



## WOMEN'S ACCESS TO JUSTICE: BEST PRACTICES FROM EUROPEAN UNION COUNTRIES

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<b>Received:</b> 7 <sup>th</sup> May 2024 <b>Accepted:</b> 4 <sup>th</sup> June 2024	Accessing justice is an entitlement but women often encounter significant obstacles when trying to exercise this right. This piece delves into the hurdles women face in seeking justice and highlights strategies employed by European Union nations to overcome these challenges. By examining frameworks local initiatives and real life examples the article underscores the value of gender tactics, legal assistance, specialized courts and awareness campaigns, in enhancing women's access to justice. The research underscores the importance of an cooperative approach involving governments civil society groups and international bodies to empower women in utilizing their right to justice and advancing gender equality.

**Keywords:** Women's access to justice, European Union best practices, Gender equality, Legal aid and representation, Specialized courts and tribunals, Victim support services

### INTRODUCTION

The right to seek justice is a principle of order and an essential human entitlement enshrined in various global agreements such as the Universal Declaration of Human Rights (UDHR) International Covenant on Civil and Political Rights (ICCPR) and Convention, on the Elimination of All Forms of Discrimination Against Women (CEDAW) [8] [9].

Despite the commitments made on a scale woman, across the world still encounter obstacles when trying to access justice leading to a denial of their rights and the perpetuation of gender disparities [5].

Various social, economic and cultural factors create hurdles for women in seeking justice, including gender stereotypes, discrimination, lack of knowledge, financial limitations and fear of stigma or reprisal. [2] These challenges impede women from seeking remedies for rights violations and restrict their participation in society.

Recognizing the need to ensure women's access to justice European Union (EU) nations have implemented measures and programs to tackle the issues hindering women's entry into legal systems. This piece aims to identify and analyze approaches taken by EU countries in facilitating women's access to justice. It focuses on strategies used to overcome the barriers that prevent

women from exercising their rights through channels and other relevant institutions.

The article commences by examining the framework related to women's access to justice emphasizing instruments and initiatives that advocate for and safeguard women's rights. It further delves into the hurdles faced by women in accessing justice – encompassing complexities, challenges, socio economic disparities, as well, as cultural barriers.

The article explores the methods utilized by European Union nations to overcome these obstacles with a focus, on assistance and representation specialized courts gender inclusive training for legal professional's awareness campaigns and services for supporting victims.

By delving into these approaches the article aims to offer insights and suggestions for policymakers, legal practitioners and non-governmental organizations dedicated to enhancing women's access to justice. The research highlights the significance of embracing an inclusive strategy that considers the needs and realities of women especially those belonging to marginalized or disadvantaged communities.

The article stresses the importance of cooperation and collaboration among bodies, non-governmental organizations and international entities in safeguarding women's access to justice. It advocates for adopting

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and replicating tactics in cultural, social and legal settings while also emphasizing the necessity of addressing the underlying causes of gender inequality and prejudice.

By showcasing practices from EU nations that promote women's access to justice this article contributes to expanding knowledge, on gender equality and human rights.

It lays the groundwork, for exploration and policy formulation aimed at developing justice systems that're more inclusive and accessible catering to the needs and rights of women globally.

### **GLOBAL FRAMEWORK ON WOMEN'S LEGAL ACCESS**

The worldwide community has long acknowledged the significance of guaranteeing women's access to resources as a human entitlement and a crucial element in attaining gender parity. Several international agreements and endeavors have been set up to advocate for and safeguard women's rights, including their entitlement to recourse.

One of the global pacts in this context is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) endorsed by the United Nations General Assembly in 1979. CEDAW serves as a structure outlining the responsibilities of countries that are parties to it in abolishing discrimination against women and securing their equal entitlements across all aspects of life including access to legal remedies. Article 15 of CEDAW specifically focuses on ensuring women's parity with men before the law and their right to equal assistance and representation. It mandates countries that're parties to ensure that women receive treatment under the law compared to men along with ensuring that they have equitable access, to legal aid services.

The Beijing Declaration and Platform, for Action, which was approved during the Fourth World Conference on Women in 1995 stands out as a document stressing the significance of women's rights to justice. The Platform for Action highlights the issue of access to justice as a concern and advocates for eradicating gender bias in judicial processes. It calls upon governments to guarantee that women receive access to information, assistance and support services while also

recommending gender sensitive training for judges, lawyers and law enforcement officers.

Apart from these documents various other global agreements and efforts focus on enhancing women's access to justice. The United Nations Principles and Guidelines on Access to Aid in Criminal Justice Systems adopted in 2012 underline the necessity of providing legal aid services for women those belonging to disadvantaged communities. The Sustainable Development Goals (SDGs) endorsed by the United Nations General Assembly in 2015 encompass Goal 16 that targets advancing inclusive societies with access to justice while establishing efficient transparent institutions at all levels. Target 16.3 specifically aims at ensuring access to justice, for everyone.

The Council of Europe has been leading the way, in advocating for women's access to justice at the level. One of their initiatives is the Istanbul Convention, formally known as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. This comprehensive legal framework focuses on addressing violence against women and stresses the importance of ensuring that women can seek justice. The Convention mandates that countries must enact laws and take steps to guarantee that women have access to appropriate legal remedies and support along with providing training for justice system professionals to effectively address violence against women.

These global agreements act as principles for nations to shape their policies and procedures in support of women's access to justice. They serve as a benchmark for monitoring progress and holding governments for their commitments to gender equality and equitable access to justice. Despite these pledges women across the globe still encounter obstacles when seeking justice underscoring the urgent need for coordinated efforts, at local and national levels to put these principles into action.

In Uzbekistan, the administrative regulation of providing social services to abused women and their minor children was approved.

According to it, persons affected by harassment and violence, other physical and legal entities, are addressed in the following forms about the situation of harassment and violence:



- to "Inson" social service centers or a social worker;

- to the phone numbers "102" of the duty department of internal affairs bodies or directly to prevention inspectors;

- to "112" single dispatch service and 1146 short number "hotline";

Upon request, within 24 hours, the following will be done:

- a women's activist and neighborhood prevention inspector will conduct an interview with the person who committed harassment and violence;

- a social worker takes measures to assess the condition of women and their minor children in a preliminary way;

- prevention inspector issues a protection warrant for women and, if necessary, takes measures to issue a relevant document for placement in primary care rooms;

- women and their minor children are placed in the primary care room by the social worker and prevention inspector based on their consent.

Social services for women and their minor children are provided by "Inson" centers, regional centers of the Republican Center for Rehabilitation and Adaptation of Women [22].

Women face challenges when trying to access justice systems, categorized into institutional socio economic and cultural hurdles. These barriers often intensify each other creating a set of obstacles that affect women's ability to seek justice disproportionately.

Legal obstacles present a challenge, for women seeking justice. Discriminatory laws and practices in countries restrict women's rights and perpetuate gender disparities [6]. For instance, certain forms of violence against women like rape or domestic violence may not be recognized as acts in some legal systems. Complex legal procedures and lengthy processes make it hard for women to navigate the justice system without support. Additionally the absence of aid and high litigation costs can discourage women from pursuing justice.

### **CHALLENGES AND BARRIERS FACED BY WOMEN IN ACCESSING JUSTICE**

The absence of practices that consider gender differences and the insufficient training of professionals,

on gender related issues may lead to treatment and decision making [4]. This can be seen in victim blaming attitudes, hostile treatment towards complainants and the failure to take women's testimonies seriously. Without specialized courts to handle cases that disproportionately affect women, like violence or sexual assault it can create an intimidating environment for women seeking justice.

Challenges related to socio factors make it hard for women to access justice those from marginalized groups. Financial limitations may restrict their ability to afford representation cover court fees or attend court proceedings [7]. Additionally, limited educational opportunities and information availability can affect women's knowledge and awareness of their rights making it challenging for them to recognize and report violations. The absence of support services such, as shelters, counseling and medical aid can further discourage women from seeking justice in instances of gender based violence.

Cultural obstacles based on gender stereotypes and societal norms can also act as barriers that prevent women from pursuing justice [5].

In community's women who speak up about crimes or seek help may face social judgment blame for being a victim and even backlash, from offenders or their social circles. The normalization and tolerance of violence against women within families can make it hard for women to identify and report mistreatment. Cultural beliefs that prioritize family reputation or discourage women from speaking out against relatives can further silence them. Hinder their pursuit of justice.

It's important not to overlook the interconnected nature of these obstacles. Women belonging to marginalized or disadvantaged groups like those with disabilities, indigenous women or women from low income backgrounds often experience forms of discrimination simultaneously. These women might confront challenges in accessing justice due to factors such as lack of access to courts, language barriers or prejudice based on their social standing.

Recognizing and dealing with these hurdles is essential for creating approaches to enhance women's access to justice. This calls for a strategy that addresses institutional, socio economic and cultural obstacles at



the same time while considering the unique needs and experiences of women, from different backgrounds.

### **BEST PRACTICES FROM EUROPEAN UNION COUNTRIES**

European Union member states have introduced a range of measures and programs aimed at improving women's access to justice sharing lessons and successful strategies that can be adopted in settings [2]. These initiatives involve offering assistance and representation establishing courts providing gender sensitive training for legal professionals conducting awareness campaigns and delivering support services for victims.

### **LEGAL AID AND REPRESENTATION**

Ensuring that women, those facing socio challenges have access to legal aid and representation is essential for them to navigate the legal system effectively and assert their rights [13]. Several EU countries have set up aid programs that offer affordable legal help to women who cannot afford representation. For instance, **The French Ministry of Justice runs an initiative called "Access to Law for Women Victims of Violence"**. This program provides aid and legal representation to women who have experienced gender-based violence. The initiative likely includes a network of lawyers specifically trained to handle cases involving violence against women, offering tailored assistance to each victim. Moreover, in France, The Violence Femmes Info helpline (3919) is free of charge and provides multilingual support. It was established in 1992 as a helpline supporting victims of domestic violence. Since then, it has been further developed and addresses all forms of violence against women. The helpline is run by the Fédération Nationale Solidarité Femmes (FNSF). The helpline receives some public, as well as private funding [14].

Similarly, **Victim support programs in Belgium** offer aid and representation to women who have faced violence or sexual assault. These programs often function as a hub, providing access to various services like legal aid, counseling, and medical support in one location. This holistic approach aims to reduce the obstacles women face when seeking justice and minimize the risk of re-traumatization [15].

### **SPECIALIZED COURTS**

The implementation of courts or tribunals designed to handle cases concerning gender based violence family law matters or other issues disproportionately affecting women can establish a supportive and tailored setting for women pursuing justice. These specialized judicial bodies can be staffed by judges, prosecutors and legal experts with experience in managing cases involving violence against women and who are attuned to the unique needs and experiences of female victims.

Spain has been at the forefront of this effort, by establishing "Violence Against Women Courts" specializing in addressing cases related to gender based violence. These courts operate within the existing criminal justice system. Boast procedures and resources geared towards tackling the distinct challenges faced by female victims. They are manned by judges and prosecutors well versed in gender based violence issues; they collaborate closely with victim support services to offer assistance to women throughout their legal proceedings.

The United Kingdom has set up courts to deal with violence cases aiming to offer better support and a more efficient process, for women seeking protection from abuse. These courts have teams of prosecutors, magistrates and support staff who are trained to handle cases and provide tailored assistance to victims. They collaborate closely with support services to ensure that women can access counseling, shelter and other necessary help [16].

### **GENDER-SENSITIVE TRAINING FOR LEGAL PROFESSIONALS**

It's crucial to provide gender training for judges, lawyers and other legal professionals to reduce bias and discrimination in the justice system [6]. This training helps them understand the challenges faced by women in accessing justice and enables them to develop responses and strategies to assist women throughout the legal process.

The Belgian Ministry of Justice has introduced the "Victims' Rights Initiative," which involves training for professionals and support staff on managing cases involving violence against women. The training includes topics like understanding domestic violence dynamics recognizing the impact of trauma, on victims and



employing communication strategies when working with victims [15].

The project also involves creating guidelines and procedures, for managing instances of violence against women aiming to ensure an victim approach throughout the justice system.

In Sweden the National Courts Administration has established a training scheme for judges and legal experts on gender equality and handling cases related to violence against women. The training covers topics like the cultural aspects of gender based violence the impact of trauma on victims and effective methods for conducting empathetic interviews with female victims. It also encompasses the formulation of guidelines and checklists for managing cases involving violence against women to promote a gender aware approach in courtrooms [17].

#### **AWARENESS-RAISING CAMPAIGNS AND LEGAL LITERACY**

Raising awareness about women's rights and available legal options is essential in empowering women to seek justice when their rights are infringed upon. EU nations have rolled out campaigns and initiatives aimed at educating women about their rights and the legal assistance accessible to them [11]. These initiatives often focus on groups of women such as those, from minority or immigrant backgrounds who may encounter hurdles in accessing justice.

In Finland the Ministry of Justice has initiated the "Know Your Rights" campaign to enhance understanding among women those, from immigrant and minority backgrounds. This campaign involves creating materials in languages about women's rights and legal services along with conducting outreach events in schools, community centers and religious institutions. Additionally, the campaign includes training community leaders and "cultural mediators" to help bridge communication gaps between minority communities and the justice system [18].

Likewise, Germany has campaigns that aim to raise awareness about women's rights and available legal support services for disadvantaged or marginalized women. These initiatives might involve developing culturally sensitive information materials, organizing outreach activities in community centers and shelters,

and offering helplines or online platforms with information and support in multiple languages [19].

#### **VICTIM SUPPORT SERVICES**

Offering comprehensive support services for women who have endured violence or abuse is crucial to addressing their needs and facilitating their access, to justice [3]. These support services offer counseling, shelter, medical help and legal support tailored to the needs of women.

In Italy the "Anti Violence Centers Network" provides an array of assistance, for women who have faced violence or gender based violence. The network includes shelters, counseling services, legal aid and specialized services for children impacted by violence. These centers collaborate closely with law enforcement and social services to provide a victim focused response to violence against women [20].

Similarly, Austria has a network of intervention centers that offer support to women who have experienced violence, sexual assault, or other gender-based violence. These centers likely provide services such as crisis intervention, safety planning, advocacy, long-term counseling, and support. They also likely collaborate with law enforcement and the judiciary system to ensure women's rights and needs are addressed throughout legal proceedings [21].

#### **CONCLUSION**

Ensuring that women have access, to justice is crucial for achieving gender equality and safeguarding their rights. The strategies highlighted in this article showcase how EU countries are dedicated to overcoming the obstacles that women encounter when seeking justice. Through the implementation of assistance programs, the establishment of courts providing gender aware training for legal professionals raising awareness about women's rights and offering comprehensive support services for victims EU countries have made significant progress in facilitating women's access to justice.

Nevertheless, it is essential to understand that these initiatives need to be sustained and customized according to the social and legal landscapes of each nation. While the best practices from EU countries offer guidance and frameworks for action they must be



adapted to suit the needs and challenges faced by women in various environments. This necessitates a comprehension of the context encompassing legal structures, societal norms and cultural perspectives on gender equality and justice.

Furthermore, advancing women's access to justice demands an approach that delves into issues beyond just legal reforms or institutional alterations. It involves addressing the underlying factors contributing to gender inequality and bias such, as beliefs, economic discrepancies and social marginalization.

To promote gender equality and empower women it's important to engage with groups, like community leaders, educators and the media. Collaborating with governments civil society organizations and international bodies is crucial to sharing and adapting practices from EU countries. Creating platforms for dialogue and collaboration at global levels can help in exchanging experiences and developing strategies to enhance women's access to justice.

Recognizing the challenges faced by women in accessing justice is vital. Tailored interventions and support services are needed to address the needs of marginalized groups like women, with disabilities, indigenous women, minorities, immigrants and those living in poverty. Combining economic measures can help combat the different forms of discrimination they encounter.

Ensuring that women have access, to justice involves making a long term commitment and investing in aid, victim support services and institutional changes [1]. Governments need to dedicate resources to establish and maintain these services making sure they are easy to reach affordable and respectful of cultural needs. It's crucial to prioritize this shift and recognize that supporting women's access to justice is not the thing to do morally but also essential for sustainable development and social advancement.

To achieve access for all women we can look at strategies used in European countries as inspiration. Implementing these strategies requires efforts such, as legal adjustments, institutional transformations, social programs and cultural adjustments. This effort demands the cooperation of governments, non-governmental organizations, international entities as active involvement and empowerment of women

themselves. By collaborating and sharing knowledge with one another we can create a world where every woman can seek justice freely without facing discrimination or obstacles.

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