

SURVIVOR-CENTRED JUSTICE FOR GENDER-BASED VIOLENCE IN COMPLEX SITUATIONS

Gender-based violence (GBV) against women is a human rights violation and is both a cause and consequence of gender inequality.

GBV is globally prevalent, takes many forms, and affects women throughout their life cycle, irrespective of income levels or social status. In turn, gender inequality, as well as intersecting forms of discrimination—based on age, sexual orientation, gender identity, health, ethnicity, migrant, refugee or IDP status—have a negative impact on women's ability to report violence and access justice.

Women and girls' vulnerability to violence is exacerbated in complex situations¹, such as conflict, organized crime, health emergencies and the climate crisis, where GBV is more common and more severe. In complex

situations, women face heightened difficulties in accessing justice and protection due to

weakened justice systems or disrupted justice and service delivery, as well as low levels of trust in state institutions. Other challenges include the inability or unwillingness of states to address GBV, particularly in conflict situations, or the de-prioritization of GBV responses, as evidenced during the COVID-19 pandemic. **In situations of crisis, women are more likely to experience violence and less likely to receive justice.**

IDLO, in partnership with the Global Women's Institute at George Washington University, conducted research in six countries across the globe with the aim to identify survivor-centred approaches to addressing GBV in complex situations. This summary draws on research findings which will be published as a full report later in 2022. Country case studies in **Afghanistan²**

Honduras, Papua New Guinea, the Philippines, South Sudan, and Tunisia were selected to provide different perspectives of complexity in accessing justice and an analysis of diverse justice mechanisms dealing with GBV in situations of conflict, organized crime, climate disasters, and health emergencies, often intersecting with contexts of legal pluralism and political transition. Research findings show that, in order to be effective, measures and programmes aimed at ensuring access to justice for GBV survivors need to be responsive to women's specific needs and vulnerabilities, as well as relevant to contextual challenges.

Specific forms of GBV include:

- Intimate partner violence (IPV), including physical, sexual or psychological harm
- Non-partner sexual violence, including rape
- Femicide
- 'Honour' killings
- Conflict-related sexual violence
- Child sexual abuse
- Child marriage
- Sorcery accusation-related violence
- Organized crime related violence
- Trafficking in persons
- Digital forms of violence against women
- Gender-based political violence

¹ The term "complex situations" is used to describe complicated contemporary contexts in which the humanitarian-development-peace nexus (or "triple nexus") is relevant.

² All data on Afghanistan was collected prior to 15 August 2021 and the Taliban takeover of the country.

JUSTICE GAPS AND CHALLENGES FOR GBV SURVIVORS IN COMPLEX SITUATIONS

Legal frameworks

While all countries reviewed in this report have adopted special laws to address GBV (except for South Sudan), inadequacies persist in these countries' criminal law provisions: procedural rules are often insufficient, and emerging forms of violence lack recognition. Other legal obstacles include discriminatory standards deeply entrenched in broader legal frameworks, including family and personal status laws.



A survivor-centred approach is key to fulfilling the promise of justice in response to GBV, in all circumstances, including complex situations.

Social and cultural barriers

Patriarchal social norms and structural gender inequalities, such as the normalization of many forms of GBV against women, and pressure on victims not to report, permeate families and communities and impede GBV survivors' access to justice. Economic barriers often prevent survivors from accessing formal justice. Low awareness among survivors of laws available to protect them, where and how to report crimes, and of available support services creates additional obstacles.

Gaps in essential services provision

Gaps in provision of essential support services for survivors accessing justice are wide. There is a lack of a multi-sectoral coordination framework for survivor-centred services and of a state authority responsible for its implementation. Functional, easily accessible referral pathways are absent, resulting in gaps between state services, humanitarian actors, and local organizations, and leaving the assignment of responsibility unclear in the handling of GBV cases and referrals procedures.

Institutional challenges

Lack of integrity within formal justice actors, and their lack of capacity to handle GBV cases, fuels distrust in the formal justice system. Major challenges include corruption and lack of judicial independence; lack of gender sensitivity and mistreatment of survivors by the police; limited financial resources and forensic specialist capacity, and poor information systems; lack of data collection to track national trends and respond to GBV; procedural barriers, including evidentiary challenges and lack of adequate procedural safeguards for victims; and low penalties and impunity.

Primary prevention

The countries examined in the report lack comprehensive, context-responsive, long-term national prevention strategies and frameworks, encompassing primary prevention, and addressing gender inequality, harmful social and gender norms, power imbalances, and the culture of acceptance of GBV. At the local and community levels, there are insufficient GBV awareness-raising activities and efforts to promote positive social norms through a whole-of-community approach that would empower survivors to seek support and access justice.

APPROACHES AND PRACTICES TO INCREASE ACCESS TO JUSTICE FOR GBV SURVIVORS IN COMPLEX SITUATIONS

Justice systems are often ill-prepared to perform in situations of conflict, pandemics, or climate emergencies. The IDLO and GWI research report highlights some promising pathways to justice for GBV survivors.

Law reform to address GBV

- Revising criminal law to include offenses related to GBV
- Reforming existing civil and family laws to reduce discrimination against women and girls and strengthen women's rights within the family
- Enacting special laws on violence against women
- Strategic litigation to set precedent on GBV

Primary prevention

- Increased attention on developing prevention models appropriate for humanitarian settings
- A gradual shift from focusing on awareness-generation programmes to community-based prevention and economic empowerment programmes for women and girls
- Building upon evidence-based prevention programmes that have been implemented in contexts of protracted conflicts

Services for GBV survivors in complex situations

Quality essential services to address the short-, medium- and long-term needs of survivors in accessing and navigating justice should include:

- specialized women's organizations and civil society actors
- legal aid, including case management and legal accompaniment
- psychosocial counseling
- one-stop centres
- shelters
- health services
- multi-sectoral coordination
- referral pathways

Measures to increase access to justice

- Specialized police and prosecution units
- Specialized GBV Courts
- Humanitarian sector approaches to addressing justice for GBV, such as including rule of law and justice coordination mechanisms in UN peacekeeping missions or in humanitarian assistance through the GBV Sub-cluster
- Legal aid, paralegals and other community-based accompaniment and access to justice support
- Increasing access to protection orders
- Engagement with customary and informal justice
- Training of justice providers
- Specialized mechanisms for data collection and review

KEY RECOMMENDATIONS FOR PROMOTING SURVIVOR-CENTRED JUSTICE FOR GBV IN COMPLEX SITUATIONS:



Develop and implement a comprehensive survivor-centred justice response to GBV

that meets the needs of diverse women through an intersectional approach delivered using effective gender-responsive laws and justice institutions.



Foster integration of services for GBV survivors

in ways that enhance prevention, protection, and access to redress through both formal and informal pathways to justice.



Strengthen legal empowerment of women

by raising awareness of laws and rights and providing legal support services directly to GBV survivors.



Support women's collective action and advocacy

by safeguarding civic space and providing targeted financing for local women's organizations and essential community networks.



Expand GBV monitoring and data collection,

and strengthen research on what works, to ensure that policies and practices are evidence-based and can be measured for accountability.