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

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

CEDAW Half-Day General Discussion on Access to Justice, 18 February 2013
Statement delivered by Simone Schwartz-Delgado, Senior Liaison Officer (Human Rights)

Ms. Chairperson,

Distinguished Committee Members, delegates, colleagues and friends,

On behalf of UNHCR I would sincerely like to thank you for having invited us to today's General Discussion on Women and Access to Justice.

Sexual and gender-based violence (SGBV) remains among the most serious threats to the safety and security of those affected by displacement and conflict. Acts of rape, dowry-related violence, female genital mutilation, domestic violence and trafficking, among others, inflict severe pain and suffering – both mental and physical – and are used as forms of persecution, whether perpetrated by State or private actors. Gender-related refugee claims are often raised in particular by women and persons belonging to sexual minorities. UNHCR has advised States to ensure a gender-sensitive application of refugee law and procedures, as SGBV may constitute a basis for recognition of refugee status.

The Regional Dialogues with Refugee Women, organized in 2011 as part of UNHCR's 60th anniversary events, underscored the importance and urgency of addressing the dangerous levels of impunity that are associated with SGBV. Women also told UNHCR that the failure to investigate and prosecute sexual violence and the inability of victims to seek and achieve redress has eroded confidence in law enforcement actors and the judiciary, and has prevented some victims from coming to a sense of resolution about what has happened to them and moving forward with their lives.

While it is the responsibility of States to prevent and investigate crimes of SGBV, punish perpetrators and provide fair and effective remedies to victims, international

actors have a crucial role to play. As part of its international protection mandate, UNHCR assumes a supportive role, assisting States in meeting their international legal responsibilities and satisfying the requirements of the rule of law, and ensuring that all persons of concern have access to existing justice mechanisms. In this context UNHCR welcomes the initiative by CEDAW to specifically address the issue of women and access to justice. UNHCR and its partners have a key role to play at the global, national and local levels in understanding and helping to address the many obstacles refugee, internally displaced and stateless victims of SGBV face in accessing justice. Giving SGBV victims a voice, restoring their dignity, securing a remedy for the serious violation of their rights and ensuring their perpetrators are brought to justice is a priority for all UNHCR operations worldwide.

Key areas of involvement include: promoting gender-sensitive laws and policies; creating safe and supportive protection environments for SGBV survivors; promoting gender-sensitive law enforcement and justice institutions, in which women are adequately represented; and facilitating women's access to legal support and justice systems.

The challenges faced by SGBV survivors in pursuing justice are well known. There are numerous projects and initiatives that directly or indirectly address these, but there is a need for a greater, more consistent and specific emphasis on improving access to justice for SGBV survivors and combatting impunity for perpetrators. This is a multifaceted task, which can only be tackled through effective partnerships at local, national and international levels.

We are looking forward to continuing the dialogue on this issue, especially in the lead-up to the adoption of a CEDAW General Recommendation on Women and Access to Justice.