangladesh, Timor-Leste, and Indonesia, where education campaigns, street theatre, literary courses, and distribution of guidebooks for women and marginalized populations increased their legal awareness and offered valuable entry points for human rights campaigns.²³³

However, there are also counter examples – as illustrated by the challenges faced in Afghanistan where, despite constitutional guarantees of non-discrimination and the 2009 Law on the Elimination of Violence against Women, lack of awareness and ongoing discrimination in the justice sector remain problematic. Because judges may choose to prosecute acts of violence under either the penal code or sharia law, this frequently results in reduced or no charges. A May 2018 UN report on the law’s implementation, titled *Injustice and Impunity*, followed 237 cases of violence against women in 22 provinces, and found that most never went to court. Instead, authorities routinely pressured victims to accept mediation, even in cases that, under the law, the State is obligated to investigate and prosecute. According to the UN, mediation contributed to impunity: mediators pressured women to accept unreasonable settlements (such as returning to their husband), and failed to sanction perpetrators. Mediators were often inattentive to the victim’s protection

needs, sometimes resulting in harm to the victim after a settlement was reached.²³⁴

Globally, in cases where victims do report violence, the risk of repeated violence is highest in the subsequent three months. It is critical to protect women during this period.²³⁵ In cases of harassment, many justifiably fear retaliation after reporting – and indeed one third of complainants report that they suffered further harassment, demotion, job loss, or other negative repercussions. The US Equal Employment Opportunities Commission has recommended that there should be multiple avenues of redress for harassment – including confidential e-reporting and an open-door policy, so that concerns can be brought to anyone in management.

Post-reporting support and protection could be in the form of restraining orders or offender intervention programs.²³⁶ At least 11 European Union (EU) countries have adopted models of Domestic Violence Protection Orders,²³⁷ and in the Philippines, the 2004 Anti-Violence against Women and their Children Act allowed for a local elected official to issue protection orders in cases of violence.²³⁸

Additional counseling, protection, or other practical help is often sought by victims, as revealed by a recent EU-wide survey.²³⁹ A US program focused on women most at risk of being killed by their partners found that the support led to a reduction in the frequency and severity of violence, compared to a control group.²⁴⁰

Shelters remain a necessary form of protection against violence, offering safe accommodation when women cannot return home due to trauma or while they seek justice. CEDAW and the Special Rapporteur have endorsed one-stop centers, which provide a variety of legal, health and social services for women.²⁴¹

Box 4.6 outlines the regional monitoring bodies on violence against women, which are part of the larger human rights framework, together with CEDAW (see Box 3.1) to protect and advance gender equality and eliminate violence against women. At the international level, a dedicated UN Special Rapporteur on Violence against Women, its causes and consequences, was established in 1994 to seek and receive information on violence against women from governments, treaty bodies and other special procedures, intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information; as well as provide concrete recommendations for the elimination of violence against women. The UN Special

Rapporteur transmits urgent appeals and communications to States regarding alleged cases of violence against women; undertakes country visits and submits annual thematic reports. The latest annual thematic report of the Special Rapporteur is on online violence against women.²⁴² The CEDAW Committee has also consistently monitored violence against women as part of its examination of States' reports as well as through its Optional Protocol.

In sum, legislation and effective enforcement against domestic violence, working together with community organizations and local leaders, are all important parts of the puzzle to prevent violence and ensure justice for women.

Box 4.6: Regional human rights treaties and their monitoring bodies on violence against women

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994, Belém do Pará) recognized violence against women as a human rights violation, and established mechanisms to eliminate violence in both the public and private spheres. In 2004, the follow-up mechanism, MESECVI was set up based on a forum for permanent dialogue and technical cooperation between State Parties and a Committee of Experts, to assess progress and highlight challenges.²⁴³

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in 2003 by the African Union, linked the eradication of violence against women to the advancement of women in all aspects of life by introducing a prohibition of violence against women.

The relevant Council of Europe Convention, known as the Istanbul Convention, was adopted in 2011, and established a legally binding definition of violence against women as "a violation of human rights and a form of discrimination against women", and established a monitoring mechanism, consisting of an independent expert body, known as the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), and a political body, the Committee of Parties.

Taken together, CEDAW and the regional treaties constitute a global human rights legal framework to address all forms of violence against women.²⁴⁴

Overcoming disadvantage for poor and marginalized women: leaving no one behind

Many women and men experience challenges in access to justice. However, people facing overlapping disadvantage—especially poverty, disability and minority status—encounter greater barriers.²⁴⁵ For them, there is a real risk of exclusion and being left behind.

While overlapping inequalities and a lack of financial assets can prevent women from obtaining legal advice and representation, legal problems can also exacerbate their challenges and often lead to additional legal problems, as outlined in Chapter 2.

Targeted support can help enable access for marginalized groups, who may know their rights but lack financial resources, be located far from legal support institutions, fear retribution, or may not have the time to fully engage in the

justice system. There are many promising examples from around the world – here are selected cases.

- In Zimbabwe, Human Rights Watch found that widows face major challenges accessing the rights they know they have. While Zimbabwean law provides relatively equal property and inheritance rights, widows struggled to claim those rights due to financial challenges and long distances to government agencies and the courts. NGO support for transportation and financial assistance enabled almost all interviewed widows to successfully reclaim their property.²⁴⁶
- In several African countries, UN Women and the Canadian Government have supported women’s access to property and inheritance rights in the context of HIV and AIDS. Small grants (of up to US\$75,000) went to 20 grantees, including legal service organizations, community-based and grassroots networks, and organizations of women living with HIV who were working to enhance the awareness of legislators, policymakers, local and traditional leaders.

Box 4.7: Indigenous women in Guatemala leading the way toward justice

During the 36-year-long Guatemalan civil war, indigenous women were systematically raped and enslaved by the military in a small community near the Sepur Zarco military outpost. Although indigenous people are 43 percent of the national population, they have been historically marginalized. For example, the illiteracy rate is about 48 percent for indigenous women, compared to 19 for non-indigenous women.

In 2011, 15 women who were survivors of Sepur Zarco – now respectfully called the *abuelas* (grandmothers) – took their case to the highest court in Guatemala, with the support of local women’s rights organizations, UN Women and other UN partners. After 22 hearings, in 2016, the court convicted two former military officers of crimes against humanity on counts of rape, murder and slavery, and granted 18 reparation measures to the survivors and their communities. This was the first time in history that a national court prosecuted sexual slavery during conflict using national legislation and international criminal law.

The landmark verdict was possible because of the bravery and fortitude of the *abuelas*, and support from civil society and local and international organizations which prioritized their justice needs. The reparations included reopening files on land claims, setting up a health center, improving the primary school and opening a new secondary school, as well as scholarships for women and children.²⁴⁸

- Indigenous women in Guatemala have organized and successfully pursued justice with support from civil society, local and international organizations, as outlined in Box 4.7.²⁴⁷

While access to the formal justice sector may be most difficult, constraints can also arise in the informal or customary justice sectors.²⁴⁹ In some Pacific States, for example, where gender-based violence and prejudices are severe and widespread and tolerated by some customary norms, violence against women is often not seen as a serious issue worthy of community-level adjudication.²⁵⁰

It is well recognized that targeted policies and programs are needed to overcome these challenges, and ensure that these women are not left behind. This section describes various options – legal aid, community paralegal services, efforts to expand legal literacy, and other poverty-related initiatives.

Access to legal aid

Legal aid can enable poor people to seek justice that would be otherwise out of reach.²⁵¹ To be effective, legal aid should be of high quality, respectful of clients and their confidentiality, and available in local languages.²⁵² According to UN Women, in at least 45 countries, legal aid has been shown to contribute to women’s empowerment and gender equality by providing legal advice to victims of abuse or harassment.²⁵³ However, rigorous evaluations to help inform what works best, especially in developing country contexts, are rare.

One exception is the Justice Centre for Legal Aid in Jordan, which provides free legal aid services – information, awareness raising, and legal counseling and representation – to vulnerable persons, 72 percent of whom are women. A World Bank study found that the services helped clients navigate the court system, increased their self-reported sense of agency, and helped them

obtain judicial decisions in their favor. Women who used the services developed new skills, including in negotiation, and legal awareness among family and community members also rose. Clients reported that their trust in the justice system, which they previously felt was biased against women and poor people, improved.²⁵⁴

UNDP has supported legal aid services using paralegals, lawyers’ networks, dispute clearing houses, alternative dispute resolution training, and dispute resolution panels in Cambodia, Puerto Rico, Sierra Leone, Thailand and Timor-Leste. While they have experienced some success with these approaches, the interventions have experienced challenges due to low capacity among paralegals, local elites who are resistant to power shifts, lack of sustainability, and a lack of confidence and trust in the justice system.²⁵⁵

Legal aid can be expensive, and many countries face challenges in guaranteeing access. In some countries, fiscal stresses have threatened the system. England and Wales have had the legal principle of “justice for all” since 1215, and in 1949 the Legal Aid and Advice Act established that “no one would be financially unable to prosecute a just and reasonable claim or defend a legal right”. However, recent major budget cuts and changes to the national legal aid system, including removing divorce and child custody, immigration, employment, and welfare benefits from the legal aid net, has made it increasingly difficult for people to access justice. More people are now representing themselves, or are excluded from the justice process altogether.²⁵⁶

The Netherlands appears to have one of the most accessible, efficient, and cost-effective legal aid systems. Their online dispute resolution platform, *Rechtwijzer*, allows all citizens to learn their legal options without the help of a lawyer. The site provides referrals to other services as well, including the *Juridisch Loket*, or Legal Services Counters, which offer 60 minutes of

free in-person legal aid counseling, regardless of eligibility, and remote help via phone or internet.²⁵⁷

In a number of countries, private companies (including law firms) and community and professional organizations have taken initiatives to help women directly, through pro bono services, legal clinics and so on. Examples of professional organizations engaged in such activities include women judges and women lawyers associations.

Support from paralegal services

Paralegal services are provided by individuals who do not have the formal legal training required by professional legal associations (e.g. law degree, admission to the bar and so on), but typically have training in basic law, mediation, organizing, education, and advocacy, and on-the-job training as well. Paralegals have the advantage of being relatively cost-effective, although it is important to ensure that the

quality of services does not suffer.

Community-based paralegal programs can help improve justice for women and legal literacy among marginalized populations. UN Women developed a paralegal manual and training program in Afghanistan which reportedly increased legal assistance and knowledge of women's rights in rural areas.²⁵⁸

In Uganda, UN Women worked with FIDA-Uganda (The International Federation of Women Lawyers) and the Uganda Law Society to provide free, quality, essential legal aid services – including legal representation and mediation – to both men and women. Cases were handled in both the formal and informal systems, and community-based paralegals and local leaders were trained. The program worked to bring together informal and formal justice actors to align cultural and religious practices with Ugandan law and to train both groups in gender-responsive service provision and referral pathways.²⁵⁹

Box 4.8: Mobile paralegal assistance: experience from Liberia

The Carter Center's mobile paralegal program in Liberia used a baseline and follow-up survey structure with individual-level randomization to explore the effects of paralegal assistance with client cases. Following community education sessions, paralegals met with potential clients to verify the validity of the case. To avoid an ethical breach, paralegals handled any urgent cases immediately and excluded these from the study. Researchers then randomly assigned the remaining clients to either a treatment or control group. The treatment group received paralegal support immediately, while the control group was guaranteed access to the paralegal after three months. Clients in the control group were advised to take whatever actions necessary in the interim period to try to solve their case – both for ethical reasons and to ensure that the anticipation of paralegal support would not artificially lower non-treatment case outcomes. After three months, both groups answered questions about their experience in the intervening period.

The evaluation found that perceptions of fairness among paralegal clients increased by 35 percent and satisfaction with the resolution of their case increased by 37 percent, relative to the control group. Households with single mothers were 23 percent more likely to be receiving child support payments, compared to the control group. Broader indicators also improved, including household and child food security that were measured through questions related to anxiety over food access, perceptions of sufficient quantity and quality of food, and other related factors.²⁶⁰

Another example is the adolescent girls and young women engaged as paralegals and Community Health Advocates under an IDLO project with two established local NGOs, Legal and Human Rights Centre in Tanzania and Center for Health, Human Rights and Development in Uganda. The initiative builds the capacity of these girls and women to hold service providers accountable for the quality of HIV prevention services and grievance redress mechanisms, within the context of safe spaces. To date, about 200 paralegals have been engaged, reaching an estimated total of about 12,000 young women.²⁶¹

One program that has been evaluated and shown to be effective is the Carter Center's mobile paralegal program in Liberia, outlined in Box 4.8, although the study did not report the impacts by sex.

Promoting legal literacy

Legal literacy is knowing or creating an awareness of legal rights and duties. Legal literacy is especially low among poor, rural, marginalized populations, whose general education levels tend to be lower. Social and economic barriers can prevent these populations from accessing legal information or having a complete understanding of their rights.²⁶²

Legal literacy campaigns are a focus of a number of programs, and studies have shown a range of impacts. Changes in legal knowledge may be a foundation for other impacts over time, including willingness to take action and pursuit of remedies or other entitlements – however the evidence is mixed as to whether knowledge alone suffices.²⁶³

A recent example comes from Guatemala, where UN Women is working with indigenous women human rights defenders to increase their awareness of the rights and needs of indigenous women and girls and their knowledge of the ancestral and State justice systems. These indigenous women human rights defenders

have been able to provide paralegal services to indigenous women – linguistic support, accompanying them to the courts, and assisting them with their cases. Since 2015, almost 2,500 women have been supported through the process and over 60 percent of their cases have been resolved.²⁶⁴

A legal literacy program from Nepal was found not only to increase women's knowledge of their rights, but also resulted in the participants planning social action campaigns and asserting themselves in household decision-making. However, a study of Tanzania- and Mozambique-based paralegal programs focused on women's land rights concluded that increased legal knowledge alone was not sufficient to catalyze community action. Other aspects of the program, including paralegal support and back-up support from a lawyer, were necessary for women to translate their legal knowledge into a successful land claim.²⁶⁵

Overcoming poverty barriers

For women living in poverty, even if they have a complete understanding of their rights and knowledge of the system, financial barriers can still prohibit them from accessing justice. To increase access for the poorest and hard-to-reach populations, innovative ideas such as mobile clinics and links to social protection programs are being explored, as well as fee waivers.

Mobile clinics appeared to have enhanced access in a number of countries, including in Latin America. In Colombia, a mobile clinic was developed to increase access to justice for victims of armed conflict. The clinic went to hard-to-reach areas traditionally controlled by illegal armed groups and served as a one-stop centers sharing legal information and providing legal advice for victims regarding their cases.²⁶⁶ When Nicaragua used mobile courts in the early 2000s, the areas where the project was implemented saw a 10 percent reduction in

Box 4.9: Improving access to justice in Indonesia

Fee waivers for religious courts and circuit courts received increased support from the Indonesian Government from 2008. It is estimated that, from 2007 to 2010, there was a 14-fold increase in the number of poor people accessing religious courts through the fee waiver program, and a fourfold increase in the number of people accessing circuit courts in remote areas. The net result boosted access to justice, especially for women, those living in poverty and in remote areas.

This intervention was tracked via a web data management system with support from the Australian Government. Data were sent by courts via text messages to a database in Jakarta that generates reports that are made available online. This information improved understanding about the impacts of fee waiver programs on court access.²⁶⁹

crime. Honduras has also used mobile courts to increase access to justice for vulnerable and rural groups and had specialized services for women in family courts and victims of domestic violence.²⁶⁷

Access to justice interventions can be integrated into poverty reduction and social protection programs, which cover an increasing number of low-income countries around the world.²⁶⁸ These interventions could include fee waivers, pro bono legal representation, transportation for women and witnesses, and fee scales based on need. In Indonesia, a fee waiver program was introduced for religious courts that significantly boosted access, as described in Box 4.9.

In situations when the justice process is delayed or inadequate, alimony funds financed by governments or specialized foundations can provide the support that is legally due to women. This has been implemented successfully in Egypt and Palestine, where women have limited legal representation in family courts and enforcement of court decisions is low. Funds are distributed to women in cases where alimony and child support court decisions are not enforced.²⁷⁰

The needs of women in conflict-affected settings

Women living in conflict-affected settings face

major challenges in accessing justice. Rates of crime and violence are high, and State responses and institutions are often weak or non-existent. Yet, justice is essential to break the cycles of violence that contribute to recurring conflict.²⁷¹ To address the root causes of violence, justice must reach those who are furthest behind, including women, girls and survivors of sexual and gender-based violence.

Rebuilding the rule of law is difficult in any fragile context; it depends not only on larger political settlements but on human and social capital required to make the security, legal, judicial and penal systems work in equitable ways.²⁷² Rules appropriate in one setting may not work elsewhere.

As part of the broader rule of law agenda, transitional justice mechanisms – which include truth commissions, criminal trials, reparations programs and institutional reforms – have been introduced to achieve redress for past human rights violations. Such mechanisms can also be leveraged to address gender inequality. For example, in Colombia, criminal justice, reparations and truth-telling are working in combination, to provide individual redress, rebuild trust across communities, and enhance gender equality by empowering women and members of the LGBTI community as key stakeholders and beneficiaries.²⁷³

Box 4.10: Reparations for conflict-related sexual violence in Kosovo

In 2017, nearly two decades after the armed conflict in Kosovo, the Government established a fund for survivors of sexual violence to provide reparations for their physical, psychological, economic, and social traumas. The Commission for the Verification and Recognition of Sexual Violence Victim Status in Kosovo began reviewing applications from survivors in February 2018. This Commission is the result of years of civil society activism and the support of a partnership between UN Women and the EU to advance gender-sensitive transitional justice.

In addition, UN Women partnered with victims associations to provide micro-grants and psychosocial support to 177 survivors of sexual violence, to enhance the impact of their reparation benefits. This pilot is the first of its kind to explicitly link gender-sensitive reparations and development programming, and was shaped by consultations with survivors about their identified needs and challenges.²⁷⁴

In the Philippines, local truth-telling initiatives supported by UN Women and local civil society are unearthing and healing long-standing grievances which often fuel radicalization in the country's marginalized Muslim population.²⁷⁵

Transitional justice mechanisms should provide redress for the full range of human rights violations, work to address underlying gender inequality, and take special measures to ensure that women are engaged as participants and beneficiaries and serve in decision-making roles.²⁷⁶

Box 4.11: What the UN is doing to promote justice for women during and after conflict

A recent UN Women/UNDP review usefully documents and critiques areas of activity and gaps in the work of UN agencies to promote justice for women during and after conflict.

The most common areas of engagement were legislative reform, promoting awareness of legal rights and protection, and capacity-building or training of key justice chain actors (judicial officials, legal professionals, law enforcement and corrections officers). Newer approaches include training of paralegals and assisting civil society groups who support victims of violence.

Multiple programs are addressing different aspects of women's access to justice, and are providing some, but not all, aspects of the holistic responses that are needed for women to access justice processes.

The Country Team Gender Scorecard system and the System-Wide Action Plan offer a means to track performance. Likewise, the Department of Peacekeeping Operations/Office of the UN High Commissioner for Human Rights Rule of Law indicators offer specific approaches for measuring gender equality in justice services. However, neither system is as yet sufficiently widely used to show definitive results.²⁷⁷

Transitional justice mechanisms include international bodies, such as the International Criminal Court, as well as regional and national processes. Two recent examples. In 2016, a court established by the African Union in Senegal convicted the ex-president of Chad of war crimes and crimes against humanity, including rape and sexual violence.²⁷⁸ In 2018, the Government of Kosovo²⁷⁹ established a national commission to provide reparations to survivors of conflict-related sexual violence, as described in Box 4.10.²⁸⁰

UN Women, and the Carter Center. Box 4.11 outlines what UN agencies have been doing to promote justice for women in such settings.

Experience suggests that targeted policies and programs can overcome the challenges facing poor and excluded women – free services provided in innovative and accessible ways, together with investments in legal literacy and linked to poverty reduction programs have shown promising results. There are also important links to collective action, as outlined below.

A number of actors are focused on providing support during and after conflict, including IDLO,

Box 4.12: Informal work: actions for governments and employers

- Reform legal frameworks to protect informal workers and their livelihoods as a key pathway to formalization by following the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) adopted by the ILO.
- Extend legal recognition and identity to informal workers, especially women: for example, provide legal identification cards that indicate their occupation.
- Extend minimum wage requirements, health and safety regulations, social security benefits and other labor rights to informal workers, including contractors employed through brokers/intermediaries and casual, on-call and temporary workers.
- Extend legal protection in the form of enforceable contracts and property rights.
- Include organizations of informal workers, such as trade unions, local associations and cooperatives, in rule setting, policymaking, and collective bargaining.
- Support legal advocacy and strategic public interest litigation – by organizations of informal workers and their supporters – aimed at protecting informal workers’ rights.
- Encourage law enforcement, civil society and local government agencies to work with female informal workers and their organizations to increase their safety in unsafe work environments.
- Favorably regulate the use of public spaces as workplaces by vendors and other informal workers – and the use of natural resources by forest gatherers, fisher folk and other informal workers.
- Support efforts aimed at providing training or information that can empower informal workers, including “know your rights” campaigns.
- Invest in childcare for the children of informal workers, and improve the working conditions of paid childcare providers who are informally employed.
- For domestic workers, ratify and fully apply the Domestic Workers Convention, 2011 (No. 189).
- For home-based workers, ratify the Home Work Convention, 1996 (No. 177).
- Promote access to social security for migrant domestic workers through bilateral social security agreements.²⁸¹

Empowering women – economically and as rights holders

Part of ensuring justice for women is empowering them economically, socially, and politically. This includes access to services and opportunities, and relates to identity documents, registration and permits, as well as accessible and functional complaints mechanisms and ombudsmen/human rights institutions that can take on individual cases.

Box 4.12 provides an important illustration – outlining the kinds of laws that enable (or in their absence, restrict) the economic empowerment of women working in the informal sector.

It is well beyond the scope of this report to fully address actions to empower women economically, socially and politically. This report limits the focus to four dimensions – enabling legal identity, strengthening women’s land rights, enabling collective movements and voice, including political participation, and eradicating patriarchal biases in family law.

Enabling legal identity

A comprehensive strategy to achieve “legal identity for all” must address barriers to acquiring legal identification cards (ID), encompassing birth certificates, national IDs and passports, as well as marriage registration.²⁸² Women’s groups have often been instrumental in bringing about progressive reform, as have international human rights mechanisms, such as CEDAW reviews. Some emerging good practice, drawing on Hanmer and Elefante, is outlined below.

Over a decade ago, Mozambique and Nepal, for example, changed their laws to allow women as well as men to register births. Some governments, such as Angola, have made birth registration and certification free. Other governments provide a window for free

registration, and then impose fees – as an incentive to register at birth – as in Angola, El Salvador, Ghana, Jamaica, Kenya, Lesotho, Sri Lanka, Tajikistan and Vietnam, for example.

Access to some government programs – like the Benazir Income Support Programme, the major cash transfers program in Pakistan – requires an ID. In Pakistan, within four years of the launch of the Benazir Income Support Programme, there was a 94 percent overall increase in women’s IDs, and women with IDs gained a stronger sense of identity and said they felt financially empowered for the first time in their lives. Surveys found a positive and statistically significant impact on other key dimensions, including women’s electoral turnout and on the ability of women to travel alone within their communities.²⁸³

Some governments have made the process easier and faster, including online applications and mobile technologies, as in Bangladesh and Burkina Faso. In 2016, Senegal’s new national ID law introduced biometric cards and amended regulations so that married women are no longer required to have their husband’s name on their IDs.

Access to all forms of identification is an important steppingstone to women’s agency and freedom of movement. Eliminating gender-based discrimination from laws and regulations governing access to all forms of identification and nationality laws, coupled with efforts to ensure against exclusion of poor and marginalized populations, is critical.

Strengthening women’s land rights

A growing global consensus recognizes the intrinsic and instrumental importance for both women and men of secure rights to land and other productive resources in eradicating poverty, reducing gender inequality and promoting global prosperity.²⁸⁴ Equal rights to access, use, and control of land are enshrined in international agreements such as the Universal

Declaration of Human Rights and CEDAW and regional agreements such as the Arab Charter on Human Rights. These rights have become increasingly important with the advent of large-scale land deals in developing countries, from which poor women are often excluded because they lack formal land rights and are excluded in negotiations leading up to the leasing or sale of land.²⁸⁵

Because complex and sometimes contradictory sets of statutory laws, customs, and norms affect women's land ownership, these all need to be addressed as part of effective approaches.²⁸⁶ Three key areas of legislation – family law, inheritance law, and land law – affect the right to own and control property. Law reform and improved implementation, more gender-sensitive administration, and better data are all needed to realize women's land rights.

As noted in Chapter 2, across plural legal systems, there is no clear pattern as to which source of law is less disadvantageous for women; this will depend on local context. Where discriminatory practices prevail, statutory laws may provide women with more secure rights than custom. In other cases, women's rights may be better protected under customary tenure.²⁸⁷

A recent FAO investigation of six diverse African countries²⁸⁸ concluded that gender gaps in land ownership are smaller in countries where women have stronger protection of their rights – for example, in Ethiopia, Tanzania and Uganda, women have fairly strong legal rights. While awareness is still often lacking, the legal provisions as well as less gender-discriminatory customary practices, help explain the smaller gender gaps in land rights in these countries compared to Niger and Nigeria. In Ethiopia and Uganda, where there have been programs or provisions in the legal system encouraging joint ownership, more than half of all plots are jointly owned or managed.

Design matters. There are a number of cases where land titling programs have been designed or adapted to offset gender inequalities resulting from the conflict between formal legal changes and customary practices. Careful design, taking account of norms, can make a difference. For example,

- In Rwanda, the original design of formal land registration only recognized formal marriages, which excluded many women, especially poor women, in customary unions. When this was adapted to include customary unions, many more women were included.²⁸⁹
- In Ethiopia, a 2003 land titling program mandated that, in some regions, titling should be in the name of both the husband and wife jointly, boosted the probability that the woman's name appeared on the title compared to regions without such regulations.²⁹⁰ It was also found that ensuring that there was sufficient space for two names on the form made a difference.
- Price incentives can be used to encourage households to co-title the land with women. In Tanzania, where women's formal ownership rights are guaranteed by law but their de facto rights over land remain weak, evidence suggests that very small price incentives can nudge households to co-title the land with women.²⁹¹
- In Laos, the national Women's Union worked to train field and local staff on gender-sensitive practices, ensure that women and men attended public meetings and held separate meetings for women, and also conducted awareness-raising campaigns to explain the importance of women's participation in the program. With these changes, women almost doubled their share of sole ownership, and more than tripled joint ownership of marital property.²⁹²

Such design can be usefully informed by careful gender assessments, as outlined in Box 4.13, and engagement with local women's groups.

Box 4.13: Tools to guide gender land assessments

The World Bank’s “Toolkit for Integrating Gender-Related Issues in Land Policy and Administration Projects” provides guidelines for a gender analysis of socioeconomic and cultural conditions, including property rights, policies and legislation, land administration institutions, and land market transactions. In the West Bank and Gaza, for example, the analysis identified that inheritance is determined according to sharia law and proof of ownership is issued by the sharia court. However, customary practice pressured women to cede their shares to their brothers. This led to changes in project design to issue titles that include the names of all rightful heirs and specify their shares.

Landesa’s *Women’s Land Tenure Framework for Analysis: Inheritance* provides a framework for assessing women’s ability to inherit land. Collaboration between the State and progressive traditional authorities can identify options for upholding women’s land rights in customary tenure areas. In Foshan City, Guangdong Province, China, for example, the local government took action to address land rights of women who married someone from another village. Using clear guidance and principles based on relevant Chinese laws, the district government set up a working group of government officials to review village rules and worked together with villagers to amend the local provisions that discriminated against women. Judicial procedures were applied to enforce compliance. One year later, 95 percent of married women in the district (about 18,000 women) were granted equal land rights.²⁹³

Key to successful implementation of land rights is the commitment, willingness, and capacity of government staff and agencies. Establishing gender units within the land administration and appointing a lead gender focal point in land registries can help. Women’s representation can also be mandated by law, as in the Uganda Land Commission, in district land boards and in parish-level committees.²⁹⁴ Women can also be involved in the design of national land policies and in the monitoring of their implementation. In Pernambuco, Brazil, women formed local committees to monitor the land titling program and make their needs known.²⁹⁵

Local awareness-raising campaigns and community dialogue can also be effective ways to build understanding of and support for women’s land rights. There are several examples from Europe and Central Asia. In the

Kyrgyz Republic, men and women were trained as community-based advisers to provide free advice to villagers on the process of applying for land ownership.²⁹⁶ Box 4.14 highlights results from a successful pilot in Burundi.

Control over land and housing is a critical dimension of justice. Improving women’s property rights can have transformative effects on social norms and women’s status within the household and the community, as well as their economic opportunities. More and better sex-disaggregated data are needed to reveal gaps in ownership and access, recognizing the complexities and to inform policy and program design.²⁹⁷ A broad approach can help ensure that beneficial customary and communal rights are recognized and respected, coupled with reforms to promote gender equality and provide effective implementation.

Box 4.14: Engaging with the community to promote better results for women from land registration: results from a Burundi pilot

IDLO, together with Stitching ZOA, launched a pilot project designed to better understand the obstacles standing in the way of registration of women’s land rights, and to identify strategies to overcome these obstacles.

Obstacles to registering women’s land rights included lack of awareness, among both the population and the key actors involved in the registration process. Many citizens were unaware of the broader legal framework to protect women’s land rights, including options that don’t change the nature of the rights vis-à-vis customary law. There was also a lack of awareness about the repercussions of not recording women’s land rights.

Open dialogue at the community level to discuss women’s land rights involved both men and women, local authorities, traditional and religious leaders, and reportedly led to consensus on a number of issues around widows’ and married women’s rights.

This led to an increase in rates of recognition of the right of *igiseke* registered in a woman’s name – albeit from a very low base – rising from 3 to 13 percent, and *igiseke* was better recognized as a derived right, where the woman cannot be evicted even if the owner should sell the property, rising from 1 to 22 percent, and widows’ rights to their deceased husband’s land increased from 32 to 63 percent.

While the awareness of rights does not guarantee implementation, the pilot demonstrates how recognition of women’s land rights can be promoted in the context of formalization.²⁹⁸

Collective action as a catalyst for justice

Collective action mobilizes people around shared concerns, which can include women’s justice. Mobilization can take a variety of forms—regular or sporadic, through an organization, or entirely outside formal structures. It can be localized or transnational; it can be induced from outside with donor support, or evolve organically.²⁹⁹

Women’s mobilization has driven legal reforms in both developed and developing countries.³⁰⁰ The #MeToo movement against sexual abuse, which began in the US but has spread globally, may intensify this virtuous cycle, although it is not yet clear whether this will lead to better outcomes for women.³⁰¹ In South Africa, gender activism has not led to a decline in sexual and

intimate partner violence, at a time when the homicide rate has fallen.³⁰²

Collective action to promote justice for women can take a range of forms – to inform and educate people about women’s rights, provide spaces for women’s and girls’ groups or peer support networks, and/or campaigning to change discriminatory laws or practices. In Guatemala, UN Women, civil society organizations, women’s human rights defenders, and the Public Prosecutor came together to support indigenous Maya Q’eqchi’ women in winning the first ruling by a national court on sexual violence as a war crime. The Sepur Zarco case led to important reparations for the affected community (see Box 4.7).³⁰³

Box 4.15: Strategic litigation as a tool for justice

Strategic litigation, or cause lawyering, is an important tool for justice for women. It can be pursued to change interpretation and application of law. In many countries, when the legislature has been unwilling, women's groups have gained victories in the courts.

Women's movements and human rights activists have successfully used litigation to challenge unconstitutional discriminatory laws and to address gaps in legal frameworks. Examples can be seen around the world. In 1997, a women's rights group called Vishakha filed a public interest litigation and won a decision in the Indian Supreme Court on sexual harassment in the workplace.³⁰⁴ In Botswana, Unity Dow, a women's rights activist, won a case against the Attorney-General regarding discrimination on the basis of sex and a provision that hampered a woman's choice to marry.³⁰⁵ In Colombia, Women's Link Worldwide brought strategic litigation in 2006 resulting in a landmark Constitutional Court decision establishing the right to therapeutic abortion,³⁰⁶ while in India, human rights lawyers brought successful litigation in the Delhi High Court to enforce the reproductive rights of poor women who died due to the denial of childbirth-related care.³⁰⁷ More recently in Kenya, 160 girl survivors of rape living in a shelter sued the Government in the High Court, which ruled that their constitutional rights had been violated by the Government's failure to investigate and prosecute their individual cases.³⁰⁸

The legal recognition of collective membership-based organizations – like trade unions, associations and cooperatives – is important because poor women are unlikely to seek to enforce their formal rights on their own. Women in Informal Employment: Globalizing and Organizing (WIEGO) has found that even where legislation protects homeworkers in supply chains (who are mostly women), individuals often do not seek to enforce the law because they fear losing their work. For example, HomeNet Thailand, a representative organization, engages with the Government to enforce the Homeworker Protection Act.³⁰⁹ In September 2018, the Bulgarian Trade Union of Self-Employed and Informal Workers submitted a report to the ILO on its Government's lack of implementation of Convention 177 on Homework, enabled by the national laborcode, which allows informal worker organizations to register as trade unions.

This points to the importance of investing in collective, membership-based organizations to

access justice for members, and for NGOs to act as friends of the court and engage in strategic litigation as outlined in Box 4.15.

Collective organizations can also be a way to enable disadvantaged women to access administrative law and remedies. Where the rights of informal workers have been breached by the State – e.g. forced removals, evictions and/or confiscation of goods necessary for livelihoods – administrative law can be an important source of power for women. Worker leaders of the South African Informal Street Vendors Alliance used their training in administrative law – the law that requires due process (that administrative actions must be lawful, reasonable and procedurally fair) – to successfully challenge the removal of street vendors from their spaces in Cape Town, and the unlawful arrest of a street vendor in Port Elizabeth, without having to engage lawyers or go to court. This points to the importance of administrative tribunals, courts, and internal appeal processes at local government level.

Collective action can also be a tool for driving such wider social and political changes. There is a long history of mobilization led by women for public action to combat discrimination, and secure women's rights. Collective action may begin with a narrow focus, but then evolve to address broader issues. For example, the Self-Employed Women's Association in India began focusing on labor regulations and expanded into women's political leadership.³¹⁰ In Ethiopia, a women's collective originally focused on the honey sector has transformed into a larger movement that has opened up spaces for women and other marginalized groups to engage with market and State actors.³¹¹ The Association for Women's Rights in Development (AWID) has developed into an international, feminist organization committed to achieving gender equality, sustainable development and women's human rights.³¹²

The role of women's movements in progressive policy and legal reform has varied. Working together with women's ministries, they can help to translate international norms into institutional reforms.³¹³ Autonomous movements can take on issues that others may find too politically sensitive. For example, political parties may have little appetite for challenging norms and behaviors perceived as private – including those affecting marriages or personal relationships, or concerning morality.³¹⁴

Women's groups can be particularly important in conflict-affected States to help secure justice for women, including in the peace negotiations and resulting agreements. In Liberia, the Women in Peacebuilding Network, comprised of thousands of grassroots women activists, was instrumental in protesting and demanding an end to the country's civil war. Once hostilities ceased, many of these women continued to engage in local affairs, establishing "Peace Huts," community-level dispute resolution mechanisms run by women.³¹⁵ In Northern Ireland, Protestant and Catholic women came together to form the Northern Ireland Women's Coalition (NIWC), in

order to gain official representation during the peace process. NIWC members received input from their networks and served as negotiators and trusted intermediaries, and the final peace agreement reflected NIWC's agenda on the creation of a Civil Forum, victims' rights, and women's political participation.³¹⁶ A recent example about civil society engagement in peace negotiations comes from Colombia, where both the Revolutionary Armed Forces of Colombia (FARC) and the Government met regularly with women's groups and civil society groups during the negotiations, which led to an agreement with provisions that deal extensively with gender, victims' rights, and reparations.³¹⁷

There are, however, cases where collective action seeks to entrench existing gender biases. For example, conservative women's networks in Mali opposed progressive provisions in the new Family Code, which would have benefited many women by outlawing polygamy and requiring all marriages to be registered. They were unsuccessful, however, and a more progressive Family Code was passed in 2012.³¹⁸ A contemporary example comes from women active in the Alt-Right in the US.³¹⁹

In sum, getting women's voices heard through strengthening visibility, collective voice and representation has a critical role in justice for women. Women's collective and representative organizations allow women to voice their needs and demands and enhance their bargaining power. Working together, women are better able to advocate for progressive legal and policy reforms and hold governments to account. Exercising these rights requires enabling legislative and policy frameworks, as well as funding and support.

Eradicating patriarchal biases in family law

Many collective action efforts have focused, and seen some success, on addressing biases in family law. In many countries, feminist advocacy,

women’s representation in decision-making, and the international gender equality agenda have all contributed to more gender-sensitive legislative and judicial advances in family-related matters.³²⁰

Some advocacy groups have embraced a universal human rights stance to re-frame gender equality in the context of religious texts. In secular legal regimes, using international laws, treaties, or agreements can help challenge discriminatory family law. A recent review by Yakin Ertürk illustrates how judicial activism has also impacted case law and court rulings, challenging laws related to marriage, divorce, custody, and alimony, and leading to progressive legislative amendments.³²¹ Examples include Turkey and Botswana, where feminist judicial activism prompted rapid change to some of the most discriminatory family laws.³²²

Activism can be the most powerful during the moments immediately after a transition to peace or democracy, or when significant cultural or political events undermine the ability of opponents to prevent reform.³²³ For example, in Greece, feminist activism capitalized on the end of the dictatorship to reform the country’s patriarchal and religious family law, which relegated women to subordinate positions within the family. Activists led letter-writing campaigns and held workshops to raise awareness on the importance of reform. However, progress was stymied by fierce opposition and resistance from parties loyal to religious orthodoxy and to the traditional principles of Greece’s civil law.

In Morocco, activists had long worked to reform the *Moudawana*, the family code which regulates marriage, divorce, inheritance, and child custody. In the early 1990s, women gathered 1 million signatures, lobbied, raised public awareness, and led demonstrations, resulting in some modest reforms in 1993. Eleven years later, in 2004, Morocco made further strides toward gender equality by overhauling the family code.³²⁴ This success

has been traced to a favorable government, collective feminist action in coalition-building, and global women’s rights efforts.³²⁵

Equal representation of women in decision-making at all levels in the justice sector

What works to change the pervasive under-representation of women in decision-making in the justice sector? Women’s entry and advancement in the legal profession and judiciaries depend on their own agency, as well as favorable institutional design, norms, cultures and practices that support the achievement of greater gender equality.³²⁶

This is a front on which women in most regions are making headway, albeit from a low baseline. Progress requires overcoming barriers that are typical for women in the labor market, despite their generally higher levels of educational achievement – and includes overt and implicit bias, lack of role models, lack of flexibility in working hours coupled with family responsibilities. The report draws extensively on a recent IDLO report, *Women Delivering Justice: Contributions, Barriers, Pathways*,³²⁷ which observes that women constitute more than 40 percent of judges in countries as geographically, politically and legally diverse as Tunisia, France, Slovenia, Greece and Rwanda.³²⁸

Experience across countries suggests that several key elements and reforms have facilitated women’s accession in the justice sector, including the following:

- 1. The importance of political will.** Conscious government efforts have worked to improve women’s participation in the justice sector in countries ranging from Canada to Guyana and Rwanda, through quotas, constitutional commitments, legislation, and political action.³²⁹

Government targets and legislative commitments to diversity have shown to increase women’s representation in the justice sector, especially where these are not only aspirational, as in Morocco.³³⁰ In Uganda, there is a quota for women’s representation in the local justice administration, which has jurisdiction over civil, family, and land disputes.³³¹ At least two out of five members must be women, and there must be gender balance on the two highest seats.³³² In Jordan, the Ministry of Justice established a 15 percent quota for women candidates for the Institute of Judicial Studies, funding to support women judges’ participation in training, and research visits to benefit women judicial students. From a baseline of one in 1996 when the first woman judge was appointed,³³³ women constituted 18 percent of the judiciary in 2016,³³⁴ and the first woman Supreme Court judge was appointed in 2017. Quotas and parity laws should be adopted in tandem with capacity-building efforts and policies that mitigate the effects of deeply rooted discrimination to support women’s success and impact in politics.³³⁵

Relatedly, it is critical to have the commitment of “gatekeepers”. Bar associations and nominating commissions can commit to the application of merit principles without gender bias as a way to boost the number of women in the sector.³³⁶ Nigeria’s recent Chief Justice appointment may be an example of this effect. Examples are given below of efforts by national bar associations to monitor and track progress.

Constitutional requirements to ensure a gender balance in the judiciary are so far limited only to a handful of countries, and have not yet shown clear results in either South Africa³³⁷ or Kenya,³³⁸ for example.

2. Selection, nomination and promotion processes should be fair and transparent. The same good practices that apply to recruitment in general are relevant to making judicial selection processes fair. Understanding biases and prejudices is the first step, but it is also necessary to actively set diversity goals and eliminate biases in the recruitment process through updated job descriptions, recruitment practices, and interview processes.³³⁹ The “career judgeship” model of civil law countries is considered more transparent than that prevailing in common law jurisdictions, and may facilitate the promotion of women judges. However, a recent study of the rise of women leaders in the judiciary in Africa suggests that this distinction had not made much difference in practice.³⁴⁰

Research on the highest courts in 50 democracies found that the strongest predictor of women’s presence on the high court is whether the selection process is “exposed” (where the selectors are elected, visible and publicly accountable) versus “sheltered”, without public scrutiny (for instance by a non-partisan nominating commission, such as a judicial commission.³⁴¹ Others argue that judicial independence requires that the selection process should be free from political influence, and that judicial diversity is best ensured when unelected individuals, such as the chief justice, or a judicial commission, oversee appointments to the highest courts.

3. Collective action. As outlined above, collective action is a major driver of women’s empowerment. Collective action supporting women’s law networks – at the national, regional and international levels – can help ensure women have a network of supporters and mentors, and access to equal education opportunities. This has been successful in the Kyrgyz Republic, where the Association of Women Judges provides a common voice and draws attention to women’s access to justice and barriers to women’s participation in the justice sector.³⁴²

There is some evidence that countries with higher shares of women judges tend to have national law associations where women are more visible and play a stronger role. Feminists worked to secure the appointment of women judges immediately after suffrage in the US, for example, and continued to pressure governments over time, leading to more women being appointed.³⁴³

4. **Taking advantage of post-conflict opportunities.** As in other aspects of political and social change, post-conflict settlements may open up opportunities for reform. The conclusion of civil wars has been associated with the rise of women in the judiciary in Africa.³⁴⁴ In Burundi, Rwanda and Sierra Leone, women rose to the highest positions as the war ended, when women mounted intense campaigns for peace and participated in the peace process.³⁴⁵
5. **Influencing aspirations and mentoring.** As in other spheres of the economy and politics, role models can make a difference. The presence of women mentors on the bench can inspire women to follow in their footsteps. Several judges in Ghana have highlighted the impact of women’s mentorship on the aspirations of law students.³⁴⁶ IDLO research in Afghanistan reinforces these findings, with many women law students feeling encouraged by positive media reporting on women’s contribution to society and equal access to justice, through judicial activities.³⁴⁷ Box 4.16 provides further details.

Career guidance, beginning at school, can encourage women to pursue legal careers. Mentoring is also key among women judges who are appointed. Most women judges interviewed for a study in Pakistan sought more opportunities to communicate with peers and consult with seniors at different stages of their career, and felt that the advice of senior women judges increased the confidence of junior women judges.³⁴⁸

6. **Providing training and education opportunities.** Especially where women’s entry into the judicial profession is relatively recent, supportive induction and legal education that equips them to respond to the demands of their professional environment can be critical. This was a recurring theme in Pakistan, where gender segregation norms mean that women cannot reach out to predominately men judges for support.³⁴⁹ Offering training and mentoring opportunities can support women’s professional advancement in the sector.³⁵⁰
7. **Improving data and tracking progress.** Most countries manage the licensing of attorneys through bar associations, who collect but do not publish demographic information. One exception, which illustrates what is possible, is the American Bar Association’s (ABA) annual *A Current Glance at Women in the Law*, which presents and discusses data relating to women in the legal profession, including compensation, representation at different levels of the legal profession and in law schools, partly also broken down by self-reported race/ethnicity.³⁵¹ The ABA and US Government also publish data on women judges,³⁵² and the ABA also tracks data on access to the legal profession.³⁵³ The OECD publishes a report on the share of women professional judges in the judiciary of 25 nations, but at least 11 OECD members do not report.³⁵⁴ The International Bar Association publishes an annual *Women in Commercial Legal Practice Report* which summarizes, by region, numbers of women and men working in private practice, as well as data on salaries, working hours, and the availability of flexible working arrangements,³⁵⁵ but does not include data on women as judges or active in judicial systems. Efforts to improve data relating to women in the judiciary and legal profession could learn from the experience of the American and International Bar Associations and the OECD.

Box 4.16: Challenges and opportunities in shaping women’s professional participation in the Afghanistan justice sector

While Afghanistan has been working to rebuild equitable and responsive institutions since the end of Taliban rule, the justice sector is still struggling to recruit and retain women. In 2015, the Government of Afghanistan reported that women were about 11 percent of the 1,790 judges, 8 percent of the 4,169 prosecutors, and 18 percent of the 1,322 defense lawyers.³⁵⁶ While this shows improvement from a very low base, this continuing under-representation has broader repercussions. The reluctance of women to report crimes and engage with the formal justice sector and non-gender-sensitive policies are attributed in part to the under-representation of women in the justice sector.

The obstacles to women’s inclusion in Afghanistan range from negative stereotypes and social pressure to lack of safe transportation and mandatory training far from home. To overcome these barriers, IDLO recommended that capacity-building programs should consider the unique needs of women, and that support for scholarships, transportation and tailored curricula be used to increase the participation and safety of women in the justice sector. Outreach and the promotion of positive role models can play a useful role alongside effective engagement with education institutions, civil society and professional associations.³⁵⁷

Women are not only under-represented in the courts, but throughout the entire justice process. Having women police officers can be important, especially in regions where women are more likely to report gender-based violence and other sensitive matters to a woman or where their interaction with men, even State officials, is discouraged. Because higher representation of women in the police force is believed to increase reporting of sexual assault and reduced rates of corruption, Mexico has introduced women-only traffic police to cut corruption³⁵⁸ and in Delhi, India, a one-third quota for police officers was introduced to promote more gender-sensitive policing and better respond to high rates of sexual violence.³⁵⁹

Broader State commitments and actions to open the labor market to women, to support gender equality in public life, and to reform discriminatory laws, has also been correlated with women’s advancement in the sector. In Tunisia, for example, women now make up half the body of magistrates and lawyers, in a context of legal and policy measures promoting

the schooling, education and entry of women into the labor market, as well as radio and television campaigns to support family planning and women’s and girls’ empowerment, which have been credited with facilitating their entry into the profession.³⁶⁰

Finally, while women as decision makers are a key aspect of the agenda laid out in this report, it is important that “women judges” are not ascribed with “almost magical powers to transform professional practices, or even society as a whole” when working in the justice sector.³⁶¹ Even feminist judges can be constrained by the prevailing institutional environment.³⁶² As in public policy and representative politics, political ideology may be a more powerful influence on decision-making than gender.

Gender-responsive justice institutions, planning and financing

Going beyond the inclusion of women in

decision-making, gender-responsive justice institutions play a critical role, as does ensuring appropriate investments in justice, to ensure justice for all. This requires systematic efforts to integrate gender equity in planning and budgeting.

An example of building gender-responsive institutions comes from Liberia, supported by IDLO in the context of sexual and gender-based violence. While there is no national legislation against intimate partner violence,³⁶³ the capacity of the special court established in 2008 to deal with sexual offenses has improved over time. Civil society organizations provide support to survivors, enabling routine data gathering and tracking cases from one-stop centers to the police, prosecutors and courts. In 2017, 60 percent of the cases reported to the one-stop centers proceeded to the justice system, a 45 percent increase compared to 2015, and the number of pre-trial detainees that made their first appearance in court within one year tripled.³⁶⁴ Other key actors include the SGBV

Crimes Unit of the Ministry of Justice, which investigates and prosecutes cases. Community mediation has reported success in cases of domestic abuse.³⁶⁵ In Mongolia, where legislative reforms have addressed domestic violence, efforts are underway to improve the skills and cooperation across different agencies involved in enforcement – including the National Police, Office of the Prosecutor-General, Judicial General Council, Bailiff’s Office, Marshalls Authority and Law Enforcement University. Further efforts are needed to raise public awareness and build capacity, especially in remote parts of the country.³⁶⁶

Gender-responsive public sector planning and financing can help to realize justice for women. National justice and security sector strategies can advance the rights of women and girls, especially when there is dedicated funding, and time-bound results and monitoring and evaluation frameworks spell out agency-specific responsibilities and performance indicators.³⁶⁷ Box 4.17 illustrates the example of Uganda.

Box 4.17: Case study: planning and budgeting for women’s justice in Uganda

Public sector planning and financing matters for gender-responsive justice delivery. In Uganda, the 18 justice law and order institutions were brought under one justice, law and order sector (JLOS), with one planning and one consolidated budgeting process under the political leadership of the Ministry of Justice and Constitutional Affairs and a JLOS Secretariat.

UN Women assisted in the integration of a gender perspective into planning, through a gender audit, introducing gender analysis into the work of JLOS, investing in justice needs surveys and sex-disaggregated data and the integration of a rights-based monitoring framework and gender-responsive budgets with earmarked funding. The fourth national Strategic Development Plan (2017–2020) includes commitments to promote gender equality and the implementation of international and regional gender equality commitments, including SDG 5.

The Equal Opportunities Commission, the Ministry of Finance and the Ministry of Gender, Labour and Social Development issued a Gender and Equity Compact, with technical and financial support from UN Women and the EU, to provide guidance on sector-specific gender issues, possible interventions and indicators. The compact was approved by parliament through the Public Finance Management Act (2015). Scoring is used to certify that the budget is gender and equity responsive, and is presented to parliament with certificates for approval.³⁶⁸

Investments in data and monitoring and evidence-based policies

Finally, but not least, investments in data and monitoring are important, and can pay off. In a number of countries, the findings of legal needs surveys have been used to address identified gaps, for example in Argentina, by the Ministry of Justice and Human Rights to better frame priorities and reform models of service delivery, as well as efforts to improve administrative data (see Box 4.18), and by Legal Aid South Africa to better plan and deliver legal service programs for poor and geographically remote populations.

It would also be useful to systematically capture data on costs. Few studies explicitly address program costs, or break the total down into per unit costs. Understanding the cost-effectiveness of alternative approaches may help implementers make strategic choices under resource constraints.

In sum, there are important routes to justice for women, and promising evidence about what works. What is the most relevant and promising approach will vary by context and across time.

While testing what works is important, it is also critical to consider routes to scale. While changes in rules, regulations and policies may appear to offer a relatively fast route to scale, there is typically a need for complementary efforts, especially around changing norms and community-level change. Impacts may be greater when the law is used as part of a broader advocacy strategy. Changes in practice are more important than changes on paper.

While prevention is difficult, and tends to run against the grain for justice actors and systems that are wired for response, it may be the element with the largest potential gains. This is true for preventing intimate partner violence – especially because so few women report violence to the authorities – as well as for preventing discrimination. Often, prevention is more effective, as well as cheaper, than responses and treatment.

The importance of partnerships within and beyond the justice sector needs to be underlined. Numerous examples come from the women’s movement and collective organization of workers, as well as partnerships with NGOs and community groups, academia and development partners.

Box 4.18: Open judicial data from a gender perspective

Since 2015, Argentina’s Ministry of Justice and Human Rights has implemented an open justice approach in the judiciary, to increase access to public information, transparency, participation and accountability. The goal is for open public judicial data to enrich the dialogue and enhance collaboration between society and the justice sector. Open Justice works with over 50 national and subnational justice institutions, supporting adoption of these principles and to create common data collection and publishing standards. A web platform offers free access to public judicial data, with a specific section focused on a gender perspective, including a national registry on femicide and gender-related murders.³⁶⁹



Call to Action

The HLG on Justice for Women came together – as top government officials, academics, civil society actors, and international organization leaders – in 2018 to demonstrate its commitment to ensure justice for women. As a group of influential partners, the HLG seeks to instigate action and broaden impact. The call to action is not a full list of detailed actions that should be taken, since there are numerous reports which already provide such recommendations.³⁷⁰ This call seeks to capture the key ideas and directions, and to highlight work underway and proposed actions, to drive bold new approaches to women’s justice and embed priority actions in policies and practice. Progress on gender equality in the justice sector can be captured through the periodic reviews of the Beijing Declaration and Platform for Action, as well as High-level Political Forums in 2019 and beyond.

The HLG recognizes that the numerous and complex obstacles to women’s justice require reform on multiple fronts. Supporting and enabling frameworks are required to generate change, capabilities, knowledge and self-esteem among individuals; in families, households and interpersonal relationships; in communities, institutions, workplaces, markets and corporate value chains; and in political, legal and policy environments. A recurring theme is the need to eliminate discriminatory norms that constrain the potential of women and girls. Based on its review of experience from around the world, the HLG believes that seven key principles should guide current actions and future efforts, as outlined in Box 5.1.

The HLG has been deliberately selective in identifying priorities. It recognizes that a wide range of factors affect justice for women,

including sexual and reproductive health, a supportive macro-economic environment and government planning and budgeting, among others. The HLG strongly endorses work ongoing on all these fronts.

While this call to action is universal, it is not intended to be prescriptive, comprehensive nor encyclopaedic; rather, the HLG structures the call around the primary drivers to expand justice for women, based on empirical evidence about what has been tried and has demonstrated impact, or that which has potential, based on experience and analysis. At the same time, while the HLG does not reiterate existing international commitments, laws and standards, the practices should be considered in that context.

The changes needed to enable tangible improvements in women’s lives inevitably vary across countries and circumstances. There are significant differences in both the nature and the severity of the barriers to justice facing different women in different circumstances, as seen in Chapter 2.

The call to action underlines the importance of a comprehensive approach, with multiple prongs. Prevention is a recurring theme – for example, preventing discrimination and preventing violence – while underlining that prevention requires proactive measures to address disadvantage. Another recurring theme is working outside the formal justice sector – expanding and improving engagement with informal/customary and religious justice institutions as a means of expanding women’s forum choices, as well as working with community-level and women’s groups.

Box 5.1: Principles underpinning the HLG’s action agenda

No women left behind. Every woman’s right to justice is equal, no matter her circumstances or characteristics. Increased effort is needed to ensure justice for women facing multiple sources of disadvantage.

Nothing done for women without women. Women’s participation and voice must be central to all actions.

Equal focus on rights and gains. Ensuring justice for women is not only the “right” thing to do to honor the world community’s commitment to basic human rights. It is also the “smart” thing to do for human development, growth and business.

Tackle root causes. Tackling adverse social norms and legal discrimination is critical. Justice gaps are rooted in gender inequality in society.

Respect agreed international standards. These are clearly set out in CEDAW, various conventions and resolutions, and elsewhere.

Partnerships are critical. Progress requires action from the local to the global level and by all parts of society – individuals, businesses, governments and civil society, often working in partnerships to achieve scalable and sustainable impact.

Deliver globally. While the challenges and solutions vary, action is needed globally and in every country.

The call prioritizes several major directions that the HLG believes would significantly accelerate progress toward justice for women.

1. Eliminate legal discrimination against women

Too many discriminatory laws persist around the world. These should be repealed, and accompanied by efforts at the national and local levels to address the pervasive discrimination which limits justice for women. Eliminating discrimination in law goes beyond explicit discrimination to addressing adverse effects that arise due to underlying structural inequalities, lack of capabilities to claim rights and ensuring accountability for enforcement.

“Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels” – SDG 5.C

2. Enact legislation, enforcement measures and appropriate response for the prevention of violence against women

Governments should enact legislation and ensure effective enforcement against intimate partner violence, working together with community organizations and local leaders to prevent violence by addressing the adverse norms which condone violence in the home.

3. Leave no woman or girl behind: ensure legal services and legal empowerment for poor and marginalized women

Actors seeking to advance justice should support policies and programs designed to overcome the challenges facing poor and excluded women – including free services provided in innovative and accessible ways, which together with investments in legal literacy and linked to poverty reduction programs, have shown promising results. Appropriate budgets are needed to support interventions which address the needs and rights of women in diverse contexts. There are also important links to collective action.

Accessibility embraces the following dimensions of justice facilities and services:³⁷¹

- » Physical: For those with disabilities or mobility challenges
 - » Economic: Affordable for all women
 - » Information: The right to seek, receive and impart information and ideas about justice
 - » Linguistic: Available in the language of the user
 - » Cultural: Respect diversity and interculturality
-

4. Empower women – economically and as rights holders

The report focused on three dimensions of empowerment with deep links to the justice sector: identity, property and collective voice.

- Governments should eliminate gender-based discrimination from laws and practice governing access to identification and nationality, and work to ensure inclusion of poor and marginalized groups.

- Improving women’s property rights through a broad approach can help ensure that beneficial customary and communal rights are recognized, coupled with reforms to promote gender equality and effective implementation.
- Working together, women are better able to advocate for progressive legal and policy reforms and hold governments to account. Exercising these collective rights requires enabling legislative and policy frameworks, as well as funding and support.

5. Include women as decision makers

Actions, including temporary special measures, may be needed to ensure that women are equally represented in the judiciary and as magistrates, judges, prosecutors, public defenders, lawyers, mediators and law enforcement officials, as well as in traditional decision-making fora.³⁷² This also means addressing violence against women in politics.

6. Strategically work with customary, informal and religious leaders to advance justice

The reality of plural legal systems means that justice for women cannot be achieved through formal laws and regulations alone. It is important to engage and work with, not ignore, customary, informal and religious leaders.

7. Invest in data and analysis on women’s legal needs

Effective decision-making relies on high-quality and timely data. Key justice data must be disaggregated by gender (and by other relevant characteristics) and capture key aspects of empowerment and link to other SDGs (e.g. health, education, access to land). There is also a need for improved data and analysis on issues that are of particular importance to women, such as intimate partner violence. Digital technologies, which are changing data collection and analysis capabilities, can be better leveraged.

A broad range of actors recognize the importance of the gender data agenda. Several Group members are already committed to significant multi-year measures to improve data and evidence about women’s justice. More and better data presented in user-friendly formats will help policymakers, advocates and researchers.

“By 2020, enhance capacity-building support to developing countries... to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts” – SDG 17.18

8. Develop new partnerships

To advance the justice for women agenda, new partnerships – among governments, multilaterals, business, civil society, independent monitoring bodies, and thought leaders – are essential. The importance of partnerships within and beyond the justice sector needs to be underlined. Numerous examples come from the women’s movement and collective organization of workers, as well as partnerships with NGOs and community groups, academia and development partners.

We hope that this report both informs and enriches the global Task Force on Justice, an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies. Over the next year, the Group will continue its work through its commitments, consultations and advocacy to inform and inspire actions by governments, civil society and development partners, businesses, and employer and worker organizations.

We call on you to join us in taking action, and to create the global movement that is needed to change the lives of women across the world.

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Appendix 1: Dimensions assessed in *Women, Business and the Law*

Accessing institutions

Explores women's legal ability to interact with public authorities and the private sector in the same ways as men. This indicator provides disaggregated information on 11 categories of legal ability. It also assesses constitutional protections from discrimination and the use of gender quotas in government and the private sector.

Using property

Analyzes women's ability to own, manage, control and inherit property. It also examines women's ownership rights in the marital home and whether legislation accounts for non-monetary contributions, such as unpaid care for children or the elderly.

Getting a job

Assesses restrictions on women's work, such as prohibitions on working at night or in certain industries. This indicator also covers laws on work-related maternity, paternity and parental benefits and retirement ages.

Providing incentives to work

Examines personal income tax liabilities, taking into account tax credits and deductions that may differ for women and men. This indicator covers both taxation and such public services as childcare and education.

Building credit

Identifies the minimum value of loans tracked by private credit bureaus and public credit registries and assesses bureaus and registries that collect information from microfinance institutions, retailers and utility companies.

Going to court

Examines access to small claims courts, whether women's testimony in court is given the same evidentiary weight as that of men, and the number of women justices – including chief justices – in constitutional courts.

Protecting women from violence

Examines laws on domestic violence against women and the existence and scope of laws on sexual harassment. This edition expands coverage to whether women are protected from marital rape, what the legal age of marriage is for boys and girls and whether protection orders can be authorized.

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344. Dawuni, J. and A. Kang (2015). "Her Ladyship Chief Justice: the Rise of Female Leaders in the Judiciary in Africa", *Africa Today*, vol. 62, No. 2, pp. 45–69 at p. 62
345. For instance, Dawuni and Kang highlight "During an intense militarised conflict of long duration, women may take on new or greater social responsibilities, and they may mobilise for peace. Scholars of women and politics find that countries that came out of conflicts have more women in parliament have been likelier to adopt sweeping pro-women legislation than have others." Dawuni, J. and A. Kang (2015). "Her Ladyship Chief Justice: the Rise of Female Leaders in the Judiciary in Africa", *Africa Today*, vol. 62, No. 2, pp. 45–69 at p. 62.
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349. Holden, L. (2017). *Women Judges and Women's Rights in Pakistan*, Onati Socio-Legal Series. Vol. 7, No. 4.
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353. For example: enrolment in accredited schools and enrolment in the bar. https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.authcheckdam.pdf. American Bar Association – Commission on Women in the Profession also tracks women in law schools. https://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_january2017.authcheckdam.pdf.

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361. See IDLO-CAWTAR. “Study on the Professional Participation of Women in the Justice Sector in Tunisia”. (unpublished).
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363. At the time of writing, a law criminalizing domestic violence has been proposed in Liberia, but this has not been passed by the legislature. See Koinyeneh, Gerald C. (2018). “Liberian Women Form United Front to Ensure Passage of Domestic Violence Bill”, *AllAfrica.com*, 10 August. <https://allafrica.com/stories/201808100546.html>.
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