

Panel: Role of Judiciary in promoting Women's Access to Justice in South Asia

‘Entrenched social biases, discriminatory legislation, and unresponsive state institutions and law enforcement agencies undermine women’s safety and security and their political, social, and economic status’ (UN Women 2017: 6). High prevalence of gender inequality across South Asian countries remains one of the biggest challenges with regard to gender justice. In many of these countries, domestic violence, rape, sexual harassment and other forms of gender-based violence are also widespread. According to the World Bank (2018), ‘Globally, as many as 38% of murders of women are committed by an intimate partner; 200 million women have experienced female genital mutilation/cutting; 35% of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence; and Globally, 7% of women have been sexually assaulted by someone other than a partner.’

Yet, access to justice is hampered due to several systemic barriers such as insufficient public legal awareness, ‘limited capacity of police and prosecutors to investigate and prosecute crimes against women,’ (Ibid.: 6), lack of quality services to support survivors, complicated and lengthy legal procedures, and biases held by judges. Further, survivors often have limited mobility, ‘inadequate educational and financial means, as well as a general lack of knowledge about options, services and remedies’ (Ibid.: 6). The hurdles for women in need of access to justice are manifold, and crimes of this nature are often committed with impunity.

‘Several efforts have been made towards improving access to justice for women by creating easier reporting mechanisms and better quality service provision for survivors of violence – including both domestic violence and violence outside the home, and by the adoption of women-friendly laws’ (Ibid.: 6). In recent years, the legal frameworks to tackle violence against women have been considerably strengthened in South Asian countries. While these legislative initiatives are commendable, their impact is being undermined by weak implementation and enforcement. Therefore, there is a dire need to look into the ‘transparency, accountability and credibility of the legal system and duty bearers as well as the political will of the state to address violence against women’ (OHCHR n.d.). In this situation, a proactive approach by the judiciary can make a significant contribution towards addressing the gaps and challenges in survivors’ access to justice.

According to the World Economic Forum’s Global Gender Gap Report 2015, Pakistan ranks 144th on gender equality in a list of 145 countries. Hence, there is a dire need for a gender-responsive approach to ensure that women who experience violence are supported throughout the entire process, from being a survivor of VAW to becoming an equal and empowered citizen. In this background, UN Women Pakistan and SDPI are inviting research and discussion on the role of the judiciary for

improving women's access to justice. This panel aims to discuss key issues faced by South Asian countries in their judicial systems. Some of the issues which the panel will explore include:

- Challenges and opportunities in the judicial system with regard to women's access to justice in South Asia.
- Implementation issues with the existing legal frameworks, laws, rules, regulations and action plans.
- Lessons learnt and policy measures needed to improve the judicial system for enhancing women's access to justice.

References

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