

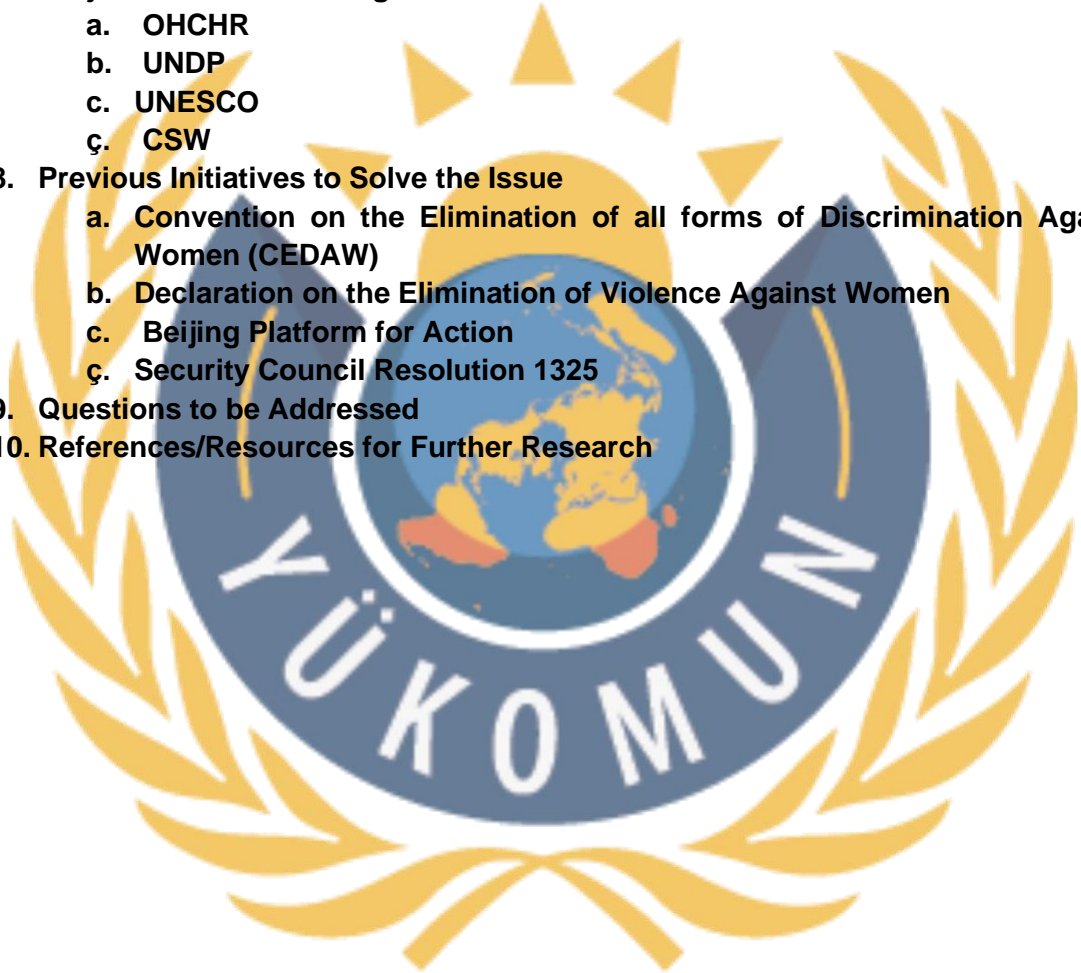


 **UN WOMEN**

Agenda Item: Women's Access to Justice and Legal Protection
UnderSecretary-General: Sezen Özkalp

TABLE OF CONTENTS

1. Welcome Letters
 - a. Letter from the Secretary-General
 - b. Letter from the Under-Secretary-General
2. Introduction of the Committee
3. Introduction of the Agenda Item
4. Definition of Key Terms
5. Overview of the Agenda Item
6. Background Information
7. Major Countries and Organizations Involved
 - a. OHCHR
 - b. UNDP
 - c. UNESCO
 - ç. CSW
8. Previous Initiatives to Solve the Issue
 - a. Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
 - b. Declaration on the Elimination of Violence Against Women
 - c. Beijing Platform for Action
 - ç. Security Council Resolution 1325
9. Questions to be Addressed
10. References/Resources for Further Research



1. Welcome Letters

a. Letter from the Secretary-General

Distinguished Participants,

As the Secretary-General of YÜKOMUN'20, it is an pleasure for me to welcome you all to Yükselen Model United Nations Online Conference. To briefly introduce myself, my name is Burak Yağız Güllü, I am currently a high school student in Yükselen Science High School and I'm also dealing with coding and electronic projects.

Since the beginning of my MUN journey I always dreamed to organize my own conference with a successful and hardworking team and first INFIMUN is my pupil. However, YUKOMUN'20 was the first and best conference that I will do for my school. I hope you will be satisfied with our hard-working academic and organizational team and executive board. Welcome to a conference that will distract you during the prolonged online MUN period and hopefully give you an amazing experience.

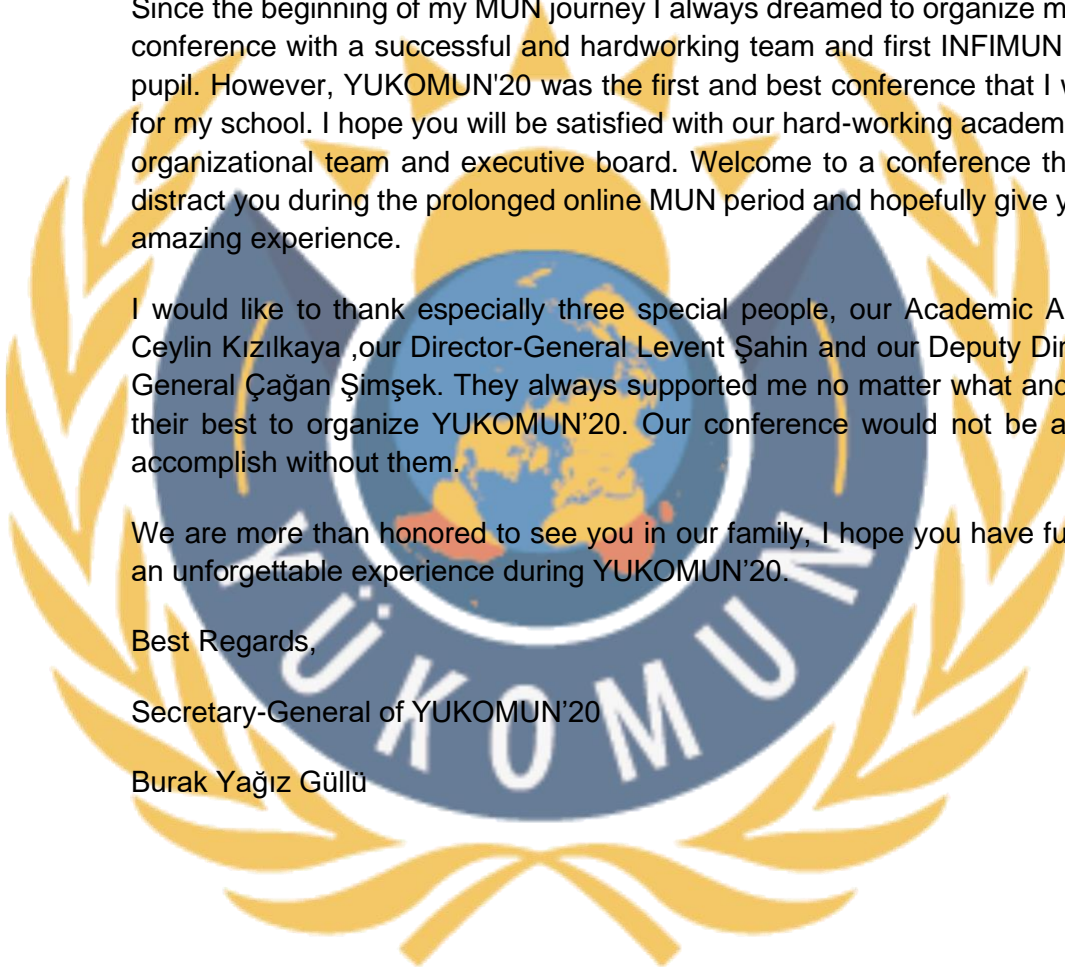
I would like to thank especially three special people, our Academic Advisor Ceylin Kızılkaya ,our Director-General Levent Şahin and our Deputy Director-General Çağan Şimşek. They always supported me no matter what and gave their best to organize YUKOMUN'20. Our conference would not be able to accomplish without them.

We are more than honored to see you in our family, I hope you have fun and an unforgettable experience during YUKOMUN'20.

Best Regards,

Secretary-General of YUKOMUN'20

Burak Yağız Güllü



b. Letter from the Under-Secretary-General

Fellow delegates,

First of all, I am Sezen Özkalp and I will be serving as the Under-Secretary-General of UN Women throughout Yükselen College Model United Nations conference. Secondly, I would like to introduce myself to you. I am an 11th grader in Büyük College Private High School living in Ankara, Turkey. Model United Nations conferences hold an enormous importance in my life since I was a 7th grader as it is my biggest passion at the moment since I am a student who has always been interested in diplomacy, politics, world affairs and a passionate person for changing the world for a better future.

Unfortunately, we have to drift apart from physical MUN conferences because of COVID-19 outbreak and that is exactly why online MUNs are like saviors for all of us. Especially being a part of a very prestigious conference like YUKOMUN is a splendid opportunity and a privilege for me.

Moreover, what I expect from my delegates as a USG is basically improving themselves both during the conference and within the preparation period. In addition to this, I encourage them to take this job seriously as they have the opportunity to come up with creative and beneficial solution proposals and make a difference. Even if you are a beginner in the MUN field, I advise you to believe in yourself and not to be afraid of speaking or taking any action. Of course don't hesitate to ask for help from me or your chairs as well.

Furthermore, I am more than honored and glad to be the Under-Secretary-General of UN Women which is a remarkable body of the United Nations to achieve gender equality all around the world. I assure you that I will do everything in my power to give all the delegates of UN Women their best MUN experience. I believe from the bottom of my heart that we will have an amazing time together during the conference. For any inquiries, please do not hesitate to contact me via sezenozkalp@gmail.com Can't wait to meet you all!

Best regards,

Sezen ÖZKALP

2. Introduction of the Committee

UN Women is the United Nations organ entitled to empower women, procure gender equality and meet the needs of women and girls. The organization supports and works with UN member states and the civil society to achieve global gender equality goals and promote laws, policies, programmes etc. in regards to their purpose of ensuring the standards are adopted and implemented. UN Women stands for the full participation of women in all aspects of life and works for achieving UN's 2030 agenda, especially upon advancing gender equality by focusing on four main priorities:

- i. Ensuring that all women and girls are free from all kinds of violence;
- ii. Women have decent work, income security and economic autonomy;
- iii. Women lead, participate in and benefit equally from governance systems;
- iv. Women and girls have a greater influence on building sustainable peace and resilience, and benefit equally from the prevention of natural disasters, conflicts and humanitarian action.

3. Introduction of the Agenda Item

To begin with, It is a matter of fact that gender equality is a fundamental human right, however violence against women, forced marriage of girls under the age of 18, gender discrimination and more unequal attitudes towards women still exist only because of gender differences. 18 countries entitled husbands a legal right to prevent their wives from working. The participation of women in political affairs still needs to be improved. Moreover, the wage gap between genders remains a global problem. There are thousands of women exposed to physical or sexual violence yet there is no law to protect women from such violence in 49 countries. Since the situation is highly crucial and needs to be resolved as soon as possible, the United Nations and especially the UN Women has several targets upon it. While discrimination based on gender appears in every aspect of life and it is a well-known fact that this is one of the biggest problems of our World, lots of women and girls are still deprived of justice they deserve and some countries do not even adopt neither any legislations preventing discrimination, nor providing legal protection to women who are facing inhumane treatment. Thus, it is the primary responsibility of UN Women to ensure women's access to justice and legal protection.

4. Definition of Key Terms

Gender: either of the two sexes (male and female), especially when considered with reference to social and cultural differences rather than biological ones. The term is also used more broadly to denote a range of identities that do not correspond to established ideas of male and female.

Gender Equality: equality between women and men (gender equality): refers to the equal rights, responsibilities and opportunities of women and men and girls and boys.

Discrimination: the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex.

Gender Based Violence (GBV): it is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women. This includes threats of violence, coercion or arbitrary deprivation of liberty, whether occurring in public or private.

Legal Protection: Legal protection basically means, governments' preservation of the rights of people with legislations and law.

Gender Justice: the protection and promotion of civil, political, economic and social rights on the basis of gender equality.

Gender Pay (Wage) Gap: the gender pay gap is the difference in average gross hourly earnings between women and men.

5. Overview of the Agenda Item

Gender equality is essential for the achievement of human rights for all. Yet discriminatory laws against women persist in every corner of the globe and new discriminatory laws are enacted. Even though we are living in the 21st century and it is a matter of fact that each and everyone of us regardless of our gender has natal human rights. However, gender equality is still not fully maintained yet. Particularly some women, mostly the ones living in less-developed countries, still do not have access to justice and legal protection because of gender-based discrimination. When the situation is this wretched all over the world, the most effective step to be taken

primarily should be preserving the equality of women and men with legislations and ensuring related laws are enforced in every aspect of life. When governments of every country ensure gender equality in law, that means rights of women would be protected even though the society thinks otherwise and it would be far easier to change the view of discriminatory people as well. But does every government, regardless of the general perspective of the society, do the right thing and ensure human rights of every citizen are protected and they are implemented without any gender discrimination? Unfortunately the answer for this question is no. Because of the lack of education, cultural background etc. in some countries, women are undermined, discriminated against and weakened. On the other hand, the right thing to do is to treat each and everyone as humans and leave behindhand thoughts or beliefs behind.

a. How Are Women Legally Undermined?

Despite the fact that many countries adopted CEDAW -which has been further explained in the seventh part- some of them still could not manage to harmonize the necessities of the convention with law enforcement. Thus, gender based discrimination in these countries has been tangling. To this respect, we shall analyze discrimination in two different main groups being in practice and in law. Since our agenda item is about justice and legal protection, we will specifically emphasise the legal aspect of the issue.

b. Legal Restrictions of Women In Social Life

In some countries women, unlike men, cannot dress as they like, drive, work at night, inherit property or give evidence in Court. The vast majority of expressly discriminatory laws in force relate to family life, including limiting a woman's right to marry or the right not to marry in cases of early forced marriages, divorce and remarry, thus allowing for sex discriminatory marital practices such as wife obedience and polygamy. Laws explicitly mandating "wife obedience" still govern marital relations in many States.

Specific examples from specific countries:

- Lesotho's Deed Registry Act (1967) states that "No immovable property shall be registered in the name of a woman married in community of property" (Equality Now, 2005).
- Chile's Civil Code (Article 1749) dictates that the husband is to administer both the couple's joint property and the property of his wife (Equality Now, 2005).
- In Nigeria, Kenya and Uganda, widows lose their rights to inherited property once they remarry (Decker, 2006).

- The application of customary law in Sierra Leone was disadvantaging women in disputes over property and inheritance (Amnesty International, 2005).

- In Egypt, in spite of some improvement due to amendments in the family law, men and women still have drastically different rights when it comes to divorce. As of December 2004, Egyptian men could divorce their wives without providing justification or ever entering a courtroom, whereas Egyptian women had to provide evidence in court that they had been harmed in order to divorce their husbands (Human Rights Watch, 2004).

- The 1971 Law of Marriage Act of Tanzania allows males to marry at the age of 18, while the legal age for females is 15, which violates girls' rights under the Convention on the Rights of the Child (Equality Now, 2005).

- Divorced women of Iran are only allowed to keep custody of their children until those children reach the age of seven (Halper, 2005).

- In Bangladesh, women lack the right to pass their citizenship on to their children, although having a Bangladeshi national as a father or grandfather grants Bangladeshi citizenship to the same child (Equality Now, 2005).

c. Legal Restrictions of Women In Business

Women's economic independence is one of the key points of maintaining gender equality. On the other hand, in some countries women are restricted from having a job without their husband's, father's or brother's consent or having a job at all. Some States adopt legal restrictions limiting kinds of work women can do. There are of course a lot of countries giving the same rights and opportunities to both women and men in business but again some of them are not successful about preventing the gender pay gap.

- Globally, over 2.7 billion women are legally restricted from having the same choice of jobs as men.

- Of 189 economies assessed in 2018, 104 economies still have laws preventing women from working in specific jobs,

- 59 economies have no laws on sexual harassment in the workplace,

- In 18 economies, husbands can legally prevent their wives from working.

- The gender wage gap is estimated to be 23 per cent. This means that women earn 77 percent of what men earn, though these figures understate the real extent of gender pay gaps, particularly in developing countries where informal self-employment is prevalent. And the list grows.

ç. Mental and Physical Violence and Abuse

One of the most common problems that women and girls face is mental and physical violence and abuse. Child marriage, rape, harassment, violence, sexual abuse, verbal violence etc. are unfortunately widespread and countries fail to prevent them. There are thousands of women exposed to physical or sexual violence yet there is no law to protect women from such violence in 49 countries.

Specific examples from specific countries:

- In Uganda, marital rape is still not criminalized and inequitable family law makes divorce more difficult for women than men. Although Uganda is a signatory to CEDAW, a 2003 report by Human Rights Watch found that many Ugandan women's groups believe that the government has not enacted legislation that ensures prosecution and punishment for those responsible for violence against women (Human Rights Watch, 2003).
- The UN Special Rapporteur on Violence Against Women found that decentralization in Mexico was making the justice system unable to "effectively comply with its international obligations, particularly with regard to violence against women." While some states have enacted progressive legislation and have pursued implementation expeditiously, 20 states have not criminalized marital rape, 11 states do not recognize domestic violence as grounds for divorce, and one state even allows a man to "exercise his right to correction towards those against whom he may exercise it" (UN Special Rapporteur on Violence against Women, 2006).
- Systemic disrespect for women's rights often combines with political and social unrest, resulting in heightened violence against women in many turbulent societies. According to the former UN Special Rapporteur on Violence Against Women, "violence against women in Colombia, particularly sexual violence by armed groups, has become a common practice within the context of a slowly degrading conflict and a lack of respect for international humanitarian law" (UN Special Rapporteur on Violence against Women, 2001).

d. Discriminatory Legal and Policy Frameworks

Despite progress in various areas, approximately 90% of countries have legislations that discriminate against women.

- Thirty countries still have laws that place men as head of households;
- 19 countries legally force wives to obey their husbands;

- 32 of them forbid women from getting a passport without their husband's permission;
- 100 countries have legal restrictions on what types of jobs women can do;
- laws or customary practices in 102 countries still deny women the same rights to access land as men;
- nearly 35% of the women around the world suffer from gender-based violence.

Unfortunately, these countries continue neglecting and ignoring gender inequalities in their law system and do not perform any legal reforms. They blink the fact that they need to reform discriminatory personal laws, despite widespread recognition of substantial gender inequalities in this area. Advertently and inadvertently, reforms tend to promote adherence to discriminatory customary laws and traditions under the guise of supporting 'local' laws or regulations. They are sometimes poorly conceived thus exacerbating gender inequalities. In other cases, effective enforcement is difficult in the absence of secondary legislation (rules and regulations), processes and resources.

e. Limited Justice Sector Capacities to Deliver Justice for Women

Unfortunately there are still unresponsive justice institutions which are blocking women from seeking justice. Under-reporting and case attrition is acutely problematic in gender-based violence (GBV) instances. In several cases, standard justice reforms have effectively sidelined the justice needs of women. For instance, they have:

- ignored intra-household and intra-community disputes, because they see them as private matters and outside the realms of public dispute resolution;
- under-invested in judicial sub sectors that matter most to women, such as family courts, specialized GBV mechanisms, or small claims tribunals;
- focused on the kind of justice system (formal versus informal), instead of on the justice outcomes that may profit ladies most. In fragile, conflict and crisis things, women's access to justice is particularly difficult. Legal reforms square measure usually not in addition to method reforms women have to say and enforce their rights. Often, women square measure left with rights while not remedies. Finally, justice reform processes generally fail to deal with gender bias - personal and structure - and to consistently integrate gender considerations into capability and ability building programs for the judiciary and alternative justice sector actors.

6. Major Organizations Involved

a. OHCHR

The Office of the United Nations High Commissioner for Human Rights aims to deal with all human rights related issues concerning anyone since it is the principal office of the United Nations commanded to maintain the implementation of human rights for all. As the OHCHR is the most important UN office dealing with human rights violations all around the world, it also operates to ensure women's access to justice and legal protection which is a basic human right regardless gender or any other difference.

b. UNDP

The United Nations Development Programme is an organ of the UN promoting global development in each and every aspect aiming to shape a better and brighter future. Currently UNDP is the primary UN body working for the achievement and full implementation of the UN Sustainable Goals. Among these 17 SDGs, there is a specific goal about gender equality. Thus, the United Nations Development Programme is one of the most important and efficient organizations with the purpose of procuring gender equality all around the world.

c. UNESCO

The United Nations Educational, Scientific and Cultural Organization is a specialized body of the UN entitled to provide global peace through international cooperation in fields of education, science and culture. UNESCO, just like the UNDP, UN Women or other UN bodies, is very determined to achieve Sustainable Development goals. As an outcome of adopting the SDGs, UNESCO has the duty of promoting gender equality, especially in educational, cultural and scientific areas which are specialties of the organization. For instance, The United Nations Educational, Scientific and Cultural Organization addresses the issue of gender discrimination in education and promoted access to education for all. In addition to this, UNESCO seeks for gender equality in terms of culture, natural sciences, social and human sciences as well.

ç. CSW

The Commission on the Status of Women is the main global intergovernmental body particularly dedicated to promoting gender equality and empowering women. It was established by the Economic and Social Council in the first place and the CSW still functions under ECOSOC. The commission reports living conditions of women around the globe and sets standards to ensure gender equality is fulfilled.

7. Previous Initiatives To Solve the Issue

a. **Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was first adopted in 1979 by the United Nations General Assembly with the aim of ensuring women's full access to human rights and currently has 182 Member State signatories, making it the most ratified UN convention. Each and every member state signatory is obliged to implement policies and laws fulfilling the articles of CEDAW which is a convention described as an international bill of rights for women. The convention does not only establishes legal protection of the rights of women equal to every human or protects women from any kind of discrimination and violence, it is also an inspection point ensuring if the governments sustain their commitment to the necessities of the convention and fulfil their duties.

b. **Declaration on the Elimination of Violence Against Women (DEVAW)**

Declaration on the Elimination of Violence Against Women (DEVAW) was first adopted by the United Nation General Assembly with a resolution on 20 December 1993. The declaration was a result of the efforts of the UN Commission on the Status of Women and Economic and Social Council (ECOSOC) with the intent of establishing international standards for protecting women against violence which they define as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."

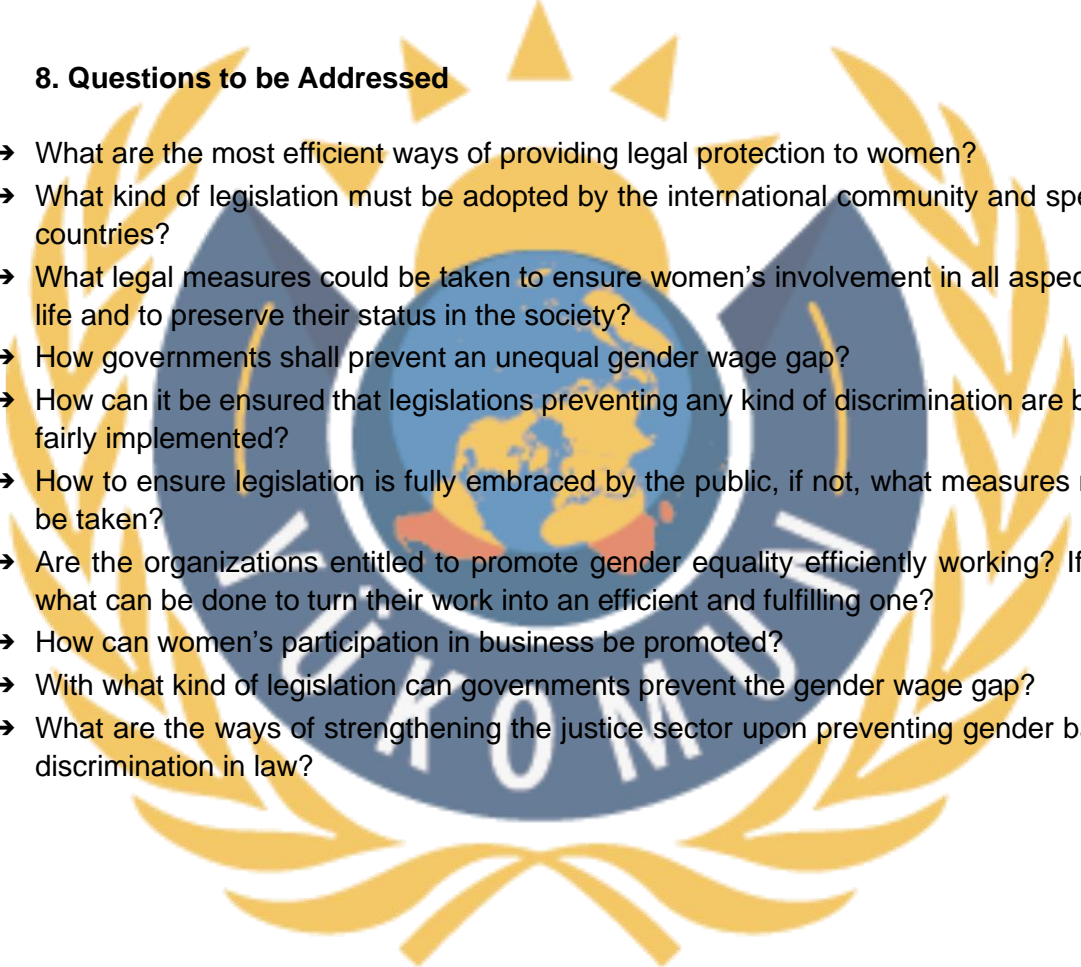
c. **Beijing Platform for Action**

In September 1995, a great number of non-governmental activists all around the world attended the Fourth World Conference on Women with a single purpose in mind: gender equality and women's empowerment. As a result of the conference, the Beijing Declaration and Platform of Action was established as a powerful source of guidance and inspiration. The platform of action is one of the most significant examples of promoters of women's access to justice and legislative protection.

ç. Security Council Resolution 1325

The Security Council Resolution 1325 was adopted unanimously by the Council in October 2000. The resolution “emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes, especially those related to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible, from amnesty provisions.”

8. Questions to be Addressed

- 
- What are the most efficient ways of providing legal protection to women?
 - What kind of legislation must be adopted by the international community and specific countries?
 - What legal measures could be taken to ensure women’s involvement in all aspects of life and to preserve their status in the society?
 - How governments shall prevent an unequal gender wage gap?
 - How can it be ensured that legislations preventing any kind of discrimination are being fairly implemented?
 - How to ensure legislation is fully embraced by the public, if not, what measures must be taken?
 - Are the organizations entitled to promote gender equality efficiently working? If not, what can be done to turn their work into an efficient and fulfilling one?
 - How can women’s participation in business be promoted?
 - With what kind of legislation can governments prevent the gender wage gap?
 - What are the ways of strengthening the justice sector upon preventing gender based discrimination in law?

9. References/Resources for Further Research

<https://www.unwomen.org/en/about-us/about-un-women>

<https://www.unwomen.org/en/csw>

<https://www.ohchr.org/EN/pages/home.aspx>

https://www.ohchr.org/en/issues/discrimination/pages/discrimination_women.aspx

<https://www.undp.org/content/undp/en/home.html>

<https://en.unesco.org/genderequality/actions>

https://iknowpolitics.org/sites/default/files/gendergovpr_justice_undp.pdf

<https://beijing20.unwomen.org/en/about>

https://www.stopvaw.org/declaration_on_the_elimination_of_violence_against_women

<https://www.idlo.int/system/files/event-documents/IDLO%20CN%20-%20Access%20to%20Justice%20for%20Women%20and%20Girls%20NO%20CONTACTS.PDF>

