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## Committee on the Elimination of Discrimination against Women

### General recommendation on women's access to justice

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## I. Introduction and scope

1. The right of access to justice for women is essential to the realization of all the rights protected under the Convention on the Elimination of All Forms of Discrimination against Women. It is a fundamental element of the rule of law and good governance, together with the independence, impartiality, integrity and credibility of the judiciary, the fight against impunity and corruption, and the equal participation of women in the judiciary and other law implementation mechanisms. The right to access to justice is multidimensional. It encompasses justiciability, availability, accessibility, good-quality and accountability of justice systems, and provision of remedies for victims. For the purposes of the present general recommendation, all references to “women” should be understood to include women and girls, unless otherwise specifically noted.

2. In this general recommendation, the Committee examines the obligations of States parties to ensure that women have access to justice. These obligations encompass the protection of women’s rights against all forms of discrimination with a view to empowering them as individuals and as rights holders. Effective access to justice optimizes the emancipatory and transformative potential of law.

3. In practice, the Committee has observed a number of obstacles and restrictions that impede women from realizing their right of access to justice on a basis of equality. They include a lack of effective jurisdictional protection offered by the States Parties in relation to all dimensions of access to justice. These obstacles occur in a structural context of discrimination and inequality, due to factors such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination, procedural and evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women. All of these obstacles constitute persistent violations of women’s human rights.

4. The scope of the present general recommendation includes the procedures and quality of justice for women at all levels of justice systems, including specialized and quasi-judicial mechanisms. Quasi-judicial mechanisms encompass all actions of public administrative agencies or bodies, similar to those conducted by the judiciary, which have legal effects and may affect legal rights, duties and privileges.

5. The scope of the right of access to justice also includes plural justice systems. The term “plural justice systems” refers to the coexistence within a State party of State laws, regulations, procedures and decisions on one hand, and of religious, customary, indigenous or community laws and practices on the other hand. Therefore, plural justice systems include multiple sources of law, whether formal or informal – State, non-State and mixed – that women may encounter when seeking to exercise their right of access to justice. Religious, customary, indigenous and community justice systems – called traditional justice systems in this general recommendation – may be formally recognized by the State, operate with the State’s acquiescence with or without any explicit status, or function outside of the State’s regulatory framework.

6. International and regional human rights treaties and declarations and most national Constitutions contain guarantees relating to sex and/or gender equality before the law and an obligation to ensure that everyone benefits from equal protection of the law.<sup>1</sup> Article 15

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<sup>1</sup> See, for example, articles 7 and 8 of the Universal Declaration of Human Rights, articles 2 and 14 of the International Covenant on Civil and Political Rights and articles 2 (2) and 3 of the International Covenant on Economic, Social and Cultural Rights. At the regional level, the

of the Convention provides that women and men must have equality before the law and benefit from equal protection of the law. Article 2 stipulates that States parties must take all appropriate measures to guarantee the substantive equality of men and women in all areas of life, including through the establishment of competent national tribunals and other public institutions to ensure the effective protection of women against any act of discrimination. The content and scope of that provision are further detailed in the Committee's General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention. Article 3 of the Convention mentions the need for appropriate measures to ensure that women can exercise and enjoy their human rights and fundamental freedoms on a basis of equality with men.

7. Discrimination may be directed against women on the basis of their sex and gender. Gender refers to socially constructed identities, attributes and roles for women and men and the cultural meaning imposed by society on biological differences, which are constantly reproduced amongst the justice system and its institutions. Under article 5 (a) of the Convention, States parties have an obligation to expose and remove the underlying social and cultural barriers, including gender stereotypes, that prevent women from exercising and claiming their rights and impede their access to effective remedies.

8. Discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms, and gender-based violence, which particularly affect women, have an adverse impact on the ability of women to gain access to justice on an equal basis with men. In addition, discrimination against women is compounded by intersecting factors that affect some women to a different degree or in different ways than men and other women. Grounds for intersectional or compounded discrimination may include ethnicity/race, indigenous or minority status, colour, socio-economic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, and being lesbian, bisexual, transgender women or intersex persons. These intersecting factors make it more difficult for women from those groups to gain access to justice.<sup>2</sup>

9. Other factors also making it harder for women to access justice include: illiteracy, trafficking of women, armed conflict, seeking asylum, internal displacement, statelessness, migration, women heading households, widowhood, living with HIV/AIDS, deprivation of liberty, criminalization of prostitution, geographical remoteness, and stigmatization of women fighting for their rights. The fact that human rights defenders and organizations are frequently targeted because of their work must be emphasized and their own right to access justice protected.

10. The Committee has documented many examples of the negative impact of intersecting forms of discrimination on access to justice, including ineffective remedies, for specific groups of women. Women belonging to such groups often do not report violations of their rights to the authorities for fear that they will be humiliated, stigmatized, arrested, deported, tortured or have other forms of violence inflicted upon them, including by law enforcement officials. The Committee has also noted that, when women from those groups lodge complaints, the authorities

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Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), the American Convention on Human Rights and the African Charter on Human and Peoples' Rights all contain relevant provisions.

<sup>2</sup> See para. 18 of general recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women.

frequently fail to act with due diligence to investigate, prosecute and punish perpetrators and/or provide remedies.<sup>3</sup>

11. In addition to articles 2 (c), 3, 5 (a) and 15 of the Convention, States parties have further treaty-based obligations to ensure that all women have access to education and information about their rights and remedies available, and how to access these, and to competent, gender-sensitive dispute resolution systems, as well as equal access to effective and timely remedies.<sup>4</sup>

12. The Committee's views and recommendations concerning the steps that need to be taken to overcome obstacles encountered by women in gaining access to justice are informed by its experience in the consideration of States parties' reports, its analysis of individual communications and its conduct of inquiries under the Optional Protocol to the Convention. In addition, reference is made to work on access to justice by other United Nations human rights mechanisms, national human rights institutions, civil society organizations, including community-based women's associations, and academic researchers.

## **II. General issues and recommendations on women's access to justice**

### **A. Justiciability, availability, accessibility, good-quality, provision of remedies and accountability of justice systems**

13. The Committee has observed that the centralization of courts and quasi-judicial bodies in the main cities, their non-availability in rural and remote regions, the time and money needed to access them, the complexity of proceedings, the physical barriers for women with disabilities, the lack of access to quality, gender-competent legal advice, including legal aid, as well as the deficiencies often noted in the quality of justice systems (gender-insensitive judgments/decisions due to the lack of trainings, delays and excessive length of proceedings, corruption, etc.) all prevent women from accessing justice.

14. Six interrelated and essential components — justiciability, availability, accessibility, good-quality, accountability of justice systems, and the provision of remedies for victims — are therefore necessary to ensure access to justice. While differences in prevailing legal, social, cultural, political and economic conditions will necessitate a differentiated application of these features in each State party, the basic elements of the approach are of universal relevance and of immediate application. Accordingly:

(a) Justiciability requires the unhindered access by women to justice as well as their ability and empowerment to claim their rights under the Convention as legal entitlements;

(b) Availability requires the establishment of courts and other quasi-judicial or other bodies across the State Party in both urban, rural and remote areas, as well as their maintenance and funding;

<sup>3</sup> See, for example, the concluding observations on the Bahamas (CEDAW/C/BHS/CO/1-5, para. 25 (d)), Costa Rica (CEDAW/C/CRI/CO/5-6, paras. 40-41), Fiji (CEDAW/C/FJI/CO/4, paras. 24-25), Kyrgyzstan (A/54/38/Rev.1, part one, paras. 127-128), the Republic of Korea (CEDAW/C/KOR/CO/6, paras. 19-20, and CEDAW/C/KOR/CO/7, para. 23 (d)) and Uganda (CEDAW/C/UGA/CO/7, paras. 43-44).

<sup>4</sup> See, in particular, general recommendations Nos. 19, 21, 23, 24, 26, 27, 29 and 30.

(c) Accessibility requires that all justice systems, both formal and quasi-judicial systems, are secure, affordable and physically accessible to women, and are adapted and appropriate to the needs of women including those who face intersectional or compounded forms of discrimination;

(d) Good quality of justice systems requires that all components of the system adhere to international standards of competence, efficiency, independence and impartiality<sup>5</sup> and provide, in a timely fashion, appropriate and effective remedies that are enforced and that lead to sustainable gender-sensitive dispute resolution for all women. It also requires that justice systems are contextualized, dynamic, participatory, open to innovative practical measures, gender-sensitive, and take account of the increasing demands for justice by women;

(e) Provision of remedies requires the ability of women to receive from justice systems viable protection and meaningful redress for any harm that they may suffer (see article 2 of the Convention); and

(f) Accountability of justice systems is ensured through the monitoring of the functioning of justice systems to guarantee that they are in accordance with the principles of justiciability, availability, accessibility, good quality and provision of remedies. The accountability of justice systems also refers to the monitoring of the actions of justice system professionals and of their legal responsibility in cases in which they violate the law.

**15. On justiciability, the Committee recommends that States parties:**

**(a) Ensure that rights and correlative legal protections are recognized and incorporated in the law, improving the gender responsiveness of the justice system;**

**(b) Improve women's unhindered access to justice systems and thereby empower them to achieve *de jure* and *de facto* equality;**

**(c) Ensure that the professionals of justice systems handle cases in a gender sensitive manner;**

**(d) Ensure the independence, impartiality, integrity and credibility of the judiciary and the fight against impunity;**

**(e) Tackle corruption in justice systems as an important element of eliminating discrimination against women on access to justice;**

**(f) Confront and remove barriers to women's participation as professionals within all bodies and levels of judicial and quasi-judicial systems and providers in justice related services. Take steps, including temporary special measures, to ensure that women are equally represented in the judiciary and other law implementation mechanisms as magistrates, judges, prosecutors, public defenders, lawyers, administrators, mediators, law enforcement officials, judicial and penal officials and expert practitioners, as well as in other professional capacities;**

**(g) Revise the rules on the burden of proof in order to ensure equality between the parties, in all fields where power relationships deprive women of the chance for a fair judicial treatment of their case;**

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<sup>5</sup> See the Basic Principles on the Independence of the Judiciary, endorsed by the General Assembly in its resolution 40/32.

(h) Cooperate with civil society and community-based organizations to develop sustainable mechanisms to support women's access to justice and encourage non-governmental organizations and civil society entities to take part in litigation on women's rights; and

(i) Ensure that women human rights defenders are able to access justice, and receive protection from harassment, threats, retaliation and violence.

16. On availability of justice systems, the Committee recommends that State parties:

(a) Ensure the creation, maintenance and development of courts, tribunals and additional entities, as needed, that guarantee women's right of access to justice without discrimination on the whole territory of the State party, including in remote, rural and isolated areas. The establishment of mobile courts, particularly for women living in those areas, should be considered, as well as the creative use of modern IT solutions when feasible;

(b) In cases of violence against women, ensure access to financial aid, crisis centres, shelters, hotlines, and medical, psychosocial and counselling services;

(c) Ensure that rules on standing allow groups and civil society organizations with an interest to lodge petitions and participate in the proceedings; and

(d) Establish an oversight mechanism by independent inspectors to ensure the proper functioning of the justice system and address any discrimination against women committed by justice system professionals.

17. On accessibility of justice systems, the Committee recommends that State parties:

(a) Remove economic barriers to justice by providing legal aid and by ensuring that fees for issuing and filing documents as well as court costs are reduced for women with low income and waived for women living in poverty;

(b) Remove linguistic barriers by providing independent and professional translation and interpretation services when needed; provide individualized assistance for illiterate women in order to guarantee their full understanding of the judicial or quasi-judicial processes;

(c) Develop targeted outreach activities and distribute information about available justice mechanisms, procedures and remedies in various formats, and also in community languages such as through specific units or desks for women. Such activities and information should be appropriate for all ethnic and minority groups in the population and designed in close cooperation with women from these groups and, especially, women's and other relevant organizations;

(d) Ensure access to Internet and other information and communication technologies (ICTs) to improve women's access to justice systems at all levels. Give consideration to the development of internet infrastructure, including video conferencing, to facilitate the holding of court hearings, and sharing, collection and support of data and information among stakeholders;

(e) Ensure that the physical environment and location of judicial and quasi-judicial institutions and other services are welcoming, secure and accessible to all women. The creation of gender units as components of justice institutions should be considered. Special attention should be given to covering the costs of transportation to judicial and quasi-judicial institutions and other services for women without sufficient means;

(f) Establish justice access centres, such as “one-stop centers”, which include a range of legal and social services, in order to reduce the number of steps that a woman has to take to access justice. Such centres could provide legal advice and aid, start the legal proceedings and coordinate support services for women across such areas as violence against women, family matters, health, social security, employment, property and immigration. They must be accessible to all women including those living in poverty and/or in rural and remote areas; and

(g) Give special attention to access to justice systems for women with disabilities.

18. On good quality of justice systems, the Committee recommends that State parties:

(a) Ensure that justice systems are of good quality and adhere to international standards of competence, efficiency, independence and impartiality, as well as to international jurisprudence;

(b) Adopt indicators to measure women’s access to justice<sup>6</sup>;

(c) Ensure an innovative and transformative justice approach and framework including, when necessary, investing in broader institutional reforms;

(d) Provide, in a timely fashion, appropriate and effective remedies that are enforced and that lead to sustainable gender-sensitive dispute resolution for all women;

(e) Implement mechanisms to ensure that evidentiary rules, investigations and other legal and quasi-judicial procedures are impartial and not influenced by gender stereotypes or prejudice;

(f) When necessary to protect women’s privacy, safety, and other human rights, ensure that, in a manner consistent with due process and fair proceedings, legal proceedings can be held privately in whole or in part, or testimony be given remotely or via communication equipment, in a way that only the concerned parties are able to access their content. It should also be allowed for them to use pseudonyms or to take other measures to protect their identities during all stages of the judicial process. State parties should guarantee the possibility of taking measures in order to protect the victims’ privacy and image by the prohibition of image capturing and broadcasting, in cases where this may violate the dignity, emotional condition and security of girls and women; and

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<sup>6</sup> See for example UN Indicators to Measure Violence Against Women, of 8 to 10 October 2007, and Progress Indicators for Measuring the Implementation of the Inter American Convention on the Prevention, Punishment and Eradication of Violence Against Women “Belém do Pará Convention”, adopted on 21st May 2013.

(g) **Protect women complainants, witnesses, defendants and prisoners against threats, harassment and other harm before, during and after legal proceedings and provide the budgets, resources, guidelines and monitoring and legislative frameworks necessary to ensure that protective measures function effectively.**<sup>7</sup>

19. **On provision of remedies, the Committee recommends that State parties:**

(a) **Provide and enforce appropriate, timely remedies for discrimination against women and ensure that women have access to all available judicial and non-judicial remedies;**

(b) **Ensure that remedies are adequate, effective, promptly attributed, holistic and proportional to the gravity of the harm suffered. Remedies should include, as appropriate, restitution (reinstatement); compensation (whether provided in the form of money, goods or services); and rehabilitation (medical and psychological care and other social services)<sup>8</sup>. Remedies for civil damages and criminal sanctions should not be mutually exclusive;**

(c) **Take full account of the unremunerated domestic and caring activities of women in assessments of damages for the purposes of determining appropriate compensation for the harm, in all civil, criminal, administrative or other proceedings;**

(d) **Create women specific funds to ensure that women receive adequate reparation in situations in which the individuals or entities responsible for violating their human rights are unable or unwilling to provide such reparation;**

(e) **In cases of sexual violence in conflict or post conflict situations, mandate institutional reforms, repeal discriminatory legislation and enact legislation providing for adequate sanctions in accordance with international human rights standards. Determine reparation measures in close participation with women's organizations and civil society in order to help overcome the discriminations that pre-existed the conflict;**<sup>9</sup>

(f) **Ensure that, where human rights violations occur during conflict or in post conflict contexts, the non-judicial remedies, such as public apologies, public memorials and guarantees of non-repetition granted by truth, justice and reconciliation commissions are not used as substitutes for investigations into and prosecutions of perpetrators; reject amnesties for gender-based human rights violations such as sexual violence against women and reject statutory limitation for prosecution of such human rights violations (See General Recommendation 30); and**

(g) **Provide effective and timely remedies and ensure that they respond to the different types of violation experienced by women, as well as adequate**

<sup>7</sup> International guidance and best practice on the protection of victims and their families against intimidation, retaliation and repeat victimization should be followed. See, for example, article 56 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

<sup>8</sup> See paragraph 32 in General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, "Such remedies should include different forms of reparation, such as monetary compensation, restitution, rehabilitation, and reinstatement; measures of satisfaction, such as public apologies, public memorials and guarantees of non-repetition; changes in relevant laws and practices; and bringing to justice the perpetrators of violations of human rights of women".

<sup>9</sup> See the Nairobi Declaration on Women's and Girls Right to a Remedy and Reparation (2007)

reparations; and ensure women's participation in the design of all reparation programs, as pointed out by General Recommendation No. 30.<sup>10</sup>

20. On accountability of justice systems, the Committee recommends that State parties:

(a) Develop effective and independent mechanisms to observe and monitor women's access to justice in order to ensure that justice systems are in accordance with the principles of justiciability, availability, accessibility, good quality and effectiveness of remedies. This includes the periodical audit/review of the autonomy, efficiency and transparency of the judicial, quasi-judicial and administrative bodies taking decisions affecting women's rights;

(b) Ensure that cases of identified discriminatory practices and acts by justice professionals are effectively addressed through disciplinary and other measures;

(c) Create a specific entity to receive complaints, petitions and suggestions about all personnel supporting the work of the justice system, including social, welfare and health workers as well as technical experts;

(d) Data should include but need not be limited to:

(1) The number and geographical distribution of judicial and quasi-judicial bodies;

(2) The number of men and women in law enforcement bodies and judicial and quasi-judicial institutions at all levels;

(3) The number and geographical distribution of men and women lawyers, including legal aid lawyers;

(4) The nature and number of cases and complaints lodged with judicial, quasi-judicial and administrative bodies, these data should be disaggregated by sex of complainant;

(5) The nature and number of cases dealt with by the formal and informal justice systems, these data should be disaggregated by sex of complainant;

(6) The nature and number of cases in which legal aid and public defense were required, accepted and indeed provided, these data should be disaggregated by sex of complainant;

(7) The length of the procedures and their outcomes, these data should be disaggregated by sex of complainant;

(e) Conduct and facilitate qualitative studies and critical gender analysis in collaboration with civil society organizations as well as academic institutions of all justice systems in order to highlight practices, procedures and jurisprudence that promote or limit women's full access to justice; and

(f) Systematically apply the findings of this analysis in order to develop priorities, policies, legislation and procedures to ensure that all components of the justice system are gender sensitive, user friendly and accountable.

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<sup>10</sup> Also see [A/HRC/14/22](#).

## **B. Discriminatory laws, procedures and practices**

21. Frequently, States parties have constitutional provisions, laws, regulations, procedures, customs and practices that are based on traditional gender-stereotypes and norms and are therefore discriminatory and deny women full enjoyment of their rights under the Convention. The Committee therefore consistently calls on State Parties in its concluding observations to undertake a review of their legislative framework and to amend and/or repeal provisions that discriminate against women. This is consistent with article 2 of the Convention enshrining obligations for States parties to adopt appropriate legal and other measures to eliminate all forms of discrimination against women by public authorities and non-State actors as individuals as well as organizations and enterprises.

22. Women, nonetheless, face many difficulties in gaining access to justice as a result of direct and indirect discrimination, as defined in paragraph 16 of General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention. Such inequality is not only apparent in the discriminatory content and/or impact of laws, regulations, procedures, customs and practices, but also in the lack of capacity and awareness of judicial and quasi-judicial institutions to address violations of women's human rights adequately. In its General Recommendation No. 28, the Committee therefore notes that judicial institutions must apply the principle of substantive or *de facto* equality as embodied in the Convention and interpret laws, including national, religious and customary laws, in line with that obligation. Article 15 of the Convention encompasses obligations for States parties to ensure that women enjoy substantive equality with men in all areas of the law.

23. Many of the Committee's concluding observations and views under the Optional Protocol, however, demonstrate that discriminatory procedural and evidentiary rules and a lack of due diligence in the prevention, investigation, prosecution, punishment and provision of remedies for violations of women's rights result in contempts of obligations to ensure that women have equal access to justice.

24. Special consideration is to be given to girls (including the girl child and adolescent girls, where appropriate) because they face specific barriers to access to justice. They often lack the social or legal capacity to make significant decisions about their lives in areas relating to education, health and sexual and reproductive rights. They may be forced into marriage or subjected to other harmful practices and various forms of violence.

25. **The Committee recommends that States parties:**

**(a) Ensure that the principle of equality before the law is given effect by taking steps to abolish any existing laws, procedures, regulations, jurisprudence, customs and practices that directly or indirectly discriminate against women especially in their access to justice, and to abolish discriminatory barriers to access to justice, including:**

- (i) Obligations and/or needs for women to seek permission from family or community members before beginning legal action;**
- (ii) Stigmatization by active participants in the justice system of women who are fighting for their rights;**
- (iii) Corroboration rules that discriminate against women as witnesses, complainants and defendants by requiring them to**

**discharge a higher burden of proof than men in order to establish an offence or to seek a remedy;**

**(iv) Procedures that exclude or accord inferior status to the testimony of women;**

**(v) Lack of measures to ensure equal conditions between women and men during the preparation, conduct and aftermath of cases;**

**(vi) Inadequate case management and evidence collection in cases brought by women resulting in systematic failures in investigation; and**

**(vii) Obstacles faced in collection of evidence relating to emerging violations of women's rights occurring on line and with the use of ICT's and new social media;**

**(b) Ensure that independent, safe, effective, accessible and child-sensitive complaint and reporting mechanisms are available to girls. Such mechanisms should be established in conformity with international norms especially the Convention on the Rights of the Child; and also ensure that these mechanisms are staffed by appropriately trained officials, working in an effective and gender-sensitive manner, in accordance with General Comment No. 14 of the Committee on the Rights of the Child to have girls' best interests taken as a primary consideration;**

**(c) Take measures to avoid marginalization of girls due to conflicts and disempowerment within their families and the resulting lack of support for their rights; abolish rules and practices that require parental or spousal authorization for access to services such as education, health, including sexual and reproductive health, as well as access to legal services and justice systems; and**

**(d) Protect women and girls against interpretations of religious texts and traditional norms creating barriers to their access to justice resulting in discrimination against them.**

### **C. Stereotyping and gender bias in the justice system and the importance of capacity building**

26. Stereotyping and gender bias in the justice system have far-reaching consequences on women's full enjoyment of their human rights. They impede women's access to justice in all areas of law, and may particularly impact on women victims and survivors of violence. Stereotyping distorts perceptions and results in decisions based on preconceived beliefs and myths rather than relevant facts. Often judges adopt rigid standards about what they consider to be appropriate behavior for women and penalize those who do not conform to these stereotypes. Stereotyping as well affects the credibility given to women's voices, arguments and testimonies, as parties and witnesses. Such stereotyping can cause judges to misinterpret or misapply laws. This has far reaching consequences, for example, in criminal law where it results in perpetrators not being held legally accountable for violations of women's rights, thereby upholding a culture of impunity. In all areas of law, stereotyping compromises the impartiality and integrity of the justice system, which can, in turn, lead to miscarriages of justice, including the revictimization of complainants.

27. Judges, magistrates and adjudicators are not the only actors in the justice system who apply, reinforce and perpetuate stereotypes. Prosecutors, law enforcement officials and other actors often allow stereotypes to influence investigations and trials, especially in cases

of gender-based violence, with stereotypes, undermining the claims of the victim/survivor and simultaneously supporting the defences advanced by the alleged perpetrator. Stereotyping, therefore, permeates both the investigation and trial phases and finally shapes the judgment.

28. Women should be able to rely on a justice system free from myths and stereotypes, and on a judiciary whose impartiality is not compromised by these biased assumptions. Eliminating judicial stereotyping in the justice system is a crucial step in ensuring equality and justice for victims and survivors.

29. **The Committee recommends that State Parties:**

(a) **Take measures, including awareness-raising and capacity-building for all actors of justice systems and for law students to eliminate gender stereotyping and incorporate a gender perspective in all aspects of the justice system;**

(b) **Include other professionals, in particular health professionals and social workers, who can play an important role in cases of violence against women and in family matters, in these awareness raising and capacity building programmes;**

(c) **Ensure that capacity-building programmes address in particular:**

(i) **The issue of the credibility and weight given to women's voices, arguments and testimonies, as parties and witnesses;**

(ii) **The inflexible standards often developed by judges and prosecutors on what they consider as appropriate behaviour for women;**

(d) **Consider promoting a dialogue on the negative impact of stereotyping and gender bias in the justice system and the need for improved justice outcomes for women victims and survivors of violence;**

(e) **Raise awareness on the negative impact of stereotyping and gender bias and encourage advocacy related to stereotyping and gender bias in justice systems, especially in gender-based violence cases; and**

(f) **Provide capacity building to judges, prosecutors, lawyers and law enforcement officials on the application of international legal instruments related to human rights, including the CEDAW Convention and the jurisprudence of the CEDAW Committee, and on the application of legislation prohibiting discrimination against women.**

#### **D. Education and awareness-raising on impact of stereotypes**

30. The provision of education from a gender perspective and public awareness-raising through civil society, the media, and Information Communication Technologies (ICTs) are essential to overcome the multiple forms of discrimination and stereotyping on access to justice and to ensure effectiveness and efficiency of justice for all women.

31. Article 5 (a) of the Convention provides that States parties must take all appropriate measures to modify social and cultural patterns of conduct with a view to eliminating prejudices as well as customary and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes. In its General Recommendation No. 28, the Committee emphasized that all provisions of the

Convention must be read jointly in order to ensure that all forms of gender-based discrimination are condemned and eliminated.<sup>11</sup>

### **D.1. Education from a gender perspective**

32. Women who are unaware of their human rights are unable to make claims for their fulfilment. The Committee has observed, especially during consideration of States parties' periodic reports, that they often fail to guarantee that women have equal access to education, information and legal literacy programmes. Furthermore, the awareness of men about women's human rights is also indispensable to guarantee non-discrimination and equality, in particular to guarantee women's access to justice.

33. **The Committee recommends that States parties:**

(a) **Develop gender expertise, including by increasing the number of gender advisors, with the participation of civil society organizations, the Academia and the media;**

(b) **Disseminate multi-format materials to inform women about their human rights and the availability of mechanisms for access to justice. States parties should inform women about their eligibility for support, legal aid, as well as for social services that interface with justice systems; and**

(c) **Integrate educational programmes on women's rights and gender equality, including legal literacy programmes, into curricula at all levels of education which emphasize the crucial role of women's access to justice and the role of men and boys as advocates and stakeholders.**

### **D.2. Awareness-raising through civil society, media and Information and Communication Technologies (ICTs)**

34. Civil society, the media and ICTs play an important role in both reaffirming and reproducing gender stereotypes as well as overcoming them.

35. **The Committee recommends that States parties:**

(a) **Emphasize the role that the media and ICTs can play in dismantling cultural stereotypes about women in connection with their right to access justice. Particular attention should be paid to challenging cultural stereotypes concerning gender-based discrimination and violence, including domestic violence, rape and other forms of sexual violence;**

(b) **Develop and implement measures to raise awareness among the media and the population on women's right to access justice, in close collaboration with communities and civil society organizations. Such measures should be multidimensional and directed to girls and women, boys and men and should take account of the relevance and potential of ICTs to transform cultural and social stereotypes;**

(c) **Support and involve media bodies and people working with ICTs in an ongoing public dialogue about women's human rights in general and within the context of access to justice in particular; and**

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<sup>11</sup> The Committee stated in paragraph 7 that article 2 of the Convention should be read in conjunction with articles 3, 4, 5 and 24 and in the light of the definition of discrimination contained in article 1.

(d) Take steps to promote a culture and a social environment whereby justice-seeking by women is viewed as both legitimate and acceptable rather than as cause for additional discrimination and/or stigmatization.

## **E. Legal aid and public defense**

36. A crucial element in guaranteeing that justice systems are economically accessible to women is the provision of free or low-cost legal aid, advice and representation in judicial and quasi-judicial processes in all fields of law.

37. **The Committee recommends that States parties:**

(a) **Institutionalize systems of legal aid and public defense that are accessible, sustainable and responsive to the needs of women; and ensure that these services are provided in a timely, continuous and effective manner at all stages of judicial or quasi-judicial proceedings, including alternative dispute resolution mechanisms and restorative justice processes. Ensure unhindered access to legal aid and public defense providers to all relevant documentation and other information including witness statements;**

(b) **Ensure that legal aid and public defense providers are competent, gender-sensitive, respect confidentiality and are granted adequate time to defend their clients;**

(c) **Conduct information and awareness-raising programmes for women about the existence of legal aid and public defense and the conditions for obtaining them. Information and communications technology should be used effectively to facilitate such programmes;**

(d) **Develop partnerships with competent non-governmental providers of legal aid and/or train paralegals to provide women with information and assistance in navigating judicial and quasi-judicial processes and traditional justice systems; and**

(e) **In cases of family conflicts or when the woman lacks equal access to the family income, means testing eligibility for legal aid and public defense should be based on the real income or disposable assets of the woman.<sup>12</sup>**

## **F- Resources**

38. Highly qualified human resources combined with adequate technical and financial resources are essential to ensure justiciability, availability, accessibility, good-quality, accountability of justice systems and provision of remedies for victims.

39. **The Committee recommends that States parties:**

(a) **Provide adequate budgetary and technical assistance and allocate highly qualified human resources to all parts of justice systems, including specialized judicial, quasi-judicial and administrative bodies, alternative dispute resolution mechanisms, national human rights institutions and ombuds offices; and**

<sup>12</sup> United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, guideline 1 (f): "If the means test is calculated on the basis of the household income of a family, but individual family members are in conflict with each other or do not have equal access to the family income, only the income of the person applying for legal aid is used for the purpose of the means test."

**(b) Seek support from external sources, such as UN specialized agencies, the international community and civil society, when national resources are limited, while ensuring that, in the medium and long term, adequate State resources are allocated to the justice systems to ensure their sustainability.**

### **III. Recommendations for specific areas of law**

40. Institutions and judicial arrangements are diverse all around the world, therefore some elements placed under one field of law in one country may be treated elsewhere in another country. For instance, definition of discrimination may be in the Constitution or not, protection orders may appear under family law and/or criminal law; asylum and refugee issues may be dealt with by administrative courts or by quasi-judicial bodies. State parties are asked to consider the following paragraphs in this light.

#### **A. Constitutional law**

41. The Committee has observed that, in practice, States parties that have adopted constitutional guarantees relating to substantive equality between men and women and incorporated international human rights law, including the Convention, into their national legal orders are better equipped to secure gender equality in access to justice. Under articles 2 (a) and 15 of the Convention, States parties are to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation, including through the establishment of competent national tribunals and other public institutions, and to take measures to ensure the realization of the principle in all areas of public and private life as well as in all fields of law.

42. **The Committee recommends that States parties:**

**(a) Provide explicit constitutional protection for formal and substantive equality and non-discrimination in the public and private spheres, including all matters of personal status, family, marriage and inheritance law, and across all areas of law;**

**(b) When provisions of international law do not directly apply, fully incorporate international human rights law into their constitutional and legislative frameworks in order to effectively guarantee women's access to justice; and**

**(c) Create the structures necessary to ensure the availability and accessibility of judicial review and monitoring mechanisms to oversee the implementation of all fundamental rights, including the principle of substantive gender equality.**

#### **B. Civil law**

43. In some communities, women are unable to approach justice systems without the assistance of a male relative and social norms hinder their ability to exercise autonomy outside the household. Article 15 of the Convention provides that women and men are to be equal before the law and that States parties must accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. Women's access to civil law procedures and

remedies includes those in the fields of contracts, private employment, personal injury, consumer protection, inheritance, land and property rights.

**44. The Committee recommends that States parties:**

**(a) Eliminate all gender-based barriers to access to civil law, such as the requirement that women obtain permission from judicial or administrative authorities or family members before beginning legal action, or obtaining documents relating to identity or title to property;**

**(b) Enforce the provisions set out in article 15 (3) of the Convention that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void; and**

**(c) Adopt positive measures to ensure that the freedom of women to enter into contracts and other private law agreements is enforced.**

### **C. Family law**

45. Inequality in the family underlies all other aspects of discrimination against women and is often justified in the name of ideology, tradition and culture. The Committee has repeatedly emphasized the need for family laws and the mechanisms that apply them to comply with the principle of equality enshrined in articles 2, 15 and 16 of the Convention.<sup>13</sup>

**46. The Committee recommends that States parties:**

**(a) Adopt written family codes or personal status laws that provide for equal access to justice between spouses or partners irrespective of their religious or ethnic identity or community, in accordance with the Convention and the Committee's general recommendations;<sup>14</sup>**

**(b) Consider the creation of gender-sensitive family judicial or quasi-judicial mechanisms dealing with issues such as property settlement, land rights, inheritance, dissolution of marriage and child custody within the same institutional framework; and**

**(c) Ensure that, in settings in which there is no unified family code and multiple family law systems exist, such as civil, indigenous, religious and customary law systems, personal status laws provide for individual choice as to the applicable family law at any stage of the relationship. State courts should review decisions of all other bodies in this regard.**

### **D. Criminal law**

47. Criminal laws are particularly important in ensuring that women are able to exercise their human rights, including their right to access to justice, on the basis of equality. States parties are obliged under articles 2 and 15 of the Convention to ensure that women have access to the protection and remedies offered through criminal law and that they are not exposed to discrimination within the context of

<sup>13</sup> See, in particular, general recommendation No. 29 on economic consequences of marriage, family relations and their dissolution.

<sup>14</sup> *Idem.*

those mechanisms either as victims or as perpetrators of criminal acts. Some criminal codes or acts and/or criminal procedure codes discriminate against women: a) by criminalizing forms of behaviour that are not criminalized or punished as harshly if they are performed by men, b) by criminalizing behaviours that can only be performed by women such as abortion, c) by failing to criminalize or to act with due diligence to prevent and provide redress for crimes that disproportionately or solely affect women, and d) by jailing women for petty offenses and/or inability to pay bail for such offenses.

48. The Committee has also highlighted the fact that women suffer from discrimination in criminal cases owing to: a) a lack of gender-sensitive non-custodial alternatives to detention, b) a failure to meet the specific needs of women in detention, and c) an absence of gender-sensitive monitoring and independent review mechanisms.<sup>15</sup> The secondary victimization of women by the criminal justice system has an impact on their access to justice, owing to their heightened vulnerability to mental and physical abuse and threats during arrest, questioning and in detention.

49. Women are also disproportionately criminalized due to their situation or status, for instance women in prostitution, migrant women, women accused of adultery, lesbian, bisexual, transgender women and intersex persons, women who undergo abortion or women belonging to other discriminated groups.

50. The Committee notes that many countries have critical shortages of trained police and legal and forensic staff capable of dealing with the requirements of criminal investigations.

51. **The Committee recommends that States parties:**

**(a) Exercise due diligence to prevent, investigate, punish and provide reparation for all crimes committed against women, whether such crimes were perpetrated by State or non-State actors;**

**(b) Ensure that the statutory limitation is in conformity with the interest of the victims;**

**(c) Take effective measures to protect women against secondary victimization in their interactions with law enforcement and judicial authorities. Consider establishing specialized gender units within law enforcement, penal and prosecution systems;**

**(d) Take appropriate measures to create supportive environments that encourage women to claim their rights, report crimes committed against them and actively participate in criminal justice processes; and take measures to prevent retaliation against women seeking recourse in justice. Consultations with women's groups and civil society organizations should be sought to develop legislation, policies and programmes in this area;**

**(e) Take measures, including adoption of legislation, to protect women against internet crimes and misdemeanours;**

**(f) Refrain from conditioning the provision of support and assistance to women, including the granting of residency permits, upon cooperation with**

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<sup>15</sup> See communication No. 23/2009, *Abramova v. Belarus*, views adopted on 25 July 2011, and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by the General Assembly in its resolution 65/229.

judicial authorities in cases of trafficking in human beings and organized crime;<sup>16</sup>

(g) Use a confidential and gender-sensitive approach to avoid stigmatization during all legal proceedings, including secondary victimization in cases of violence, during questioning, evidence collection and other procedures related to the investigation;

(h) Review rules of evidence and their implementation especially in cases of violence against women. Measures must be adopted, having due regard to the fair trial rights of victims and defendants in criminal proceedings, to ensure that the evidentiary requirements are not overly restrictive, inflexible or influenced by gender stereotypes;

(i) Improve their criminal justice response to domestic violence, what can be done through recording of emergency calls, taking photographic evidence of destruction of property as well as signs of violence; and reports from doctors or social workers, which can show how violence, even if committed without witnesses, has material effects on the victims' physical, mental and social well-being;

(j) Take steps to guarantee that women are not subjected to undue delays in applications for protection orders and that all cases of gender-based discrimination under criminal law, including violence, are heard in a timely and impartial manner;

(k) Develop protocols for police and healthcare providers for the collection and preservation of forensic evidence in cases of violence against women; and train sufficient numbers of police and legal and forensic staff to competently conduct criminal investigations;

(l) Abolish discriminatory criminalization, and review and monitor all criminal procedures to ensure that they do not directly or indirectly discriminate against women; decriminalize forms of behaviour that are not criminalized or punished as harshly if they are performed by men; decriminalize behaviours that can only be performed by women such as abortion; and/or act with due diligence to prevent and provide redress for crimes that disproportionately or solely affect women, whether such acts were perpetrated by State or non-State actors;

(m) Closely monitor sentencing procedures and eliminate any discrimination against women in the penalties provided for particular crimes and misdemeanours and in eligibility for parole or early release from detention;

(n) Ensure that mechanisms are in place to monitor places of detention; pay special attention to the situation of women prisoners; and apply international guidance and standards on the treatment of women in detention;<sup>17</sup>

(o) Keep accurate data and statistics regarding the number of women in each place of detention, the reasons for their detention, the length of time that they have been held, whether they are pregnant, or accompanied by a baby or child, their access to legal, health and social services and their eligibility for and

<sup>16</sup> See the Recommended Principles and Guidelines on Human Rights and Human Trafficking.

<sup>17</sup> See the Bangkok Rules and also the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, adopted by the Economic and Social Council in its resolution 2005/20.

use of available case review processes, non-custodial alternatives and training possibilities; and

(p) Use preventive detention as a last resort and for as short time as possible, and avoid preventive or after trial detention, for petty offenses, and for inability to pay bail for such offenses.

## **E. Administrative, social and labour law**

52. In accordance with articles 2 and 15 of the Convention, the availability and accessibility of judicial and quasi-judicial mechanisms and remedies under administrative, social and labour law should be guaranteed to women on the basis of equality. The subject areas that tend to fall within the ambit of administrative, social and labour law and are of particular importance for women include: (a) health services, (b) social security entitlements, (c) labour relations, including equal remuneration, (d) equal opportunities to be hired and promoted, (e) equal remuneration for civil servants, (f) housing and land zoning, (g) grants, subsidies and scholarships, (h) compensation funds, (i) governance of Internet resources and policy, as well as (j) migration and asylum.<sup>18</sup>

53. **The Committee recommends that States parties:**

(a) **Ensure that independent review in accordance with international standards is available for all decisions by administrative bodies;**

(b) **Ensure that a decision rejecting an application is reasoned and that the claimant is able to appeal against it to a competent body, and suspend the effect of any prior administrative decisions pending further review by a judicial court. This is of particular importance in the area of asylum and migration law, where appellants may be deported before having the chance to have their cases heard; and**

(c) **Use administrative detention only exceptionally, as a last resort, for a limited time, when necessary and reasonable in the individual case, proportionate to a legitimate purpose, and in accordance with national law and international standards. Ensure that all appropriate measures, including effective legal aid and procedures are in place to enable women to challenge the legality of their detention. Ensure regular reviews of such detention, in the presence of the detainee. Ensure that conditions of administrative detention comply with relevant international standards for the protection of the rights of women deprived of their liberty.**

## **IV. Recommendations for specific mechanisms**

### **A. Specialized judicial and quasi-judicial systems, and international and regional justice systems**

54. Other specialized judicial and quasi-judicial mechanisms, including labour,<sup>1920</sup> land claims, electoral and military courts, inspectorates and

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<sup>18</sup> See CEDAW General Recommendation 32 on gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

<sup>19</sup> Depending on the country, the fields are covered by general or specialized justice systems.

administrative bodies<sup>21</sup> also have obligations to comply with international standards of independence, impartiality and efficiency and the provisions of international human rights law, including articles 2, 5 (a) and 15 of the Convention.

55. Transitional and post-conflict situations may result in increased challenges for women seeking to assert their right to access to justice. In its general recommendation No. 30, the Committee highlighted the specific obligations of States parties in connection with access to justice for women in such situations.

56. **The Committee recommends that States parties:**

**(a) Take all appropriate steps to ensure that any specialized judicial and quasi-judicial mechanisms are available and accessible to women and exercise their mandate under the same requirements as the regular courts;**

**(b) Provide for independent monitoring and review of the decisions of specialized judicial and quasi-judicial mechanisms;**

**(c) Put in place programmes, policies and strategies to facilitate and guarantee the equal participation of women in those specialized judicial and quasi-judicial mechanisms at all levels;**

**(d) Implement the recommendations on women's access to justice in transitional and post-conflict situations that are set out in paragraph 81 of general recommendation No. 30, taking a comprehensive, inclusive and participatory approach to transitional justice mechanisms; and**

**(e) Ensure the implementation of international instruments and decisions from international and regional justice systems related to women's rights, and establish monitoring mechanisms for the implementation of international law.**

## **B. Alternative dispute resolution processes**

57. Many jurisdictions have adopted mandatory or optional systems for the mediation, conciliation, arbitration, collaborative resolutions of disputes, facilitation and interest-based negotiation. This applies in particular in the areas of family law, domestic violence, juvenile justice and labour law. Alternative dispute resolution processes are sometimes referred to as informal justice which are linked to but function outside formal court litigation processes. Informal alternative dispute resolution processes also include non-formal indigenous courts, as well as chieftancy based alternative dispute resolution where chiefs and other community leaders resolve interpersonal disputes including divorce, child custody and land disputes. While such processes may provide greater flexibility and reduce costs and delays for women seeking justice, they may also lead to further violations of their rights and impunity for perpetrators due to the fact that these often operate with

<sup>20</sup> With regard to women's access to justice, International Labour Organization conventions, such as the Labour Inspection Convention, 1947 (No. 81), the Migration for Employment Convention (Revised), 1949 (No. 97), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the Domestic Workers Convention, 2011 (No. 189), are relevant.

<sup>21</sup> See the draft principles governing the administration of justice through military tribunals (E/CN.4/2006/58).

patriarchal values, thereby having a negative impact on women's access to judicial review and remedies.

58. **The Committee recommends that States parties:**

**(a) Inform women of their rights to use mediation, conciliation, arbitration and collaborative resolution of dispute processes;**

**(b) Guarantee that alternative dispute settlement procedures do not restrict access by women to judicial and other remedies in all areas of law, and does not lead to further violation of their rights; and**

**(c) Ensure that cases of violence against women, including domestic violence, are under no circumstances referred to any alternative dispute resolution procedures.**

### **C. National human rights institutions and ombuds offices**

59. The development of national human rights institutions and ombuds offices may open up further possibilities for women to gain access to justice.

60. **The Committee recommends that States parties:**

**(a) Take steps to: (i) provide adequate resources for the creation and sustainable operation of independent national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and (ii) ensure that the composition and activities of those institutions are gender sensitive;**

**(b) Provide national human rights institutions with a broad mandate and the authority to consider complaints regarding women's human rights;**

**(c) Facilitate women's access to individual petition processes within ombuds offices and national human rights institutions on a basis of equality and provide the possibility for women to lodge claims involving multiple and intersecting forms of discrimination; and**

**(d) Provide national human rights institutions and ombuds offices with adequate resources and support to conduct research.**

### **D. Plural justice systems**

61. The Committee notes that State laws, regulations, procedures and decisions can sometimes coexist within one State party with religious, customary, indigenous or community laws and practices. This results in the existence of plural justice systems. There are therefore multiple sources of law that may be formally recognized as part of the national legal order or operate without an explicit legal basis. States parties have obligations under articles 2, 5 (a) and 15 of the Convention and under other international human rights instruments to ensure that women's rights are equally respected and that women are protected against violations of their human rights by all components of plural justice systems.<sup>22</sup>

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<sup>22</sup> See, in particular, general recommendation No. 29 on economic consequences of marriage, family relations and their dissolution.

62. The presence of plural justice systems can in itself limit women's access to justice by perpetuating and reinforcing discriminatory social norms. In many contexts, the availability of multiple avenues for gaining access to justice within plural justice systems notwithstanding, women are unable to effectively exercise a choice of forum. The Committee has observed that, in some States parties in which systems of family and/or personal law based on customs, religion or community norms coexist alongside civil law systems, individual women may not be as familiar with both systems and/or at liberty to decide which regime applies to them.

63. The Committee has observed a range of models through which practices embedded in plural justice systems could be harmonized with the Convention in order to minimize conflict of laws and guarantee that women have access to justice. They include the adoption of legislation that clearly defines the relationship between existing plural justice systems, the creation of State review mechanisms and the formal recognition and codification of religious, customary, indigenous, community and other systems. Joint efforts by States parties and non-State actors will be necessary to examine ways in which plural justice systems can work together to reinforce protection for women's rights.<sup>23</sup>

**64. The Committee recommends that, in cooperation with non-State actors, States parties:**

**(a) Take immediate steps, including capacity-building and training programmes on the Convention and women's rights for the providers of justice, to ensure that religious, customary, indigenous and community justice systems harmonize their norms, procedures and practices with the human rights standards enshrined in the Convention and other international human rights instruments;**

**(b) Enact legislation to regulate the relationships between the different mechanisms of plural justice systems in order to reduce potential conflict;**

**(c) Provide safeguards against violations of women's human rights by enabling review by State courts or administrative bodies of the activities of all components of plural justice systems, with special attention to village courts and traditional courts;**

**(d) Ensure that women have a real and informed choice concerning the applicable law and the judicial forum within which they would prefer their claims to be heard;**

**(e) Ensure the availability of legal aid services for women to enable them to claim their rights within the various plural justice systems by engaging qualified local support staff to provide that assistance;**

**(f) Ensure the equal participation of women in the bodies established to monitor, evaluate and report on the operations of plural justice systems at all levels; and**

**(g) Foster constructive dialogue and formalize links between plural justice systems, including through the adoption of procedures for sharing information among them.**

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<sup>23</sup> See International Development Law Organization, *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment* (Rome, 2013).

## V. **Withdrawal of reservations to the Convention**

65. Many countries have made reservations to: (a) article 2c indicating that States parties undertake to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination (article 2 (c)); (b) article 5 indicating that States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (article 5 (a)); and (c) article 15 indicating that States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

66. **In view of the fundamental importance of women's access to justice, the Committee recommends that State parties withdraw their reservations to the Convention, in particular to art. 2, 15 and 16.**

## VI. **Ratification of the Optional Protocol to the Convention**

67. The Optional Protocol to the Convention creates an additional international legal mechanism to enable women to bring complaints in relation to alleged violations of the rights set forth in the Convention and to enable the Committee to conduct inquiries into alleged grave or systematic violations of the rights set forth in the Convention, thereby reinforcing women's right to access to justice. Through its decisions on individual communications issued under the Optional Protocol, the Committee has produced noteworthy jurisprudence in relation to women's access to justice, including in relation to violence against women<sup>24</sup>, women in detention<sup>25</sup>, health<sup>26</sup> and employment<sup>27</sup>.

68. **The Committee recommends that States parties:**

**(a) Ratify the Optional Protocol; and**

**(b) Conduct and encourage the creation and dissemination of outreach and educational programmes, resources and activities in various languages and formats to inform women, civil society organizations and institutions of the procedures available for furthering women's access to justice through the Optional Protocol.**

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<sup>24</sup> (Cecilia Kell against Canada, No. 19/2008, adopted on 27 April 2012; V.K. against Bulgaria, No. 20/2008, adopted on 25 July 2011; Karen Vertido against the Philippines, No. 18/2008, adopted on 16 July 2010.; Fatma Yildirim against Austria, No. 6/2005, adopted on 6 August 2007; Sahide Goeckce against Austria, No. 5/2005, adopted on 6 August 2007; and A.T. against Hungary, No. 2/2003, adopted on 26 January 2005).

<sup>25</sup> (Inga Abramova against Belarus, No. 23/2009, adopted on 25 July 2011).

<sup>26</sup> (Alyne da Silva Pimentel, No. 17/2008, adopted on 25 July 2011).

<sup>27</sup> (R.K.B. against Turkey, No. 28 /2010, adopted on 24 February 2012).