



Illustration: UN Women/Robert Kambo

# **REGIONAL KNOWLEDGE SEMINAR: MULTI-COUNTRY ANALYTICAL STUDY ON ACCESS TO JUSTICE FOR VICTIMS /SURVIVORS OF VIOLENCE AGAINST WOMEN & GIRLS IN EAST & SOUTHERN AFRICA**

**21 OCTOBER 2021**

# | Agenda

Time	Activity	By whom
2:00-2:10pm	<b>Welcome, Introductions and Seminar Objectives</b>	Dr. Jack Abebe, UN Women East and Southern Africa Regional Office (ESARO), KM Specialist
2:10- 2.20pm	<b>Opening Remarks</b>	Ms. Zebib Kavuma, UN Women Deputy Regional Director, ESARO,
2:20-2:40 pm	<b>Presentation on the Access to Justice Regional Study</b>	Ms. Sunita Caminha, Regional Policy Specialist, EAWW
2:40-2:45 pm	<b>Video – Access to justice</b>	Ms. Evelyn Ongige, Programme Assistant
2:45-3:20 pm	<b>Panel discussion:</b>	<ol style="list-style-type: none"> <li>1. Ms. Lensa Biyena - Executive Director, Ethiopian Women Lawyers Association</li> <li>2. Ms. Adut Daniel Chol -Director FIDA South Sudan</li> <li>3. Ms. Lizzie Kiama - Managing Trustee, This Ability</li> <li>4. Justice Zione Ntaba - National Project Coordinator, Women Judges Association of Malawi</li> <li>5. Dr. Beatrice Akua Duncan - Policy Advisor, Rule of Law, Justice and Constitutions, UN Women</li> </ol>
3:20-3:40pm	<b>Questions and Answers</b>	Dr. Jack Abebe, Regional KM Specialist
3:40-3:50pm	<b>Summary of key points and way forward</b>	Ms. Sunita Caminha, Regional Policy Specialist - EAWW
3:50-4:00pm	<b>Closing Remarks</b>	Ms. Hodan Addou, Representative Tanzania Country Office



## | Presentation Outline

- **Background and Objectives of the Study**
- **Key Findings**
  - Enabling Environment
  - Perceptions
  - COVID-19 and Access to Justice
  - Key Barriers and Issues
- **Promising Practices**
  - Survivor-centered approach
  - Legislating for the provision of funding
  - Strengthening the justice system
  - Inter-agency coordination
  - Initiatives focusing on specific groups
  - Monitoring and evaluating implementation
- **Recommendations**

# Background to the Study

## Scope

- 10 Countries In East And Southern Africa

## Objectives

- Document Discrimination Faced By Women And Girl Survivors In Accessing Justice
- Identify And Map Promising Practices / Gaps in EAW Legislative & Policy Frameworks
- Compile Available Data And Practices On Survivor Support; and
- Identify And Recommend Priority Areas For Programming And Policy Support

## Methodology

- Stakeholder Consultation
  - Online Questionnaires & Surveys
  - Virtual Meetings
  - Case Studies
  - FGDs – Traditional Leaders, Women And CBOs
  - Key Informant Interviews (Rights Holders, Duty-bearers)
- Secondary Desk Review And Analysis





## Conceptual Framing

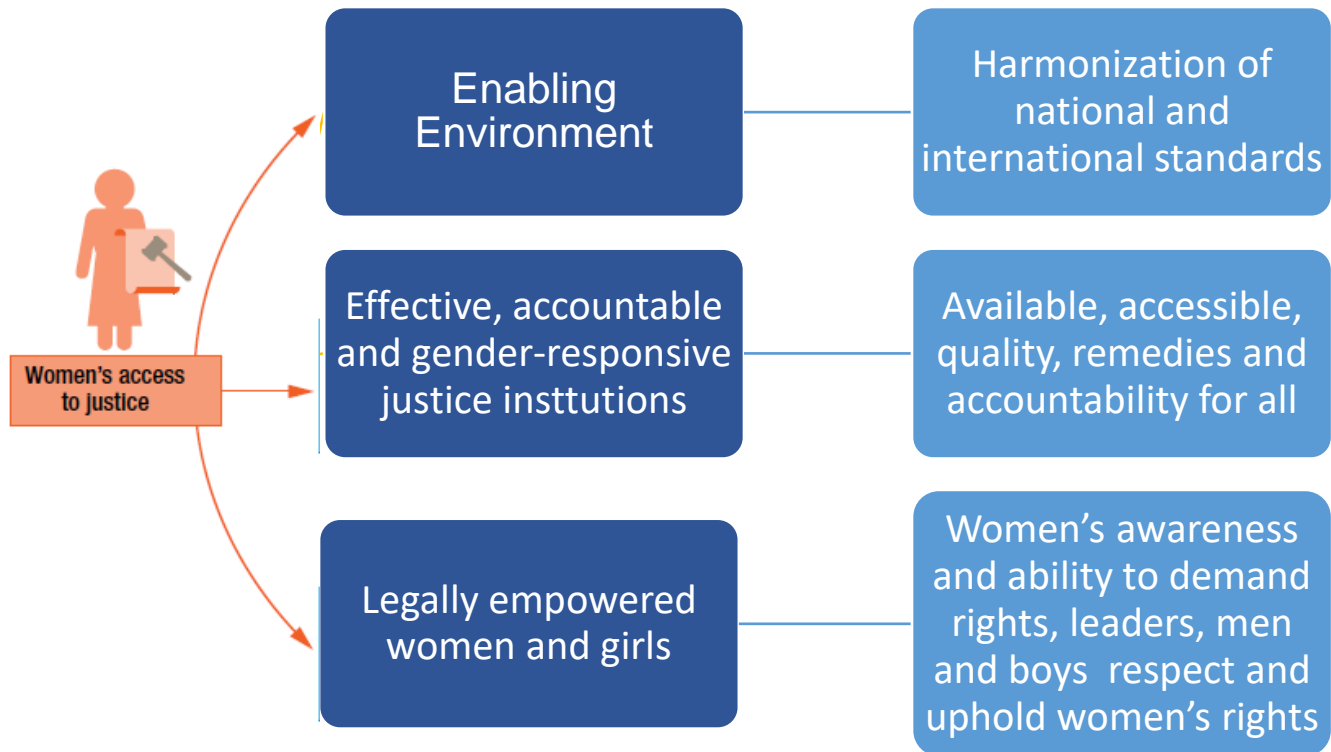
“The right to access justice for women is essential to the realization of all the rights protected under the CEDAW...

the right to access to justice is multidimensional. It encompasses justiciability, availability, accessibility, good quality, the provision of remedies for victims and the accountability of justice systems.”

**UN Committee On The Elimination Of Discrimination Against Women. 2015. *General Recommendation no. 33 on women's access to justice.***



## Conceptual Framing of Access to Justice



Sources: UNDG (United Nations Sustainable Development Group). 2017. *United Nations Development Assistance Framework Guidance*. New York: UNDG, pp. 9–12; Committee on the Elimination of Discrimination against Women, 2015

# Data on Violence against Women and Girls in Africa

## Data is collected, but still many gaps

Intimate Partner Violence: 12-month experiences (WHO):

- World: 13% vs. **Sub-Saharan Africa: 20%**

Variances for sub-national data and sub-groups

→ data not always disaggregated

Lifetime non-partner sexual violence Africa: 6% (WHO)

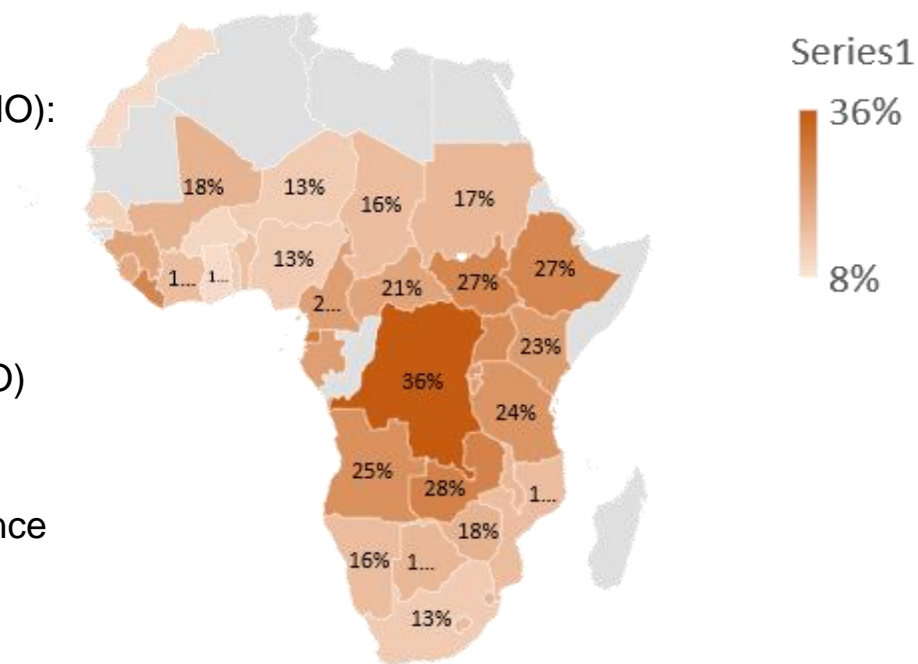
## Key consideration:

Many women do not report their experiences of violence due to different barriers

→ actual experiences higher than data

## Pre-COVID Data

12-month Prevalence of Intimate Partner Violence



Source: WHO/SRH/21.7 © World Health Organization 2021

# Key Findings: Enabling Legislative & Policy Environment

## Countries in Study Have:

- Laws and policies addressing VAW and other protections for women and girls
  - Constitutional provisions (gender equality, protection from violence)
  - Ratification of key HR Conventions (CRC, CEDAW, CRPD)
  - Regional Conventions - Maputo Protocol
  - Committed to SDGs, Beijing Platform for Action + UNSCR 1325 + others on WPS

**Customary law alongside statutory laws (& religious law) = legal pluralism & complex justice structure**

## Important to Note:

- Implementation & effectiveness varies by country
- Having the laws has made a significant difference to people's awareness of VAW
- Monitoring and Enforcement of commitments remains a challenge



# Judicial Mechanisms

- **Countries in Study:**
  - Recognize both statutory and customary justice delivery mechanisms
  - Laws recognize customary courts
  - Weigh women and men's testimony in court equally
  - Discrepancies and gaps between statutory & customary provisions on access to justice for women
- **Justice Delivery Systems:**
  - formal courts, traditional, religious justice systems, justice support institutions, community and specialized courts and local justice administration
- **Variances across countries:**
  - Women-friendly justice principles
  - Legislation on mandatory training for police and judicial personnel
  - References and Practices on women's access to justice
  - Laws on gender desks/ courts

## Perceptions across Countries

86%

are aware of places to  
access justice for  
women



14%

are **NOT** aware



82%

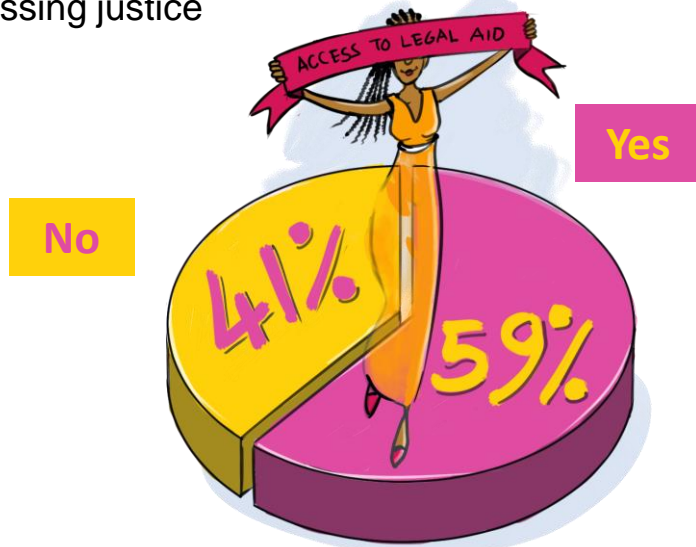
are aware of  
official internet  
sites for legal  
information exist

## Perceptions on Access to Justice

**77% of respondents: community practices are important drivers or barriers to justice**

Some respondents noted **justice institutions do not take threats & pressure seriously.**

**Likelihood poor women receive legal aid in accessing justice**



Who resolved your dispute?	Percentage of respondents (n = 663)
Family member/neighbour/friend	27.9%
Traditional leaders	26.9%
Court	17.3%
Police	13.5%
Priest/pastor	5.8%
Legal aid group/NGO	4.8%
Government	3.8%

## Perceptions of Respondents

### Compensation as per the judgment

**69%**

did not receive  
compensation for  
their cases



### Normalised corruption

**45%**

reported that corruption has been normalised



**56%**

believe that it is not acceptable



### Do judges request bribes?

**41% No**

**59% Yes**

# Women's Levels of Trust in Institutions for Accessing Justice

Women's trust in traditional leaders for justice:

**41% Trust Traditional Leaders**



Women's trust in courts of law:

**46% Trust courts**



Women's trust in religious institutions for justice:

**72% Trust in religious institutions**





## **COVID -19 and Access to Justice for Survivors/ Victims of Violence**

**Increase in intimate partner violence –**

homes are not safe for all women and girls

**Increased risk of violence**  
(school closures, loss of income, peer supports, movement during lockdown)

**Limited Referral Pathways and Services**

health, SRHR, helplines and legal assistance, shelters & perceptions

**Reduction in delivery of Justice services**

**Use of technology alternatives –**  
not an option for all

## Positive Measures Taken – Examples

Ethiopia



Advocacy and decision for Supreme Court courts heard DV cases as a priority area

Kenya



E-learning for police training institutes on gender and inclusion matters for improving responses to GBV.

Malawi



Hotlines set up for women survivors to support coordination mechanisms

Mozambique



Courts issued interim protection against harassment issued +DV protection orders.

South  
Sudan



Cooperation with bar associations and other bodies of lawyers and civil society

Uganda



Legal Aid Service Providers Network, CSOs via EU-UN Spotlight established a free mobile line for victims to report GBV cases & receive legal information

# Key Barriers Faced by Women in Seeking Justice

Overlapping  
forms of  
exclusion

Attitudinal  
and societal  
barriers

Systemic  
challenges

Structural &  
legal  
discrimination (on  
paper + in practice)

Access to  
Justice?



# Discrimination Against Specific Groups of Women and Girls



- **Women and girls living in poverty**
- **Living in rural areas far from services**
- **Women and girls with disabilities** (physical, hearing, visual, cognitive or intellectual impairments)
- **Lesbian, Gay, Bisexual, Transgender & Intersex persons**
- **Migrant, displaced and refugee women and girls:**

Photo: UN women

# | Promising Practices

## **Survivor-centred approach**

- Legal aid clinics, paralegal support systems for women survivors of violence
- Specific courts for GBV

## **Legislating for the provision of funding**

- Laws mandating free legal assistance

## **Strengthening the justice system (formal /customary)**

- Curriculum of police training institutions encompassing VAW and women's rights.
- Judicial College skills-building for magistrates to preside over GBV cases
- Paralegal Advisory Service to educate, provide advice and support communities

## **Inter-agency coordination**

- A national coordination body for justice sector institutions for VAWC case referral

## **Initiatives focusing on the needs of specific groups**

- More severe sentences of cases against women and children with disabilities
- Paralegal programme focused on women and young people with disabilities

## **Monitoring and evaluating the implementation of legislation or policies**

- CSO Parliamentary sit-ins to advocate for gender justice, gender-responsive legislation and policy
- App to document, track and monitor sexual violence cases



## **Recommendations – Legislative Improvements & Enforcement**

- **Remove retrogressive laws, enforce and raise awareness of laws & standards that uphold women's rights, and criminalize all forms of VAWG.**
- **Ensure proper enforcement of the legislative provisions on protection of women, including through investment in managing data, coordination, and monitoring implementation.**
- **Create provisions for compensation for victims, including inheritance rights and child support.**
- **Promote women's property rights and economic status, including land ownership and inheritance, access to assets such as housing and machinery**

## | Recommendations – Strengthening the Justice System

- **Hold accountable perpetrators.** Sustain efforts against impunity, effective and respectful communication with those seeking justice and remove burden from survivors.
- **Create a sector in the judiciary focused on access to justice for women, train more female judges** and consider **establishing women-only courts or specialized courts.**
- **Create justice avenues to protect women from economic exploitation, unfair labour practices, physical harm and unequal pay.**
- **Feminize the justice sector to improve women's experience of justice**
- **Institutionalize and sustain training for judicial personnel, police officers and prison staff on matters related to improving access to justice for women.**

## Recommendations – Survivor-Centred Approaches for Diverse Women & Girls

- **Identify and eliminate obstacles and barriers** faced by women before, during and after they pursue access to justice.
- **Strengthen victim and survivor protection** given the cultural fear of consequences and community backlash against survivors.
- **Provide information and diverse options to women seeking justice** who may be prevented from reporting to police, accessing treatment, guidance, counselling and giving evidence.
- **Create policies and laws that promote disability-inclusive services** for women to access justice

## Recommendations: Community-level Actions & Transforming Social Norms

- Ensure traditional authorities **understand gender issues, support gender-sensitive committees with women represented.**
- Ensure **customary laws align with constitutional provisions on fundamental rights** and international human rights standards.
- Declare **customary laws that discriminate against women and girls illegal** (e.g. child marriage).
- **Engage with traditional and religious leaders and cultural authorities** through a comprehensive strategy to improve **gender-sensitive community dispute resolution, respond to women's needs, build positive masculinity and end harmful practices and gender stereotypes.**
- Develop **coordinated community responses on matters of VAWG**



**Thank You**

<https://africa.unwomen.org/en/news-and-events/events/2021/10/analytical-study-on-access-to-justice-for-victims-of-gbv-in-east-and-southern-africa#view>