



54th session of the Committee on the Elimination of Discrimination against Women

General discussion on access to justice

Intervention by SLOVENIA

Madam Chairperson,

Slovenia welcomes the organization of this general discussion and the plans of the Committee to elaborate a general recommendation on the issue of access to justice for women.

International human rights law guarantees equality before the law and access to justice to all. The CEDAW Convention likewise speaks of “equality with men before the law” and of “legal protection of the rights of women on an equal basis with men”, for which equal access to justice is indispensable.

Many States have enshrined in their national legislation the principle of equality of men and women, and the right to access to justice for all. We call on those few who have not yet done so, to do it without delay.

By virtue of Article 2a of CEDAW, States Parties to this convention have also promised to ensure through whatever means necessary the practical realization of the equality principle. Nevertheless, discrimination against women in accessing justice remains a reality in many parts of the world.

In situations where women are treated unequally, for example with regard to land and property rights, access to education etc, providing the same conditions for man and women to access justice may not be sufficient to ensure equality.

Equal access to justice should also mean that the justice system, from the police and prosecutors to judges, takes violations of women’s rights equally seriously as violations of men’s rights, and prosecutes them accordingly, in order to prevent impunity and ensure accountability.

This is particularly important in conflict and post-conflict situations, where redress and reparations for victims of abuse is a crucial part of national recovery. Gender linked crimes such as rape and trafficking should never be swept under the carpet. Instead, any solution must be found with the full participation of women, include a gender perspective, and ensure accountability for crimes committed.

One can hardly talk of equal access to justice for women, if it is only men who get to decide their cases. Equal access to justice for both sexes should therefore also entail women holding decision-making positions in the justice system, be they judges, prosecutors, lawyers or police officers. To reach this end, equal opportunities in education and employment are a necessary prerequisite.

Furthermore, all personnel working in the justice sector should be trained in human rights and sensitized to the issue of gender equality. Human rights education for all can be part of the solution.

Finally, we wish to reiterate that States are responsible for the implementation of their human rights commitments through laws and practices, and that equal access to justice for women and men is a part of that commitment.

Thank you.