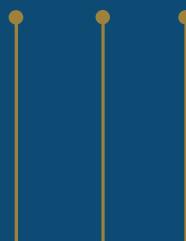




# UNWOMEN

Facilitating Women's access to justice



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## **Introduction to the Committee: UN Women**

The United Nations Entity for Gender Equality and the Empowerment of Women.

The United Nations Entity for Gender Equality and the Empowerment of Women, also called UN Women, was established on July 2<sup>nd</sup>, 2010 as a response to the resolution of the General Assembly that was adopted in 2009.

The United Nations Entity for Gender Equality and the Empowerment of Women is led by the Executive board comprising of the 41-member state representative that are elected in the United Nations Economic and Social Council for the mandate of three year-terms with the following regions: Africa, Asia and the Pacific, Eastern Europe, Latin America and the Caribbean, Western Europe, and other States, and contributing countries.

UN Women activities are concentrated on the following:

- “*To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms;*
- *To help Member States to implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society;*
- *To lead and coordinate the UN system’s work on gender equality as well as promote accountability, including through regular monitoring of system-wide progress.”*

The UN Women also initiates programs, offers support to the governments, works with UN bodies in order to create standards of gender equality and women empowerment within the organization, they research and gather data about women rights around the globe.

UN Women’s action is divided in nine general areas: leadership and political participation; economic empowerment; ending violence against women; peace and security; humanitarian action; governance and national planning; the 2030 agenda for sustainable development; HIV and AIDS.

UN Women also coordinates and promotes the UN system’s work in advancing gender equality, and in all deliberations and agreements linked to the 2030 Agenda. The entity works to position gender equality as fundamental to the Sustainable Development Goals, and a more inclusive world. Source: <http://www.unwomen.org/en>

## **Introduction to the Chairs**

### **I. Arqam Altaf-ur-Rehman Niaz**

Arqam Altaf-ur-Rehman Niaz has graduated from Forman Christian College (F.C.C) as a student of Computer Sciences. after graduating from Lahore Grammar school. He is now currently pursuing his degree in computer sciences from University of Central Punjab. He has been in the Lahore MUN circuit for the past 7 years, and was given the opportunity to be in the Secretariat of both University and school level MUN conferences such as CANTT MUN, UCP MUN III, International MUN 19.0 & 20.0, FORMUN and many more. He has been to Republic of India, in the parliament of India, to debate upon the sensitive issues including the Kashmir issue and the rights of Minorities in India. He has been invited as a panelist to the Sultan Idris university (Malaysia) to represent his country. Possessing natural inclination towards international diplomacy since early years in middle school, MUNs turned from his interest to hobby and finally to his passion. He has also been the Director General of his school MUN, the president of LGS EME declamation debating society in his senior year, and the secretary general of an international MUN conference, also served as the Deputy Secretary General for UCPMUN V. He is currently serving the Model UN society of University of Central Punjab, as the Information Secretary and Model UN Trainer. Along with that, he is also coaching students at multiple institutes. He will be serving as the chair at PTMUN. He sends his best wishes to the organizing team and to the delegates as well.

### **II. Syed Iqbal Hussain**

Hi Delegates!

I am Syed Iqbal Hussain, it is my absolute honor to be serving as the Assistant Committee Director for UNW. I'm currently enrolled in my final year of BS(CS). Been part of the MUN community for the past 5 years. I am a game developer, social activist and a public speaker all I believe in Mantra of growing together through our learnings and teachings and that is what I am looking forward to the committee.

What's important to understand, which is expected from all of you, is that you must respect and adhere to the rules of procedure of your respective committees and do the best you can!

I hope all those who will attend PTMUN will cherish the experience and memories you made at the end of conference.

If you need any help email me [syediqbal760@gmail.com](mailto:syediqbal760@gmail.com)

Research well and Best of Luck!

## **Topic: Facilitating Women's Access to Justice**

### **Introduction to the topic**

Women victims of violence experience various difficulties and barriers in accessing justice. Studies have attributed the existence of these barriers to law and to society's construction of women and of women's issues. There is a need to look beyond legal measures and into the interplay of politics, economics, and culture in women's access to justice in cases of violence. Looking alone at the existence of laws protecting women, the availability of legal aid and counsel and at the process of adjudication and enforcement as a frame for access to justice for women victims of violence would be limiting. It would fail to address the subordinated and subjugated identities of women in law and in society. It would fail to account the structural inequalities between men and women, the systemic and historic disadvantaged position of women, the culture of impunity in cases of VAW, and the prevailing gender bias and system of patriarchy that continue to persist in the judicial system and in society.

By the laws' and the legal processes' constant exclusion of women's varied experiences, and by the society's continued failure to recognize the serious nature of violence against women, thereby promoting a culture of impunity, the experiences of women continue to be undermined and rendered invisible. The responses to violence against women remain confined to elements of the crime and to laws of procedure and evidence, refusing to delve into the realm of women's real concern vis-à-vis the political, economic, and cultural aspects of access. Vis-a –vis furthermore, to woman's development as a whole.

Eliminating gender discrimination across the justice chain is critical for protecting women's economic assets, bodily integrity, voice and agency. There are, however, gender gaps in access to justice globally, particularly in plural legal systems. Over 30 countries have entered reservations to Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women, which relates to equality in marriage and family relations. In 50 countries, the minimum legal age for marriage is lower for females than for males, while 60 countries limit the ability of women who marry foreign nationals to pass on their citizenship to their spouses or children.

## **Discussion on topic**

### **A) Women's rights under discussion:**

- 1. Gender-based violence.**
- 2. Health and reproductive rights.**
- 3. Gender equality rights.**
- 4. Right to education.**

### **B) The MDGs and SDGs**

#### **1. Gender-Based Violence**

Effective access to justice is an essential right enshrined in numerous instruments within the universal human rights protection system. The obligation not to discriminate against women and to achieve de facto equality between women and men is an essential part of these rights. The UN Committee on the Elimination of Discrimination against Women, has articulated six interrelated elements of access to justice that are considered key for a justice system that is responsive to gender.<sup>1</sup> These are: justiciability; availability; accessibility; good quality; accountability and the provision of remedies for victims. In terms of violence against women (VAW), access to justice means States must implement a range of measures including:

- amending domestic law to ensure that acts of violence against women are properly defined as crimes;
- ensuring appropriate procedures for investigations and prosecutions;
- ensuring access to effective remedies and reparation.

Women also encounter a number of obstacles with respect to access to justice within and outside the legal system, which must be overcome in order for them to effectively access justice<sup>2</sup> and can be divided into two categories:

- The Legal/Institutional Level
- The Socio-Economic and Cultural Levels

**Gender Discrimination:** Discrimination based on gender is a civil rights violation that most women are familiar. It is a situation in which a person is treated unjustly or with pre-judgment. It includes various forms of gender discrimination such as unequal pay and sexual harassment.

**Gender Inequality:** Gender inequality is the notion that women and men are not equal. Its roots lie in the differences of the sexes and their roles in the society. It is most common accompanied by unequal treatment and misperceptions of genders.

**Gender-Based Violence:** Violence based on gender or violence against individuals are terms that are mostly used to refer to the same thing. They impact the victims negatively in many ways, yet they are not spoken about as frequently and effectively as they should be. Globally, it is estimated that one in three women will encounter sexual or physical abuse in her lifetime.

**Glass Ceiling:** Mostly used during the mid-1980s, glass ceiling or glass ceiling effect is used to speak of the invisible obstacle that keeps women and minorities from reaching the top ranks of management in big corporations, disregarding their qualifications and achievements.

**Empowerment of Women:** Empowering women is a process in which women take control over their lives by gaining power. As a result, they are able to make choices of their own and lead their lives without a superior individual.

**Empowerment of women is composed of five components:** women's sense of self-worth, women's right to have and to determine choices, women's right to have access to opportunities and resources, women's right to have power to control their own lives, and women's ability to influence the direction of social change to form a more equal social and economic order.

**Political Representation:** Political representation is the activity responsible for making citizens' opinions, voices and perspectives heard in the policy-making processes. When political actors speak, advocate and represent others, political representation occurs.

**Wage Gap:** Wage gap happens when men and women are paid unequally for the same work. The wage gap is more prominent in business rather than other sectors such as science and tech. Moreover, female-dominated jobs and industries attract lower wages than men-dominated ones.

## **2. Health and Reproductive Rights**

ICPD defined **reproductive health** as: "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes". Men and women should be able to enjoy a sex life, have the capability to reproduce, and have the freedom to decide if, when, and how often to do so.

**Reproductive health care** has been defined in terms of: "the constellation of methods, techniques and services that contribute to reproductive and sexual health and wellbeing by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations and not merely counseling and care related to reproduction and sexually transmitted diseases".

**Reproductive rights** are defined in paragraph 7.3 of the ICPD Program of Action, they are based upon rights recognized in international human rights treaties and declarations, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Convention on the Rights of the Child, and the International Convention on the Elimination of all Forms of Racial Discrimination. The 2004 UN Commission on Human Rights explicitly recognized women's sexual rights as essential to combating violence and promoting gender equity. ICPD and ICPD+5 underlined the importance and contribution of rights to population, reproductive health, and gender equality issues. The 2001 UN General Assembly's Declaration of Commitment on HIV and AIDS reinforced the ICPD commitments on

sexual and reproductive health needs and placed a strong emphasis on women's empowerment. ICPD recognized that an individual's sexual and reproductive health needs are rights that they are entitled to demand.

Healthcare as a universal right is one of the sets of internationally agreed human rights standards and is inseparable or 'indivisible' from these other rights. This means achieving the right to health is both central to, and dependent upon, the realization of other human rights, food, housing, work, education, information, and participation.

### **3. Gender Equality Rights**

**Gender equality**, besides being a fundamental human right, is essential to achieve peaceful societies, with full human potential and sustainable development. Moreover, it has been shown that empowering women spurs productivity and economic growth.

Unfortunately, there is still a long way to go to achieve full equality of rights and opportunities between men and women, warns UN Women. Therefore, it is of paramount importance to end the multiple forms of gender violence and secure equal access to quality education and health, economic resources and participation in political life for both women and girls and men and boys. It is also essential to achieve equal opportunities in access to employment and to positions of leadership and decision-making at all levels.

**Employability of women** ensure equal access to training, to the acquisition of new skills to break occupational segregation by sex and enable women to benefit from new technologies. The eradication of poverty by addressing both the quantitative and qualitative dimensions of employment opportunities for women. Pay special attention to the vulnerability of women at different stages of the life cycle. And combat trafficking in women and girls.

Support to wage workers and the self-employed of the informal economy through innovative schemes. Support to women in the area of management development and entrepreneurship. The vulnerability of women to crises and the need to design specific responses which cater to the different needs of both men and women.

### **4. Right Education**

**Right to education**, today more girls than ever go to school. However, despite progress, women and girls continue to face multiple barriers based on gender and its intersections with other factors, such as age, ethnicity, poverty, and disability, in the equal enjoyment of the right to quality education. This includes barriers, at all levels, to access quality education and within education systems, institutions, and classrooms, such as, amongst others as harmful gender stereotypes and wrongful gender stereotyping, child marriage and early and unintended pregnancy, gender-based violence against women and girls, lack of inclusive and quality learning environments and inadequate and unsafe education infrastructure, including sanitation and poverty.

The international community has recognized the equal right to quality education of everyone and is committed to achieving gender equality in all fields, including education, through their acceptance of international human rights law. This means that states have legal obligations to

remove all discriminatory barriers, whether they exist in law or everyday life, and to undertake positive measures to bring about equality, including in access to, within, and through education.

### **The MDGs and SDGs**

More recently, after the Millennium Development Goals (MDGs) which urged to “Reduce Child Mortality” (**MDG No. 4**) “Improve Maternal Health” (**MDG No. 5**) “Combat HIV/ Aids, Malaria and other diseases” (**MDG No. 6**) the 2030 Sustainable Development Agenda (SDA) reaffirmed and synthesized these goals into Sustainable Development Goal (**SDG No. 3**) – “To promote good health and well-being for all at all ages.”

The reason behind the transition from MDG’s to SDGs was an uneven process in achievements. Whereas some countries achieved the UN targets, others weren’t working on any improvements and/or couldn’t fulfill the dates of achieving the targets. Considering MDG 4 as an example, the reduction of child mortality for under-five year old was set by two-thirds in the time between 1990 and 2015. Also, MDG 5 set a reduction of maternal mortality rates by three quarters between 1990 and 2015 and the achievement of universal access to reproductive health by 2015 as UN targets. The SDGs apply to all countries whereas the MDG’s were established for “developing countries” only. SDG 3 “Ensure healthy lives and promote well-being for all at all ages” directly links the overall strides of the MDG’s and achievements in increasing life expectancy by reducing child and maternal mortality.

## **Further Reading:**

<https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_General/CEDAW\\_C\\_GC\\_3\\_7767\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_General/CEDAW_C_GC_3_7767_E.pdf)

<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2016/FPI-Brief-Access-to-Justice.pdf>

<https://www.ici.org/wp-content/uploads/2016/03/Universal-Womens-accessss-to-justice-Publications-Practitioners-Guide-Series-2016-ENG.pdf>

## **Questions A Debate Must Answer:**

1. What are the long term and short-term solutions to the issue?
2. How can we ensure the sustainability of these solutions?
3. How can the governments help in curbing the issue of facilitating women's access to justice?
4. What role does media, education and awareness play in curbing the issue of facilitating women's access to justice?
5. What can be done to ensure the smooth and peaceful rehabilitation of victims?
6. What role does the UN play in the issue of Injustice with women, and what past actions has the UN taken to minimize the issue of Injustice with women?