



Ending Torture. Seeking Justice for Survivors

Committee on the Elimination of Discrimination Against Women
54th Session, 11 February – 1 March 2013

**Statement by the Strategic Initiative for Women in the Horn of Africa (“SIHA”) and
REDRESS in the General Discussion on Access to Justice**

18 February 2013

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Thank you Madam Chair.

REDRESS and the Strategic Initiative for Women in the Horn of Africa (“SIHA”) welcome the opportunity to engage in this general discussion, and commend the Committee on its initiative to consider a general recommendation on this crucial topic.

We recognise the Committee’s important work in this area through its concluding observations and jurisprudence. In addition, the concept note for this discussion sets out an excellent summary of the sources of obligation in the Convention, and is comprehensive in identifying the myriad challenges women face in accessing justice, and acknowledging their social and systemic aspects. We expect that the resulting general recommendation will make an important contribution to a better understanding of the challenges faced by women and girls in accessing justice, and serve as a useful tool to enhance the implementation of State parties’ obligations under the Convention.

International human rights law provides extensive guidance on what is required of States to provide access to justice, including in post-conflict and transitional contexts. Access to justice incorporates both the right to an accessible and effective remedy and to adequate and appropriate reparation, and we are confident that the Committee’s work on this general recommendation will build upon that body of law and the experience of victims and women’s rights groups.

We have made a joint written submission to the Committee on the topic where we set out a number of further observations. Today, however, I will confine myself to highlighting four key points which we see as crucial barriers to women’s access to justice.

First is the failure to recognise violations of women’s rights as violations against a person and therefore fundamentally wrong. This is a substantive barrier linked to how discrimination and violence against women is perceived. Both within the formal and informal justice systems, if they are not clearly identified as wrongs against an individual, they are not seen as giving rise to the need for a remedy and reparation.

Second, are difficulties in accessing court or other remedial mechanisms. As highlighted in the concept note, these range from economic, geographic and security concerns to

social impediments to bringing claims. Crucially, women and girls' relative lack of political or public voice has also meant that they typically have less information on rights – what remedies might be available to them and how to access them. In this respect, access may be easier to informal systems of justice but as we discuss in our submission, the operation of such systems can have extremely negative impacts on women's rights. Women must have a genuine and informed choice about which legal forum hears their claim.

Third, are difficulties in progressing claims. In the relatively small number of cases that are brought, women are confronted with challenges to procure sufficient evidence to prove the harm, dangers of being criminalised or stigmatised themselves, discriminatory attitudes, procedures and rules of evidence, issues of corruption and delay, and a pervasive lack of resources within the judicial system to allow for such basic requirements as translation of proceedings, remand of suspects or recording of verdicts.

Fourth, even where claims do progress, the reparation that is or can be awarded is often inappropriate or insufficient to redress the experiences of women and girls – such that a woman who is raped may be married off to her attacker, or compensation is calculated by reference to her dowry price, and paid to her family.

To address these issues, the Convention, and international law more generally, requires that States must, in short:

- (i) Provide within their legal system for adequate, effective and properly resourced remedies which women are able to use;
- (ii) Take positive steps to overcome barriers that women face in accessing those remedies; and
- (iii) Provide for adequate, effective and transformative reparation in line with international law where violations are established.

We wish you every success in the elaboration of this general recommendation and extend to you all possible support and collaboration. Thank you for your attention, Madam Chair and members of the Committee, and distinguished delegates.

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