

DRAFT Dutch civil society's recommendations

70th session of the UN Commission on the Status of Women

Priority theme: *“Ensuring and strengthening access to justice for all women and girls, including by promoting inclusive and equitable legal systems, eliminating discriminatory laws, policies, and practices, and addressing structural barriers”*

Dutch civil society formulates the following priorities for the Agreed Conclusions:

1. Ensure equal access to justice and justice systems

- Ensure full, equal, and unhindered access to justice, and equal enjoyment of human rights – de jure and de facto, for women and girls in all their diversity¹.
- Ensure full, equal, autonomous, and unhindered access to quality, independent, impartial, gender-responsive and survivor-centred justice systems, procedures, legal aid, services for victim protection and remedy, and free, accessible, and sufficiently financed pro bono legal support for women and girls in all their diversity throughout the life course.
- Remove all structural, cultural, physical, economic and financial barriers that prevent women and girls from exercising their rights and to pursue legal remedies, especially for those facing multiple and intersecting forms of discrimination, such as women with disabilities, indigenous women, (undocumented or illegal) migrant women, older women, and young women and girls especially.
- Ensure the right to self-determination and bodily integrity for all women and girls, including access to comprehensive safe abortion care, and evidence-based sexual education and education on harmful practices.
- Invest in and expand community-led, mobile and remote justice services, paralegal networks and peer-support strategies to reach those underserved by current justice systems, especially in marginalized and rural communities, remote areas, and crisis- and conflict-affected settings.
- Invest in capacity-building and training for law enforcement officials and legal professionals on gender equality, survivor-centered and gender-transformative approaches, and intersectional discrimination.
- Protect the independence, safety, and professional integrity of lawyers, judges, and prosecutors who apply gender-sensitive, survivor-centred or intersectional approaches, including those grounded in legally binding frameworks, by establishing safeguards against reprisals, disciplinary actions, political interference, stigmatization or attacks, and by ensuring that they can perform their duties free from intimidation, harassment, or hindrance or improper interference.
- Address the rights, protection, and needs of women and girls in detention, including those serving long, extreme sentences, and implement evidence-based alternatives to imprisonment, particularly for offences that disproportionately impact women due to poverty or status.
- Guarantee that women, girls and LGBTQI+ persons have access to effective and adequate justice, remedy and grievance mechanisms in case of sexual and gender-based violence and harassment, violations of sexual and reproductive rights, and other human rights violations, including child rights, land rights and labour rights. Enforce sanctions on such human rights violations by multinationals and in global supply chains.

2. Transform legal systems to be inclusive, equitable and grounded in human rights

- Integrate an inclusive, gender-transformative, survivor-centered and intersectional perspective on justice that is grounded in human rights and centers the lived experiences and needs of women and girls in all their diversity – both as victims and offenders.
- Address the root causes of women's criminalisation by tackling systemic discrimination, colonial-era legal harms, patriarchal cultural norms and other structural injustices that disproportionately impact women and girls in all their diversity globally.
- Promote legislative and policy reform to eliminate discriminatory laws, policies and practices, and to achieve de jure and de facto gender equality, including:

¹ Where we mention women and girls, we always refer to women, girls and gender non-conforming persons in all their diversity, including underrepresented, rural, indigenous, or displaced women and girls, widows, women with disabilities, and LGBTQI+ persons. This acknowledges the difference in experience and identities of women and girls of all ages, religions, ethnicities, classes, sexual orientations, gender characteristics, indigenous origins, employment status, HIV and health conditions, gender identities and expressions, cultural backgrounds, socio-economic status, civil status, disability status etc. Regardless of where they live and any other status that may affect how they live.

- a. Decriminalise offenses that disproportionately affect women and girls due to poverty, caregiving responsibilities, or social status, including disability status
- b. Decriminalise consensual same-sex relations, gender identity and expression, HIV status, psychosocial issues, and neurodivergence
- c. Legalizing and expanding access to safe abortion, and sexual and reproductive care and services
- d. Decriminalise sex work by recognising sex work as work and expand labour protections
- e. Guarantee equal rights in marriage, divorce, custody, inheritance, and land ownership
- Implement measures for state and private sector accountability and compliance: end impunity, close legal loopholes, ensure consistent enforcement of protective laws, implement effective and independent oversight mechanisms and monitoring, and enforce sanctions.
- Invest in comprehensive, disaggregated and intersectional data on women's and girls' access to justice and representation in legal systems and procedures – including women in detention –, and in the judiciary. Ensure improved and harmonized statistics on gender-based violence, and analyses of the gendered impact and implementation of laws and policies, and enforcement gaps.
- Take accelerated and concrete measures to ensure climate justice and intergenerational justice by correcting and redistributing the uneven impact of the climate crisis on women and girls, especially those in the Global South and from Indigenous, rural and marginalized communities, and future generations, and demand Global North and private sector accountability.

3. Ensure full, effective and meaningful participation and leadership in justice systems

- Ensure full, effective and meaningful participation, decision-making and leadership of women, young women and girls in all their diversity in all spheres and levels of public and political life, including at the UN level. Take effective measures to ensure women's equal representation at all levels of the judiciary and all branches of the justice system, policy making and justice reforms.
- Strengthen community-led solutions: center the leadership of affected women and girls, survivors/victims, civil society and grassroots organisations, and experts with lived experience in justice reforms and in the design, implementation and monitoring of policies, social protection measures and service delivery.
- Invest in intersectional legal literacy and empowerment of women and girls in all their diversity through accessible education on rights and mechanisms for seeking justice, focusing on youth and marginalized communities.
- Ensure sustainable, predictable and flexible funding for human rights, gender equality, youth-led, feminist organizations, and women human rights defenders (WHRD), and ensure access to funding and other resources including safety and protection.
- Actively counter any attempt to undermine or weaken democratic rule of law and civil rights and freedoms, existing international commitments and obligations under international law, and the universality of human rights. Protect women politicians, journalists and media workers, WHRDs, prevent internet shutdowns and censorship, and eliminate (online) SGBV, harassment and disinformation aimed at silencing women and girls and undermining their public participation, leadership and advocacy, while safeguarding their privacy, safety and autonomy. Robust accountability protocols for state and private actors must be implemented.

4. Prevent and eliminate (online and technology-facilitated) sexual and gender-based violence (SGBV) and discrimination in all spheres, laws and procedures and in practice

- Ensure and implement a coherent, integrated, gender-transformative and survivor-centred policy strategy and legal framework to sustainably prevent and eliminate all forms of SGBV and discrimination, with adequate and dedicated long-term sustainable funding. Address key omissions from legal and policy frameworks, including online and technology-facilitated SGBV, conflict-related sexual violence, violence based on gender identity and/or expression, intersex genital mutilation, conversion therapy, forced sterilization, intimate (ex-)partner violence, economic and psychological violence, marital captivity, exploitation and rape, and femicide.
- Develop policies, systems and tools to identify and address risk factors and root causes of (online) SGBV, safeguarding the rights of women and girls in all their diversity. This includes eliminating stigma, gender stereotypes and harmful norms and practices, and unequal power and dependency relations, promoting positive social norms and explicitly addressing and engaging men and boys in preventing SGBV, including through comprehensive sexuality education.
- Accelerate the ratification, implementation, and monitoring of legally binding international conventions, most importantly (but not limited to) CEDAW, the Istanbul Convention whereof explicitly the accelerated

implementation of article 31, the International Convention on the Rights of the Child, and ILO Convention 190 and other ILO Conventions.

- Expand accessible, inclusive, gender-responsive and survivor-centered services and support for victims of SGBV, including in conflict situations, including safe, accessible, confidential and supportive report mechanisms, gender-responsive health care services and safe shelters for people of all gender identities.
- Implement a gender-responsive, intersectional, survivor-centered and trauma-informed approach in judicial procedures, specialized courts and fast-track procedures for survivors of SGBV – including within marriage and partnership, to reduce delays, prevent re-victimisation and traumatisation and ensure fair outcomes.
- Prioritize and protect the rights, autonomy, privacy and safety of the most marginalized and stigmatized women and girls, including people from the LGBTIQ+ community, human rights defenders and WHRDs, women with disabilities, and women and girls in conflict situations and detention.

5. Ensure effective access to justice in times of digital transformation

- Accelerate the adoption and implementation of comprehensive, gender-transformative legal responses and enforcement mechanisms to prevent and eliminate new and emerging forms of SGBV and discrimination, such as online and technology-facilitated SGBV and digital surveillance.
- Leverage technology and innovation to enhance access to justice for women and girls in remote or marginalised settings, including women and girls with disabilities. Ensure full access to digital legal services and technology-driven legal empowerment, such as online reporting and monitoring tools, accessible and quality legal information and free cyber security tools for youth and gender-diverse groups – while safeguarding privacy, security and confidentiality.
- Invest in gender-sensitive digital and media literacy, comprehensive and evidence-based sexuality education (CSE), and preventative interventions – especially for young men and boys.
- Establish binding safeguards to prevent and eliminate gender bias, discrimination and gender-based violence enabled by AI technologies and algorithms. Adopt and implement measures for online content regulation, algorithmic transparency, and platform accountability and due diligence, and enforce sanctions for non-compliance.

6. Ensure a gender-transformative approach to transitional justice

- Ensure transitional justice mechanisms – truth commissions, reparations programs, institutional reforms, and judicial processes – are gender-transformative, intersectional, prioritise survivor leadership, and address gender-specific harms, structural inequalities and intersectional forms of discrimination. Recognize hybrid and customary justice as part of transitional justice.
- Guarantee full, effective and meaningful participation and leadership of women and girls, survivors and survivor-led networks in prevention, response, peace processes, and post-conflict justice design, implementation, and monitoring. To this end, ensure adequate funding and protection for women, survivors and human rights defenders to support meaningful participation and prevent backlash for addressing violations.
- Guarantee justice for victims and survivors of conflict-related SGBV and other human rights violations, adopting a survivor-centered and survivor-led approach: recognize and address gendered and intergenerational causes and consequences, guarantee access to trauma-informed comprehensive services – including sexual and reproductive health services – that enable healing and empowerment, engage men and boys in prevention of SGBV and countering shame and stigmatization, support collective Memory and Recognition, and addressing impunity.
- Guarantee protection of women detained in conflict zones, who are prone to experiencing SGBV.