

2011-2012

Progress of the World's Women – In Pursuit of Justice

Side event on the occasion of the General Assembly's consideration of the Advancement of Women

Monday October 10, 2011

1:15 – 2:30 PM

Conference Room 4

North Lawn Building

United Nations

Moderator: H.E. Mr. Hussein Haniff, Permanent Representative of Malaysia to the United Nations

Speakers:

- Lakshmi Puri, Assistant Secretary-General and Deputy Executive Director, UN Women
- Taina Bien-Aime, Executive Director, Equality Now
- Rea Abada Chiongson, Gender Advisor, Justice for the Poor Programme, World Bank

Summary of Event (written by Rebecca Paulsson, PW intern):

The purpose of the event was to discuss the report by UN Women; "Progress of the World's Women" and how women's access to justice is linked to the full implementation of the Beijing Platform for Action. Lakshmi Puri, from UN Women, spoke of the need for a well functioning and targeted law and justice system as the foundation of gender equality and the empowerment of women. Three actions are needed for this; adopting laws where needed, filling gaps and improving existing laws as well as monitoring and ensuring the implementation of the laws. Gender specific laws should exist to protect women and promote their participation while avoiding stigmatizing and victimizing their experiences. Further action calls for implementing gender sensitive law reform, investing in infrastructure and eliminating financial and other barriers that hinder women's access to justice. A successful measure has been the creation of 'One-Stop Clinics' which provide medical and legal aid as well as counseling etc. There are 750 such clinics in Thailand.

Puri also called for women at the forefront of law enforcement and peacekeeping missions, which would change the climate of providing justice for women. There are success stories of this kind in Latin America and in Liberia and the Congo, where there is a strong presence of women in peacekeeping forces. Gender training of people in justice system is another measure that needs to be taken to achieve gender justice as well as enhancing women's access to courts and truth commissions (post-conflict).

To achieve this, women's organizations must be supported and incentives must be created for states and governments to join. Such incentives may be in the form of the one

created in Nepal, where tax was exempted from property transfer to women, which led to the number of female holders of property to triple.

Taina Bien-Aime, from Equality Now, focused on discriminatory laws that have to do with rape, domestic violence, genital mutilation, trafficking. To address these issues, political participation of women is not enough as factors such as culture, religion and tradition has a significant influence.

At the 1995 Beijing conference, Member States pledged to revoke any law that discriminates based on gender, something they should adhere to as it does not cost anything to eradicate gender discriminatory laws. Bien-Aime also sees a need to address the objectification and “pornification” of women as it glorifies violence against women, for example in video games. Gender justice is of outmost importance as the eradication of poverty and the achievement of the MDG:s depend on it.

Rea Abada Chiongson, from the World Bank, focused on legal pluralism, which is a social fact in many countries, especially developing ones, she said. Legal pluralism refers to the existence of parallel systems of law, be they national, international, religious, formal and embedded or informal and even independent from the state system.

The intersection of plural system can have different consequences for men and women, as well as based on ethnicity, race, religion etc. Meanwhile, the social identification with legal system adds additional complexity to legal pluralism. To bring about gender justice, the point is not to pick one system over the other but about taking the reality of women’s everyday life into account, Chiongson said. The World Bank has made several observations on countries with legal pluralism. In the Solomon Islands, the intersection of legal systems often led to the exclusion of women, as land is considered to relate to warfare, which in turn is considered to be part of the male sphere. In Indonesia, 40 percent of the households are headed by women, but they are usually unable to access welfare as local governments require certificates of heads of household which in turn requires divorce papers. These are examples of different barriers in way of pursuing justice, which can be removed by empowering women through teaching them about their rights and how to access those rights. The best way to deal with legal pluralism is to invest in women.

Following the presentations of the three speakers, the audience was invited to ask questions to the panelists.

Q: Is there a power within UN Women or NGOs to influence laws that discriminate against women?

Answers:

-The progress report is meant to persuade and create norms and standards so that member states are influenced and feel compelled to conform.

- They can support grassroots organizations that advocate for change
- Hard to change things once the harm is done in the form of laws but it is still possible.

Q: For example in Liberia, how do we solve the dilemma of support the formation of a legal system and women to have access to it when it can prove harmful in some situations or where the legal system is considered irrelevant?

Answers:

- To provide services within communities to have councilors that can help navigate through system and change the climate of stigmatism.
- Formal system irrelevant in some communities where customary law is more common
- Alternative community systems that could work
- Customary systems losing ground, possible change to compliment each other
- Consultants/paralegals

Q: In the case of plural legal system, can customary law be influenced from the outside to promote gender justice? Can gender neutral laws be beneficial for women?

Answers:

- Presence of gender specific laws is necessary for women's protection and participation

State shaping customary law

- From bottom to top or other way around?
- Depends on many factors
- No parachuting effect (just throwing out the same formula in all contexts hoping it will work)
- Neutral laws that discriminate against women: the case of Jordan where reduced penalty for honor killings was considered gender neutral but in reality was discriminatory against women as honor killings are mostly committed by men.

Q: The role of international courts and tribunals?

Answers:

- In the past two decades, much has changed, ground breaking advances on international law, Security Council passing of resolution 1325, 1820, 1888, 1889, and 1960.