



**Submission from the International Development Law Organization (IDLO) in response to the Questionnaire from the Special Rapporteur on violence against women, its causes and consequences to inform her next thematic report on violence against indigenous women and girls to be presented to the UN Human Rights Council in its 50<sup>th</sup> session, in June 2022**

January 31, 2022

Geneva, Switzerland

IDLO, as the only global intergovernmental organization exclusively devoted to promoting the rule of law to advance peace and sustainable development, recognises and supports the significant work of the Special Rapporteur on violence against women, its causes and consequences.

We welcome the theme of the upcoming report of the Special Rapporteur on "Violence against indigenous women and girls" particularly as IDLO, an organization that works mostly in conflict and fragile situations, is acutely aware of the compounded barriers to justice that indigenous women and girls face, including when they have suffered gender-based violence. IDLO appreciates the opportunity to inform the report and assist the mandate of the Special Rapporteur.

## **Introduction**

Combatting gender-based violence (GBV) is a key objective under IDLO's [Strategic Plan 2021-2024](#). IDLO has been working around the world in countries such as Honduras, Mali, Mexico, Myanmar, Somalia, and Tunisia to [combat gender-based violence](#), focusing on strengthening the capacity of justice sector institutions, formal or informal, to respond to GBV; increasing women's legal empowerment to access justice and claim their rights; and combatting discriminatory laws and ensuring the emergence of gender-responsive legal and institutional frameworks to address GBV.

Recognizing the urgency to combat gender-based violence, IDLO joined the Generation Equality Forum, in particular the [Action Coalition on Gender-based Violence](#) to help catalyze tangible results in the

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next five years. As a [Commitment Maker](#), we pledged to adopt an integrated approach to addressing GBV against women and girls focused on strengthening gender-responsive justice. IDLO also joined UN Women, UNODC and other partners in two collective commitments on increasing access to essential services for survivors of gender-based violence and implementing and scaling up gender-responsive policing.

### **Response to the Questionnaire**

IDLO is pleased to highlight relevant examples from our work that may contribute to the following questions:

**Question 2:** Good practices and challenges on increasing indigenous women and girls' access to effective mechanisms to prevent their exposure to violence as well as to assist and protect victims of violence in a comprehensive manner.

**Question 3:** Good practices and challenges regarding the effective participation of women and girls that are at risk of violence or that have been subjected to violence in processes that affect their lives, including those that seek to protect them against violence.

**Question 4:** Good practices and challenges on indigenous women's participation in transitional justice processes that address violence inflicted upon them or in judicial communal or state systems more generally, as well as their access to effective reparations for past crimes committed against them.

### **Research**

1. IDLO is currently developing an issue paper with the Global Women's Institute of the George Washington University on '[Survivor-centered Justice for Gender-Based Violence in Complex Situations](#)' that will provide a deeper understanding of the challenges women and girls who are survivors of GBV face in accessing justice in complex settings, and the approaches for improving access to and effectiveness of the justice system.<sup>1</sup> The upcoming issue paper summarizes key lessons and promising practices drawn from six case studies, each with a distinctive thematic focus: Afghanistan (conflict), Honduras (femicide and organized crime), Papua New Guinea (customary and informal

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<sup>1</sup> IDLO will be pleased to share an advance copy of the publication with the Special Rapporteur before its official launch, which is scheduled for July 2022.

justice), The Philippines (climate change and disasters), South Sudan (conflict) and Tunisia (COVID-19). The case studies build on IDLO's current and previous work on GBV, as well as draw from external promising practice examples, thus contributing concrete examples and practical guidance for national implementation.

2. In 2019, together with UN Women, the World Bank and the Pathfinders for Peaceful, Just and Inclusive Societies' Task Force on Justice, IDLO published the [Justice for Women Report](#), a milestone report which called for increased attention and investment on justice for women. The Justice for Women report highlights 'Intimate partner violence' as one of the key justice challenges facing women (pp. 22-24) and offers a number of promising approaches to prevent and combat GBV focusing on the role of the law and legal reform, while recognizing that these are just part of a larger puzzle and a multipronged effort to reduce the prevalence of violence against women (pp. 54-61).

The report highlights justice is a key component of the comprehensive effort that is required to end violence against women and girls. To begin with, research on 84 countries found that the existence of a law against domestic violence is associated, on average, with a 3.7 percent lower national rate of physical intimate partner violence ([UN Women, IDLO, World Bank and Task Force on Justice 2019](#), p.56). The prohibition of GBV can have a preventive effect. New laws, however, are only one part of the puzzle. While more longitudinal studies are needed, emerging evidence shows that investments in legal reforms, special services for women, and transforming social norms can indeed prevent violence against women and girls on a large scale.<sup>2</sup> The report concludes with a 'Call to Action', which prioritizes several major directions, including the 'enactment of legislation, enforcement measures and appropriate response for the prevention of violence against women' (p. 82).

The report also highlighted the Sepur Zarco case (**Box 4.7: Indigenous women in Guatemala leading the way toward justice**) as an example of collective action to promote justice for women. In this example from 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

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<sup>2</sup> Ellsberg M, Ugarte W, Ovince J, et al. Long-term change in the prevalence of intimate partner violence: a 20-year follow-up study in León, Nicaragua, 1995- 2016. *BMJ Global Health* 2020. Available at: <https://globalwomensinstitute.gwu.edu/research-reports-articles>

as a war crime. The Sepur Zarco case led to important reparations for the affected community (p. 72).

3. Released in 2020, and building on the Justice for Women Report, the [Justice for Women Amidst COVID-19](#) report documents major challenges to women's access to justice in light of the COVID-19 pandemic. The report was developed by UN Women, IDLO, UNDP, UNODC, World Bank, Pathfinders for Peaceful, Just and Inclusive Societies, and endorsed by The Elders. The *Justice for Women amidst COVID-19* report noted, early in the pandemic, the 'worsening risks of intimate partner violence and other forms of domestic violence' (pp. 19-20) and highlighted innovative justice interventions to prevent and respond to IPV in the context of the COVID-19 crisis (pp. 27-29).
4. IDLO's issue paper [Women and Customary and Informal Justice](#) was a breakthrough publication for IDLO that presented gender-focused engagement entry points, modalities and good practices for CIJ systems. In this report, IDLO called for empowering women to achieve justice through CIJ systems and advocated to 'Amplify women's voices and provide platforms for expression and action' as one of the potential entry points for engagement with CIJ systems. For example, in Peru, Andean and Amazonian indigenous women came together to establish a national organization (ONAMIAP)<sup>3</sup> working for the full exercise of their rights. Based on principles of respect and recognition of diversity, ONAMIAP implements actions aimed at strengthening grassroots organizations, raising awareness of their demands and influencing the public agenda in order to gain representative spaces at local, regional, national and international levels. ONAMIAP has participated in different national consultation processes and made proposals on laws and health policy (p.20).

## **Programming**

Preventing and combatting GBV constitutes the largest area of IDLO's programmatic work on gender. IDLO has an extensive track record of GBV programming in diverse contexts, working mostly in conflict and fragile situations.

IDLO's GBV work focuses on (a) strengthening the capacity of justice sector institutions to respond to GBV, whether they are formal or informal institutions; (b) increasing women's legal empowerment to access justice and claim their rights; and (c) combatting

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<sup>3</sup> La Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (ONAMIAP), available at: <http://onamiap.org/>, accessed 14 February 2020.

discriminatory laws and ensuring the emergence of gender-responsive legal and institutional frameworks on GBV.

Examples of our country-specific GBV work include:

1. In **Kenya**, IDLO has been working with key institutions such as the Judiciary, State Department of Gender Affairs, and National Gender Equality Commission to strengthen legal and policy frameworks for combatting GBV at both national and county levels. Examples of policy frameworks developed in partnership with IDLO include: (i) the National Policy on the Prevention and Protection from Unlawful Sexual Acts and the Administration of Justice in Sexual Offences Matters; (ii) the National Policy on the Eradication of Female Genital Mutilation; (iii) the Meru Sexual and Gender-Based Violence Policy, based on a model law and policy on SGBV for County Governments; and (iv) Guidelines for the Establishment of GBV Recovery Centres in all health facilities in Kenya. IDLO is also working with county-level governments to improve access to justice in GBV cases. In addition, IDLO is engaging with the National Council on the Administration of Justice on the development of a centralized system for criminal justice actors to facilitate data collection and documentation of GBV cases.
2. In **Mali**, as part of our multi-country program in the Sahel region, IDLO is strengthening the capacity of criminal justice actors to respond to gender-based violence and working to improve the quality of justice services to make them more efficient, transparent, and accessible to citizens. As part of these efforts, IDLO supported the establishment and operation of Consultation and Coordination Groups (*Cadres de Concertation*, or CdCs), informal committees coordinating localized solutions among state criminal justice chain actors, civil society organizations, and local and traditional authorities. Due to the work of the CdCs in Mali, nearly 3,000 female victims of GBV were able to access information, professional advice, or services, including in the justice system. [More...](#)
3. In **Mongolia**, IDLO launched a law clinic for survivors of sexual and gender-based violence (SGBV) and has supported the development and operation of a CSO referral network for survivors. Moreover, expanding its work on child rights, IDLO is supporting specialized children's rights committees to provide legal and other services to child victims and witnesses in the context of the COVID-19 pandemic, and is developing children's workbooks on child rights and reference material for parents of children with disabilities. [See also...](#)

4. In **Somalia**, IDLO is supporting the formalization and standardization of alternative dispute resolution (ADR) processes based on local traditional justice mechanisms (Xeer), including for handling and/or referring cases of GBV and the protection of survivors, to promote fair and equitable access to justice, particularly for women and marginalized groups. IDLO's research, [Accessing Justice: Somalia's Alternative Dispute Resolution Centers](#), identified gaps and areas for improvement on gender equality in the ADR processes and provided recommendations and action areas for future ADR policies and programming. [More...](#)
5. In **Tunisia**, IDLO has supported the establishment of a support network to facilitate the economic participation of GBV survivors. Initially designed to reach about 160 women beneficiaries from the governorates of Kef and Grand Tunis, the network is expanding through the creation of a mobile app launched by IDLO in cooperation with the Ministry of Women, Family and Children. Responding to the increase in domestic violence in the context of COVID-19, IDLO also supported a newly created dedicated helpline to provide legal information and advice on gender-based violence. [See also...](#)
6. In **Uganda**, as part of its Community Justice Programme (CJP), IDLO is providing technical support to formal institutions, such as the Judiciary, Office of the Director of Public Prosecutions, Uganda Police Force and Uganda Prison Service through capacity building in of GBV case management. IDLO also supports CSO partners in conducting research on specific forms of GBV; providing gender-responsive legal aid services to GBV survivors; and strengthening referrals and accountability mechanisms.

We are grateful for this opportunity to contribute to the work of the Special Rapporteur and inform her thematic report on "Violence against indigenous women and girls", to be presented to the Human Rights Council in June 2022. We look forward to the report and to her work on this important theme.

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The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.