

General discussion on Access to Justice for Women
Joint statement by Denmark, Finland, Iceland, Norway and Sweden

Distinguished members of the Committee on the Elimination of Discrimination against Women, distinguished panelists,

I have the honor to deliver this statement on behalf of the five Nordic countries Denmark, Finland, Iceland, Sweden and Norway.

We welcome this general discussion with the Committee, UN agencies, other bodies and civil society organizations on a draft general recommendation on access to justice, particularly in the context of Articles 2 and 15 of the CEDAW Convention.

Much progress has been made during the last decades, and laws protecting women's access to justice are now in place in many countries. But their implementation is often far from completed. Religious, cultural and certain so-called moral arguments are often used to block decisions and avoid obligations which would give millions of women freedom and equality.

According to UNWOMEN, more than half of the world's working women are in vulnerable employment, trapped in insecure jobs, often outside the purview of labour legislation. One out of three women world-wide are exposed to violence during their life time, and one of four women experience domestic violence.

Under international human rights law, States have a legal obligation to ensure that all individuals are able to access competent and impartial judicial and adjudicatory mechanisms equally and without discrimination. Access to justice is not only a fundamental right in itself, but it is an essential pre-requisite for the protection and promotion of all other civil, cultural, economic, political and social rights. It is thus both a right in itself and the means of restoring the exercise of rights that have been disregarded or violated.

Barriers to enjoyment of access to justice can be manifold. This includes

- 1) **financial barriers such as lack of free legal aid**, that hamper the functions of justice systems,
- 2) **extreme poverty** which together with other social, cultural or employment factors can lead to marginalization and social exclusion,
- 3) **discrimination** , with attention to the multiple grounds of discrimination faced by women,
- 4) **lack of information** of one's rights and the processes to claim rights or remedy,
- 5) **cultural barriers** including language barriers and behavior, and
- 6) **physical barriers** which hinder the access of particular groups, such as people with disabilities and older people.

We believe that the general comment should include recognition of the compounded difficulties that women face in accessing justice, and take note of the **groups facing particular challenges**, such as women with disabilities, women living in poverty, rural women, persons belonging to linguistic, ethnic or religious minorities and women who belong to sexual minorities. Special attention should also be paid to indigenous women, who can face

difficulties not only due to language and cultural barriers, but also due to physical isolation and poor communications in indigenous areas. They can also face difficulties due to the absence of an effective judiciary designed for the needs of indigenous communities. States should be encouraged to adopt special measures to promote the de jure and de facto access to justice of those marginalized and discriminated against.

Articles 2 and 15 of the CEDAW convention commit State Parties to adopt legislative and other measures including sanctions prohibiting all discrimination against women. Legal protection of their rights, and competent national institutions to accord to them equal opportunities to exercise their civil rights, should be established.

The Nordic countries have gained experience from our national efforts as well as from our cooperation with and funding of international organizations and civil society in this field. Our experience match those of UNWOMEN, expressed in their annual report 2011 on the progress of the World's Women ("In Pursuit of Justice"):

- 1) *Support women's legal organizations,*
- 2) *Implement gender sensitive law reform,*
- 3) *Support one-stop shops to reduce attrition in the justice chain,*
- 4) *Put women on the front line of law enforcement,*
- 5) *Invest in women's access to justice,*
- 6) *Train judges and monitor decisions,*
- 7) *Increase women's access to courts and truth commissions during and after conflict,*
- 8) *Implement gender-responsive reparations programmes,*
- 9) *Use quotas to boost the number of women legislators,*
- 10) *Put gender equality at the heart of the Millennium Development Goals*

We also encourage you to follow up recommendations the Working Group of the Human Rights Council on the Issue of Discrimination against Women in Law and Practice.

Allow me to conclude by quoting the Secretary General at the last UN General Assembly: "There is broad acknowledgement of the critical need to secure women's access to justice. The time is now ripe to move from acknowledgement to action".