

CHECK AGAINST DELIVERY

**Remarks by  
Shoko Ishikawa,  
Officer-In-Charge, UN Women ESEARO**

**For the Launch of  
“2011-2012 Progress of the World’s Women: In Pursuit of Justice”  
December 8, 2011 4:00 to 7:30 PM  
The Department of Foreign Affairs Auditorium (DFA),  
Roxas Blvd, Pasay City  
Co-Organized by the Department of Foreign Affairs (DFA), Ateneo  
Human Rights Center (AHRC), and UN Women**

---

Foreign Affairs Assistant Secretary Laura Q Del  
Rosario,

Honorable Justice Remedios Salazar-Fernando,

Philippine Commission of Women (PCW) Executive  
Director Emmeline Verzosa,

Chairperson, Court of Appeals GAD Focal Point,

Philippine Representative to the ASEAN  
Commission on Human Rights (AICHR) Rosario  
Manalo,

Former Senator Santanina Rasul,

UN Resident Coordinator Jacqueline Badcock,

Leading legal scholars and women’s rights advocates  
Elizabeth Pangalangan and Evalyn Ursua,

Former Ambassador Manalo,

Esteemed members of the judiciary, distinguished  
guests from the government, academia, and civil  
society,

1 I am very pleased to have this opportunity to highlight the key findings of UN Women's first flagship report, *2011-2012 Progress of the World's Women: In Pursuit of Justice*.

2 *Progress* is UN Women's biennial global assessment of progress towards gender equality. It aims to inspire bold action by governments and civil society to meet their commitments and accelerate the achievement of women's rights worldwide.

3 As you know, UN Women is the United Nations agency dedicated to gender equality and women's empowerment. When the General Assembly voted unanimously to create this new agency last July, four existing entities within the UN system were brought together, with a mandate to ensure greater coherence for gender equality issues and a stronger and more effective voice on women's rights.

4 UN Women's first major Report focuses on women's access to justice. This stems from the recognition that laws and justice systems that work well are the foundation for gender equality.

5 Laws can change society and justice systems can provide the means for women to demand accountability: to put a stop to violence in their relationships, to claim citizenship rights, to get married and divorced on equal terms to men, or to claim the land, inheritance or pay to which they are entitled.

6 In fact, the courts have been the site of some incredible groundbreaking legal decisions, many of which we highlight in the Report.

7 Women all over the world have used the courts to get justice, winning decisions that benefit not only themselves, but expand access to justice for millions of other women.

8 To take just one example, in a groundbreaking case, Maria da Penha went to the Inter-American Court of Human Rights, to hold the Government of Brazil responsible under international law for failing to take effective action to prosecute and convict perpetrators of domestic violence.

9 Maria had suffered years of brutal abuse at the hands of her husband, who shot her, then tried to electrocute her, leaving her paralyzed from the waist down. The case languished in the criminal justice system for years and Maria's husband remained free for nearly two decades. When he was finally sentenced in 2002, he served just two years in prison. In this landmark ruling, the Inter-American Court of Human Rights found that the Brazilian Government had failed in its duty to protect the victims of domestic violence. It had not taken the positive steps required under international law, measured by the standard of 'due diligence', to uphold women's human rights.

In response, the Government enacted domestic violence legislation, symbolically named the Maria Da Penha Law on domestic and family violence, mandating preventative measures, special courts and tough sentences.

10 In fact, in Latin America and beyond, there have been remarkable transformations in legal frameworks.

11 In our comprehensive review of legislation, we found that two thirds of countries now have laws against domestic violence, which is an extraordinary shift even from 10 years ago.

12 In East and South East Asia, fourteen out of the seventeen countries and territories in the region currently have a law against domestic violence in place, and six of them have laws on marital rape.

13 This shift is important not only because of the protection it affords women, but also because it signals a willingness on the part of Governments to regulate the private sphere, as well as the public domain.

15 For centuries, the private domain has been seen as 'outside of justice'. Domestic violence was seen as a private matter, rape within marriage was not understood as a crime, sexual harassment was just a normal part of working life for women.

16 Extending the protection of the rule of law to the private domain is also vital for securing women's economic rights. The domestic sphere is not only where women are most likely to be targeted for violence, it is also the place where women earn a living. Globally, more than half of women workers are in the informal economy, often in family businesses or as domestic workers.

17 In Indonesia, for example, the informal sector accounts for nine out of every ten women working outside agriculture. In Thailand, 43.5% of women informal workers are in the non-agricultural sector. Carried out behind closed doors, these jobs are almost always unregulated and unprotected by labour legislation. Here too, we are seeing important changes, unimaginable only a few years ago. Jordan, Indonesia and Brazil are among those that have made it clear that labour rights apply to domestic workers.

18 And in June 2011, the International Labour Organisation voted to adopt a far-reaching new convention, with the aim of protecting these vulnerable women from abuse.

19 Laws are not simply about individual accountability, they are about changing the way that society behaves.

20 Analyzing attitudes surveys, we found that in countries without laws on domestic violence, on average half of women and men think that it's sometimes acceptable for a man to beat his wife. In those countries with laws, less than a quarter did.

21 However, very often even in countries with laws on domestic violence the percentage of women and men that think that it is acceptable for a man to beat his wife are still very high. For example, in Malaysia, 57% or those surveyed think that it is acceptable. In Thailand this percentage is of 63%.

22 Of course we know that social change is complicated and laws do not lead automatically to change. But there are measures that Governments can take to make implementation more likely.

23 In Nepal, legal reform on women's inheritance rights since the early 1990s did not have a noticeable impact until the Government introduced tax exemptions for land transfers to women.

24 By incentivizing men to share land with their daughters, their sisters and their wives, the number of women who own some land has increased threefold.

25 Another example of measures that were taken to ensure the effective implementation of laws is from Morocco:

26 In 2004, after years of campaigning by the women's movement, the Government of Morocco reformed the *Moudawana*, the family code. The new code is based on the principle of equal and shared

responsibility between women and men in the family and significantly expanded women's rights to divorce.

27 To help implement the new code, the Government created family sections within the country's 68 district courts, each with a female social worker and a programme of training for family court judges.

28 According to the 2010 study, 85 percent of women surveyed were aware of their right to divorce and knew they could access it through the family courts.

29 Laws and implementation matter, but so does the delivery of justice – by the police, by the courts and through legal aid.

30 In many instances, women simply cannot afford justice. In Kenya, for example, claiming land in an inheritance case, can involve 17 different administrative steps, costing up to \$800, which is equivalent to an entire year's income for an average Kenyan. Without the means to afford legal advice, women have no chance of getting justice.

31 Sadly, it is still the case in many countries that women are very reluctant to report crimes to the police. The fear of social stigma can be overwhelming for women, particularly in cases of sexual violence, crimes where the victim is often more stigmatized than the perpetrator.

32 It is hard to blame women for not reporting these crimes, when we see how few result in a just outcome. Analysis of rape conviction rates in European countries showed that on average just 14% of reported cases ends in a conviction, a rate that falls to just 5% in some countries.

33 The Government has also recognized the importance of safeguarding the economic security of divorced women and their families and has created a special fund to provide alimony payments in those cases where estranged husbands do not meet their responsibilities.

34 The solution to these shockingly low conviction rates is actually very simple. One-stop shops have been used in a number of countries and are shown to be a relatively low cost approach to reducing this problem of attrition in the justice chain.

35 In Southeast Asia, One-Stop Crisis Centers have been established in several countries since the 1990s. These OSCCs provide integrated medical services at one location through medical teams and they also benefit from the presence of police teams and legal advice and support under one roof, reducing the number of steps that a woman has to take to access justice.

36 In Thailand the first OSCC was established in 1999. In addition to doctors and nurses, the centers are equipped with representatives from the police department, the office of attorney, NGO emergency home, and social workers from the Ministry of Social Development and Human Security. Thus, in the case that legal advice, or provision of place in a sheltering home is needed, victims may get access to immediate services and assistance.

37 Today there are one-stop crisis centers in 750 provincial and district hospitals up from 250 in 2007. The total number of cases handled by OSCC 's in 2010 was 25,000 cases. However, despite this number, the Royal Thai Police estimates that only 20% of them made complaints with police.

38 In South Africa, Thuthuzela Care Centres are located in public hospitals and it is now estimated that these centres deal with about 20% of all victims of sexual offences in South Africa. Conviction rates have reached up to 89% from a national average of just 7%.

39 The report finds that putting women on the front-line of law enforcement can also make a difference. The all-women police brigade sent to post-conflict Liberia, for example, helped to increase reporting of violence against women, and also increased recruitment of women into the police force. Analysis in *Progress* confirms this. Data from 39 countries show that there is a positive correlation between the presence of women police officers and higher levels of reporting of sexual assault.

40 Another sector of the justice system in which actions are being taken to ensure that justice systems work for women is in reforming penal institutions.

41 Indeed, although more than half a million women and girls are in penal institutions around the world, prisons rarely meet women's' needs as they are designed for the majority male prison population. Female imprisonment rates are increasing rapidly. Most offences for which they are imprisoned are "crimes of poverty" and are non-violent, property or drug-related. Women in prison share many common traits: they are typically young and have low levels of education and dependent children. In addition, they are particularly vulnerable to being detained because they cannot pay fines for petty offences or pay bail.

42 The Bangkok Rules - formally known as the "Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders"--build upon the "Standard Minimum Rules for Treatment of Prisoners" that were adopted by the United Nations Economic and Social Council in 1955.

43 The 70 rules include information on health care, safety and sanitation, treatment of children of female inmates, and use of non-custodial measures for women who commit minor offences.

44 Whether as police or judges, as Parliamentarians or activists, women can play a critical role in driving the change we need to see.

45 In those countries that have seen large increases in women's representation in political decision-making, progressive laws on labour rights, health care and property often follow.

46 In our region, today some of the largest shares of Parliamentary women are to be found in Timor-Leste or Vietnam where 29% and 26% of the parliamentarians are women (respectively). In Lao PDR, 25% of parliamentarians are women today whereas in 1997 that percentage was at a mere 9% thus showing a 36% increase.

47 However, in some countries the percentage has decreased over the past decade. For example in Mongolia the percentage decreased by 50% since 1997, and only 4% of parliamentarians are women today. Women have demanded change in laws that discriminate against them, shaping new laws and policies to drive forward positive change.

48 Amplifying women's voices is especially important in legal systems based on custom, or religious or ethnic identity. The Report draws on examples from Indonesia to Ecuador, Pakistan to Mexico where women activists have made it clear that culture or religion cannot be used as an excuse to justify gender discrimination and injustice. In bringing to the fore their own interpretations of culture and religion, these women firmly reject the notion that

justice is the privileged domain of the few, instead adapting universal principles of human rights and applying them to their own realities.

49 In Indonesia, where religious courts are an important avenue for women seeking justice, the Supreme Court is working with civil society to enhance access and monitor their performance.

50 Legal registration of marriage and divorce is not only important for women's rights within the family it is also essential for accessing public services and obtaining birth certificates for children. Religious courts in Indonesia handle 98% of all legal divorces in Indonesia but the costs can be prohibitive for women as is the lack of awareness of rights and lack of access. The Supreme Court increased the number of Circuit Courts in rural and remote areas and has introduced a policy of waiving court fees for the poor.

51 As a result, the new monitoring system that was put in place found that between 2007 and 2010 the number of poor people accessing religious courts has increased 14-fold.

52 We hope that this Progress Report will serve as a useful and inspirational resource for government and civil society in the Philippines.

53 The Philippines has achieved milestones in the promotion and protection of women's human rights since its ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1981.

54 Both government and civil society have made significant contributions in implementing and monitoring the country's international commitments to gender equality and the protection of women's human rights.

55 We are aware that the Supreme Court, particularly through its Committee on Gender Responsiveness in the Judiciary (CGRJ) and the Philippine Judicial Academy (PHILJA), has supported efforts to increase awareness of CEDAW and sensitize the courts to gender issues.

56 To aid this process, a partnership between the Philippine Judicial Academy and the Ateneo Human Rights Center was forged and supported by UN Women a few years ago to produce a guidebook called *the CEDAW Bench book*. We have also supported the efforts of legal scholars and practitioners to develop modules for integrating CEDAW into law curriculum; we look forward to possibilities for continuing or even perhaps scaling up such initiatives.

57 Nevertheless, we are aware that challenges remain. For example, it has been reported that Year 2010 saw the highest number of cases of Violence Against Women reported since 1997 – a total of 15,104 violence against women cases. While the increase in number of reported cases could be due to a vastly improved violence against women documentation system – a welcome development indeed – still, the more important question would be, “How have such cases been responded to?”

58 We recall that one of the recommendations made to the Philippines during the Universal Periodic Review in 2008 is **“To continue to develop a gender-responsive approach to issues of violence against women and continue to build supportive environment for women and children within the judicial system.”** We also note with interest that one of the voluntary commitments made by the Philippines after consideration of the UPR recommendations is **“To continue to develop a gender responsive approach to issues of women and**

**children, including in the judicial system and on violence against women and children.”** As the next UPR cycle is coming up, we anticipate hearing of more progress in the implementation of this very important commitment.

59 The enactment of the Magna Carta of Women (RA 9710) has signaled a new phase in the protection of women’s human rights and the pursuit of justice. This comprehensive legislative framework presents both opportunity and challenge – how can laws translate into equality and justice? How can laws work for transforming women’s lives? Meeting this challenge requires responses from government and civil society, duty bearer and claim holder.

60 From past experience here and in other countries, we have seen that to effectively facilitate the implementation of CEDAW and other gender equality commitments, multi-stakeholder participation is essential. In the Philippines, for example, CEDAW Watch networks that brought together women’s groups, law practitioners and human rights advocates played a vital role in monitoring CEDAW implementation. Given that the Progress of World’s Women report now calls on all of us to pay increased attention to the question of justice – perhaps it is also timely to think about building ‘access to justice’ networks that, just like the CEDAW Watch networks, could serve as catalysts and monitoring body to help advance progress in the pursuit of justice. We hope that this UN Women flagship report could generate more interest in this issue and help inspire even more innovative approaches.

61 On behalf of UN Women East and Southeast Asia Regional Office, I would like to thank the Department of Foreign Affairs (DFA) and the Ateneo Human Rights Center (AHRC) for taking the initiative to join us in introducing this report to you; I would

also like to thank Justice Salazar Fernando and all our speakers today for being with us and helping us make this event something more than just a ceremony, one that is truly a conversation on the critical issues at stake.

62 Distinguished guests and esteemed colleagues in the pursuit of justice, I have the honor to present to you, UN Women's flagship report, "Progress of the World's Women 2011-2012: In Pursuit of Justice."

Thank you.