



"The Rule of Law has relented on its obligation to guarantee the supremacy of the law to redress sexual violence."¹

Women's Access to Justice in Early Recovery & Post-Conflict

PROGRAMME OVERVIEW

Ending impunity for sexual and gender-based violence and discrimination is one of the most challenging yet fundamental conditions for the restoration of the rule of law post-conflict. It is also the prerequisite for women's effective participation in the peace-building process and the consolidation of democratic governance. Weak or defunct judicial institutions combined with low capacities of law enforcement to effectively prosecute these crimes lead to situations where high levels of SGBV and other abuses of women's rights continue unabated post-conflict with few avenues of redress. Donor spending to date has only marginally invested in gender-sensitive justice sector reform efforts.

The programme will build constituencies demanding greater accountability for women in post-conflict justice processes, with a particular focus on prosecutions for SGBV including war crimes. It will seek to develop means of enhancing women's access to justice including by investing in legal aid, law enforcement and redress for women's human rights violations in the context of transitional and informal justice & dispute resolution mechanisms. Gender-sensitive conflict analysis will ground gender & rule of law indicators for tracking progress. Tracking the number and consistency of prosecutions at the national and global level will contribute useful data to back up efforts to hold justice system actors to account. Tracking gender justice spending in at least five pilot countries will contribute to advocacy to increase national and international investment in this area. The programme will support women to develop long term strategies for preventing future abuses, and seeks to give greater voice to women on the ground in shaping post-conflict justice processes by linking them up with practitioners at the global level. It will contribute towards policy development in the field of gender and rule of law with a view to stimulating better targeted programming in this area by the UN system and other multilaterals.

Pilot Countries: Country selection is guided by diversity of considerations, i.e. countries emerging from conflict or political crisis, countries undertaking a variety of

justice sector reform processes, including transitional justice, countries in which UNIFEM can actively

collaborate with leading UN agencies on rule of law issues such as UNDP BCPR and OHCHR and regional diversity for cross-regional learning.

The programme has so far selected 3 countries : **Nepal, Northern Uganda and Colombia**. Other possible programming countries are Haiti and Afghanistan.

In Nepal, the programme will enhance women's access to justice in post-conflict recovery. It will do so by i) building the capacity of institutions to deliver transitional justice remedies including through criminal justice ii) raise awareness on legal recourse for SGBV in areas most affected by the conflict and iii) systematize and monitor women's *de facto* access to justice in both the formal and informal system.

BUDGET REQUIREMENT

UNIFEM is seeking a **total of 9.4 million USD** for piloting the programme in 5 countries and for cross-regional learning, global advocacy and technical assistance.

Donors can contribute to the overall budget or alternatively could choose to support the implementation of the programme in specific countries. The budgetary requirement for programme implementation **in each country** is approximately **1.7 million USD**.

CONTEXT

Enabling women's access to institutions administering post-conflict justice, including redress and reparation for war time atrocities is a right that governments have affirmed in numerous international human rights conventions. It is also a right that is fundamental to sustainable peace building and the achievements of the Millennium Development Goals (MDGs).

Functioning justice systems are the cornerstone of effective states and democratic governance as they uphold the principle of state and citizen accountability. Countries emerging from armed conflict or civil unrest are usually characterized by weak or dysfunctional governance institutions of which the justice sector is often emblematic. An unregulated security sector including the proliferation of non-state security actors, weak law enforcement capacities combined with poor

human and financial justice system infrastructure, fragmented legal frameworks and parallel legal systems make the restoration of the rule of law a formidable challenge.

Rebuilding the justice system also means rebuilding confidence in state institutions as the prime guarantor of citizens' security and rebuilding trust among citizens. However, a sense of justice and security directly flows from the degree to which a state is able and willing to address a legacy of past human rights abuses. Ending impunity for war time atrocities is critical for the restoration of law and order in the peace-building phase, in particular it comes to crimes that are considered collateral damage of war, whose effects are often physically invisible yet detrimental to the victim and the social fabric of communities as is the case for sexual and gender-based violence.

Key areas are:

- Criminal prosecutions
- Law enforcement
- Legal aid
- Transitional Justice
- Prevention
- Investment in gender & rule of law

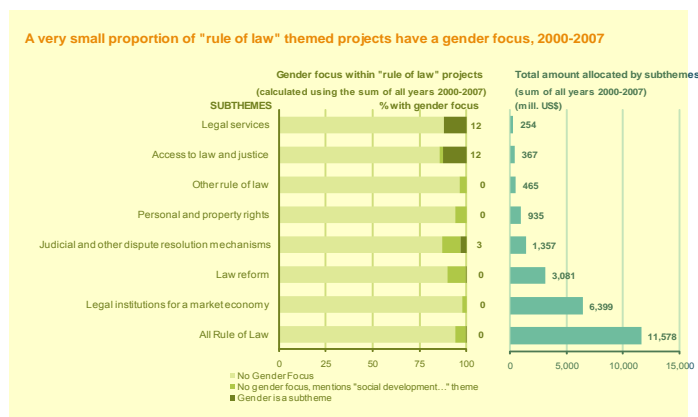
Some of the strategies employed include: baseline and comparative data on gender-sensitive justice strategies, evidence-based advocacy, capacity building for women's organizations at the national and regional level, capacity building for justice sector counterparts on SGBV, partnership strategy – building south-south and north-south exchange.

The programme will work at the local, national, regional and global level.

At the country level, pilot strategies in at least five countries to challenge institutional stakeholders to end impunity for conflict-related abuses of women's rights including sexual and gender based violence (war crimes and crimes against humanity), strengthen the capacity of law enforcement institutions to respond to women's needs to have cases registered, investigated, and prosecuted, increase access to legal aid to marginalized women, build the capacity of women to demand reparations and redress for rights abuses including sexual and gender based violence after conflict; and build a gender equality constituency to hold government and other key actors of rule of law efforts to account for safeguarding women's rights and gender equality.

At the regional level, the programme will work closely with existing global and regional programmes, organizations, and media to create regional knowledge sharing and competition about processes for increasing prosecutions for SGBV and access to justice and redress after conflict.

At the global level, the programme will develop a global 'watch list' tracking the number, consistency of prosecutions and sentences on SGBV, including for war crimes as well as spending on justice sector reforms with an impact on gender equality post-conflict between 2009-11. This will form the basis for a global campaign to increase resources and efforts dedicated women's access to justice, run through a special website and via international and national media. The initiative will benefit from the input of all key partners.



Notes: World Bank Projects under the "Rule of Law" theme are sub-categorized into 7 sub-themes shown in this graph. Projects under each sub-theme were allocated to projects indicating a gender focus. In order to assess whether projects had a gender focus, the database was analyzed to determine if projects mentioning the "Social development, gender and inclusion" theme and within it, the "Gender" subtheme. This graph shows information for proportions allocated to projects that (a) do not have a gender focus nor have mentioned the theme "social development, gender and inclusion", (b) do not have a gender focus but have mentioned the theme "social development, gender and inclusion", (c) have a gender focus, that is, have gender focus within "rule of law" projects indicate the percentage that has a gender focus. All percentages and amounts are calculated based on an aggregation of all lending for the eight year period 2000-2007. See also pages 6.1 and 6.2.

STRATEGY
The programme aims to build accountability for crimes against women in post-conflict justice processes and improving the quality and effectiveness of justice mechanisms & institutions in offering redress for women's human rights violations during and after conflict.

This programme supports women's enhanced access to justice post-conflict by working towards more effective law enforcement responses to SGBV, increased prosecutions, enhanced access to justice of marginalized women to legal aid facilities and meaningful redress for women's human rights violations in the context of transitional justice including through and by investing in long term strategies for gender sensitive truth seeking, administration of justice and reparation programmes which further women's human rights to redress and rehabilitation.

BUDGET

Project Value for 2009-2011: \$ 9,400,000

Amount Funded:

Germany \$ 1,632,045

UNIFEM \$ 220,000

UNDP \$ 220,000

Required: \$ 7,327,955

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Global Programming	In US\$
Total Global Programming <i>(Knowledge products on prosecutions, rule of law spending, global documentary, advocacy and global capacity building meetings, programme coordination & support, monitoring etc)</i>	940,305
Country Level Programming	
Technical support to government counterparts and capacity building of national counterparts on: <i>prosecutions, legal Aid, Transitional Justice, law enforcement, informal justice systems</i>	656,999
Capacity building for CSOs to track progress on rule of law efforts from gender perspective: <i>civic education, justice sector report cards, etc</i>	463,500
Knowledge products, data collection	87,000
Project support and coordination	234,400
Total per country	1,700,000
Total programming in 5 countries	8,500,000
Total Cost (Global and Country Level)	9,440,305