

Access to Justice for victims of sexual and gender-based violence

Access to justice for victims of sexual and gender based crimes is crucial to protect and assist survivors, and to prevent its recurrence.

1. Sexual and gender-based violence (SGBV) remains among the most serious threats to the safety and security of those affected by displacement and conflict. The **Regional Dialogues with Refugee Women**, organized in 2011 as part of UNHCR's 60th anniversary events, underscored the importance and urgency of addressing the dangerous levels of impunity that are associated with SGBV. Women also told UNHCR that the failure to investigate and prosecute sexual violence and the inability of victims to seek and achieve redress has eroded confidence in law enforcement actors and the judiciary, and has prevented victims from coming to a sense of resolution with what has happened to them and moving forward with their lives.
2. Justice can mean different things to different people: it is therefore important to listen to those who are seeking it and be responsive to their needs. There is often a sense that the best form of justice is one that is formally delivered. This may, however, not be the preferred option for all SGBV victims, as some may prefer to seek justice through more traditional or informal mechanisms. Meaningful outcomes of justice for victims can be **punitive** (bringing perpetrators to justice and recognizing SGBV as a crime), **restorative** (allowing reintegration within their families and communities with a sense of dignity) and/or **transformative** (providing society with a clear message regarding gender equality and equitable justice).
3. While it is the responsibility of States to prevent and investigate acts of SGBV, punish perpetrators and provide fair and effective remedies to victims, international actors have a crucial role to play. As part of its international protection mandate, UNHCR assumes a supportive role, assisting States in meeting their international legal responsibilities and satisfying the requirements of the rule of law, and ensuring that all persons of concern have access to existing justice mechanisms. UNHCR and its partners have a key role to play at the global, national and local levels in understanding and helping to address the many obstacles refugee, internally displaced and stateless victims of SGBV face in accessing justice. **Giving SGBV victims a voice, restoring their dignity, securing a remedy** for the serious violation of their rights and ensuring their perpetrators are brought to justice must be a priority for all UNHCR operations worldwide

4. Discriminatory practices and dismissive attitudes towards SGBV may often prevail in practice. Public information and training sessions on SGBV and human rights within refugee, internally displaced and stateless communities can serve to challenge negative attitudes, which can dissuade women from talking about or reporting SGBV incidents, let alone pursuing justice.
5. UNHCR's activities can take a variety of forms, from legal aid for victims to working with communities and supporting the authorities. At the national level, for instance, persons at risk and victims of SGBV can be supported and become aware of the possibilities offered by the legal system and how to access them, as well as of victims' rights and where to seek support.
6. UNHCR and partners may need to **provide legal and sometimes material or logistical support** to those victims who wish to pursue formal justice, and follow up on their cases with the local police and courts to ensure that their rights are promoted and protected throughout the legal process. Exploring possibilities of engaging with traditional justice systems may also help to challenge and reduce discrimination or further abuse.
7. Local actors, including women's groups and associations, play an important role in advocacy, awareness-raising and the provision of legal and other support to victims. Local organizations often have a solid, hands-on understanding of the realities faced by SGBV survivors and how justice systems function in practice, and can usefully inform UNHCR's work.
8. Key areas of involvement include: promoting **gender-sensitive laws and policies**; creating **safe and supportive protection environments** for SGBV survivors; promoting **gender-sensitive law enforcement and justice institutions**, in which women are adequately represented; and facilitating **women's access to legal support and justice systems**
9. The challenges faced by SGBV survivors in pursuing justice are well known. There are numerous projects and initiatives that directly or indirectly address these, but there is a need for a greater, more consistent and specific emphasis on improving access to justice for SGBV survivors and combatting impunity for perpetrators. This is a multifaceted task, which can only be tackled through effective partnerships at local, national and international levels.