
Justice for Women

Jeni Klugman

Managing Director Georgetown Institute
Women Peace and Security, and *Fellow,*
Women and Public Policy Program, Kennedy
School, Harvard

Session Outline

1. Pop quiz
2. Overview of Women's Inclusion, Justice and Security
3. Focus on Justice for Women

Pop Quiz

Selected Gender Gaps

The ratio of female to male college enrollment in Qatar is

- A. 15 percent
- B. 50 percent
- C. 110 percent
- D. 676 percent

Correct answer:
676 percent

Over the past thirty years, global rates of women's labour force participation have

- A. Risen by about 8 percent
- B. Fallen by about 14 percent
- C. Stabilized

Correct answer:

B – global average fell from 57 to 49 percent

In only three countries your boss is more likely to be female – which three?

- A. Jamaica, Colombia, St Lucia
- B. New Zealand, Philippines and Moldova
- C. Bangladesh, Jamaica and Canada

Correct answer: A

Which country has the highest total fertility rate?

- A. Niger
- B. Afghanistan
- C. Bolivia
- D. Yemen

Correct answer: A

Which three countries have rates of female parliamentary representation below 10 percent ?*

*as of February 2019

- A. Russia, Niger, Somalia
- B. Fiji, Jordan, Burkina Faso
- C. Botswana, Lebanon, Vanuatu
- D. Uzbekistan , Turkey, Chad

Answer: C

Countries with less than 10 percent female parliamentary representation (descending order) as of February 2019 are Qatar, Botswana, Belize, Brunei, Marshall Islands, Mali, CAR, Tonga, Benin, Eswatini, Tuvalu, Kirabati, Comoros, Iran, Nigeria, Thailand, Sri Lanka, Lebanon, Maldives, Kuwait, Haiti, Solomon Islands, Oman, Yemen, and, all zero, Micronesia, Papua New Guinea, and Vanuatu

How many countries have a female head of state?

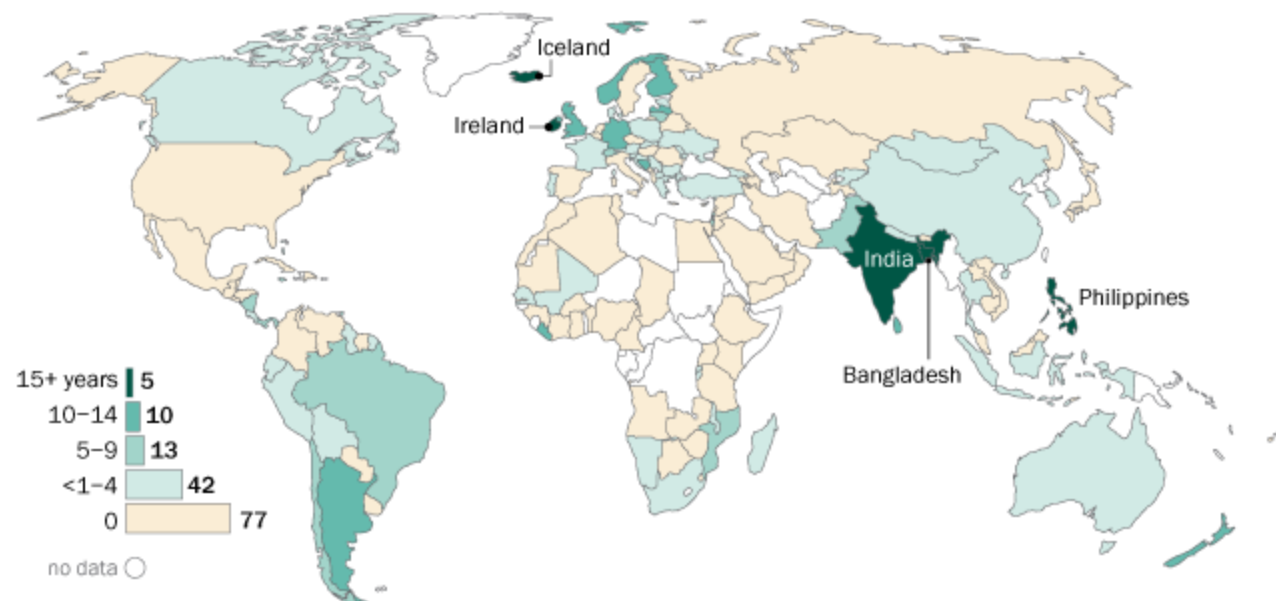
- A. 6
- B. 18
- C. 20
- D. 25

As of January 2019

Answer: C

Most of the world's nations have never had a female leader

Years served by female heads of state or government, 1964-2017



Note: Figures are through March 8, 2017. The data are limited to heads of state and heads of government, excluding figurehead leaders and monarchs. Data available only for the 146 countries included in the World Economic Forum's 2014 and 2016 Global Gender Gap reports and the Marshall Islands. Included in the <1-4 years category are Austria, Bahamas, Bulgaria, Canada, Ecuador, Estonia, Georgia, Greece, Macedonia, Madagascar, Mongolia, Portugal and South Africa, each of which had a female leader for less than a year.

Source: World Economic Forum calculations, Pew Research Center analysis.

PEW RESEARCH CENTER

Iron Ladies?



President Ellen Johnson Sirleaf,
Liberia



Prime Minister Margaret Thatcher, Prime Minister Tansu Çiller, Turkey
UK



President Dilma Vana Rousseff, Prime Minister Benazir Bhutto,
Brazil Pakistan



Chancellor Angela Merkel, Germany

What share of Fortune 500 countries have a female CEO?

- A. 11.2
- B. 6.5
- C. 4.8
- D. 4.0

Answer: C

**There was a time when pink was for boys and blue was for girls.
When did retailers and manufacturers decide to reverse this?**

- A. 1920s
- B. 1940s
- C. 1960s

Correct answer:

B

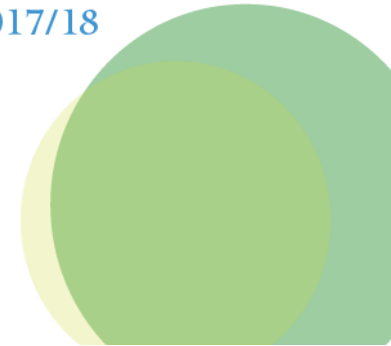
Overview

Insights from the new Women, Peace and Security Index

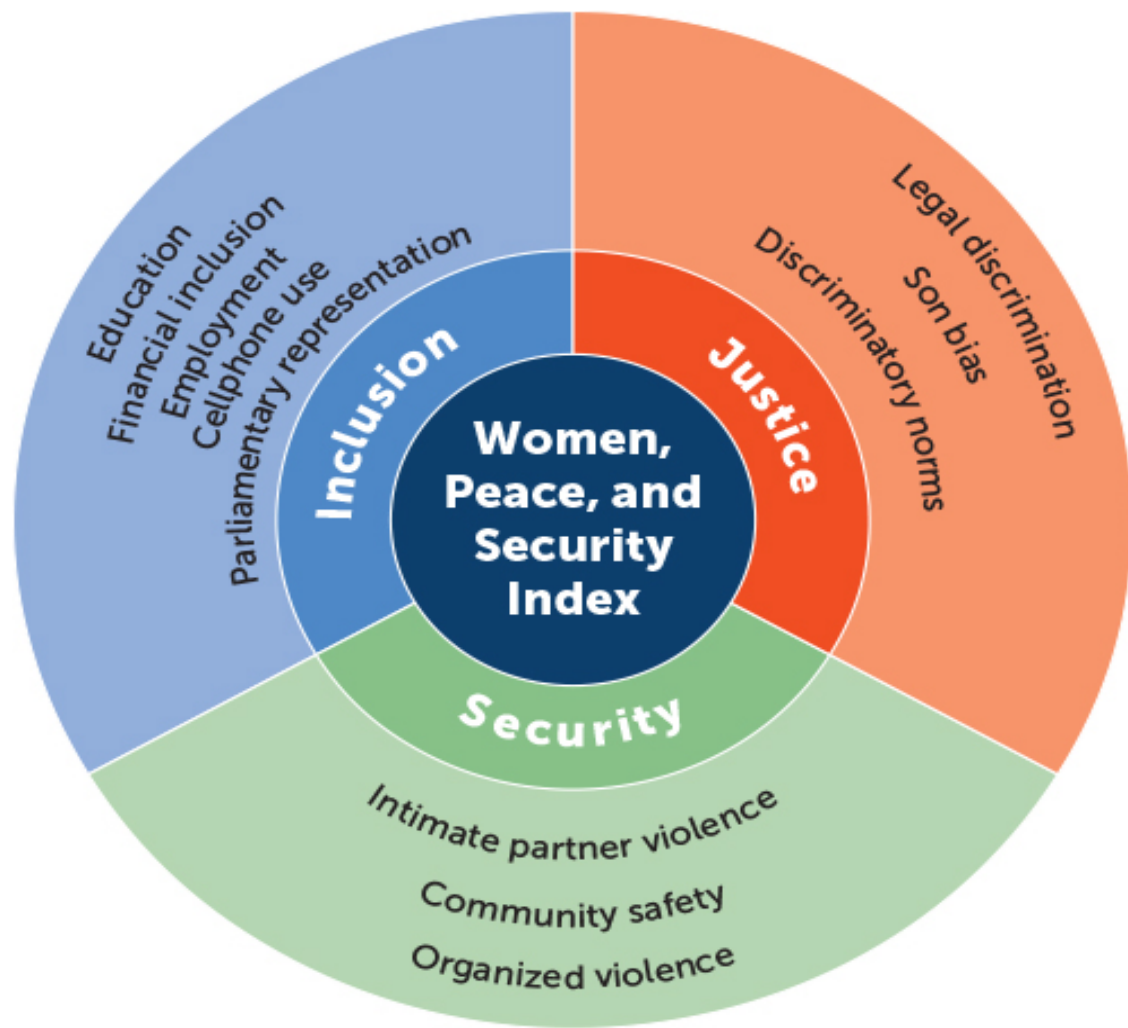
Tracking sustainable peace
through inclusion, justice, and
security for women



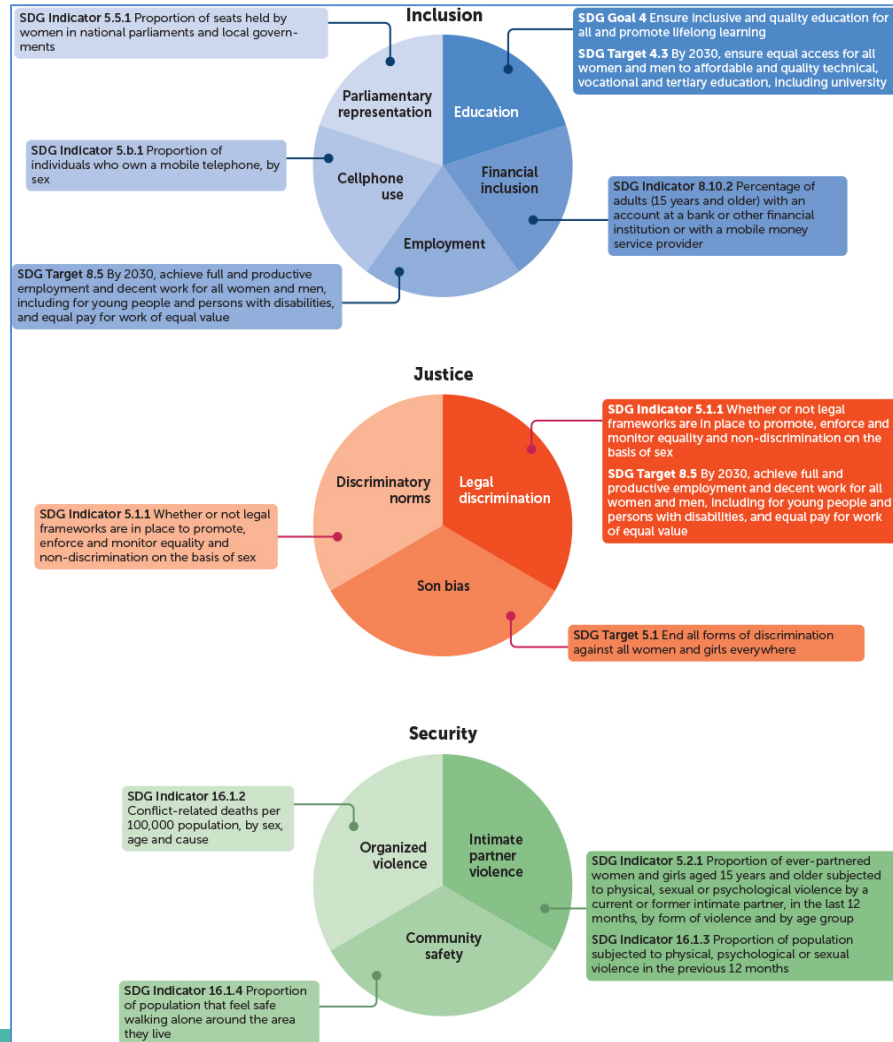
Women
Peace and
Security
Index
2017/18



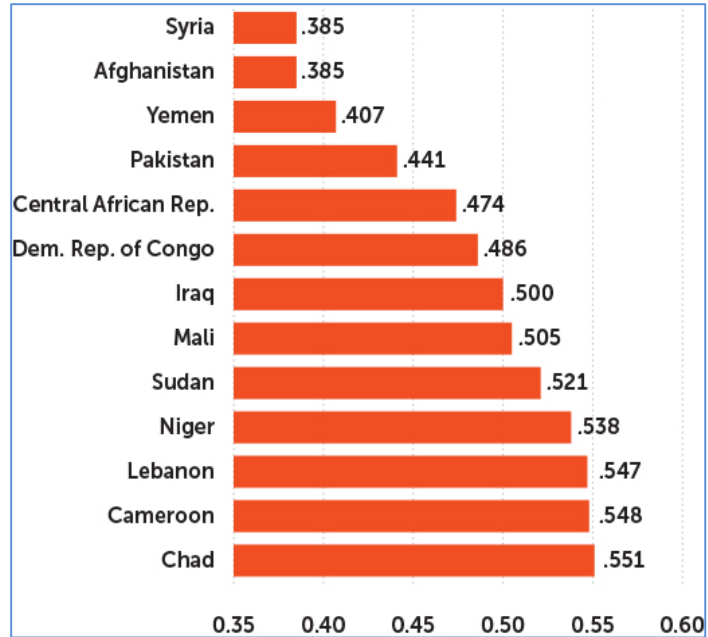
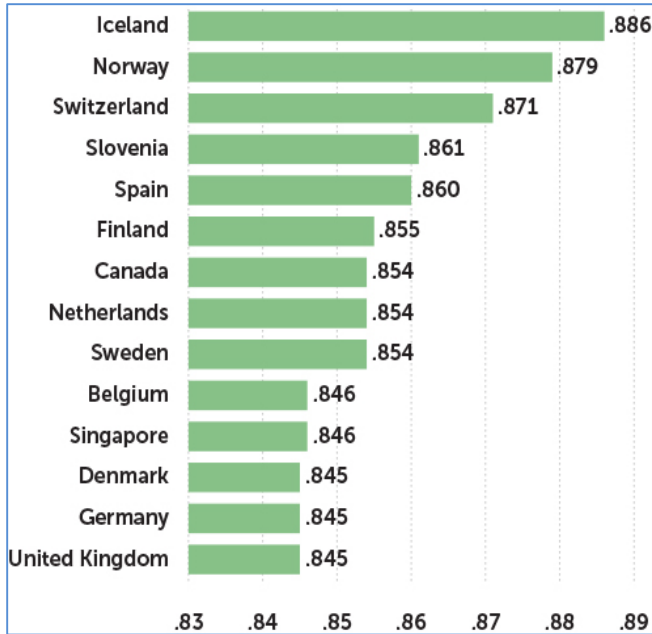
<https://giwps.georgetown.edu/the-index/chapters/>



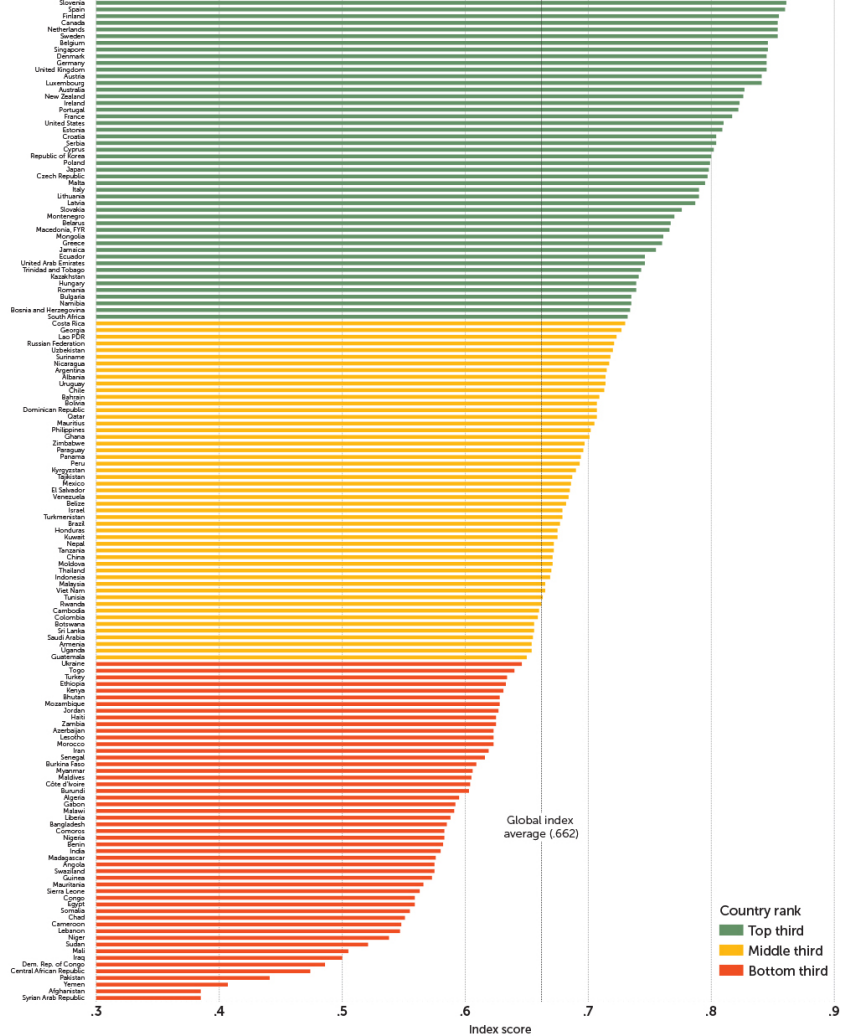
Links to SDG Targets, and Indicators



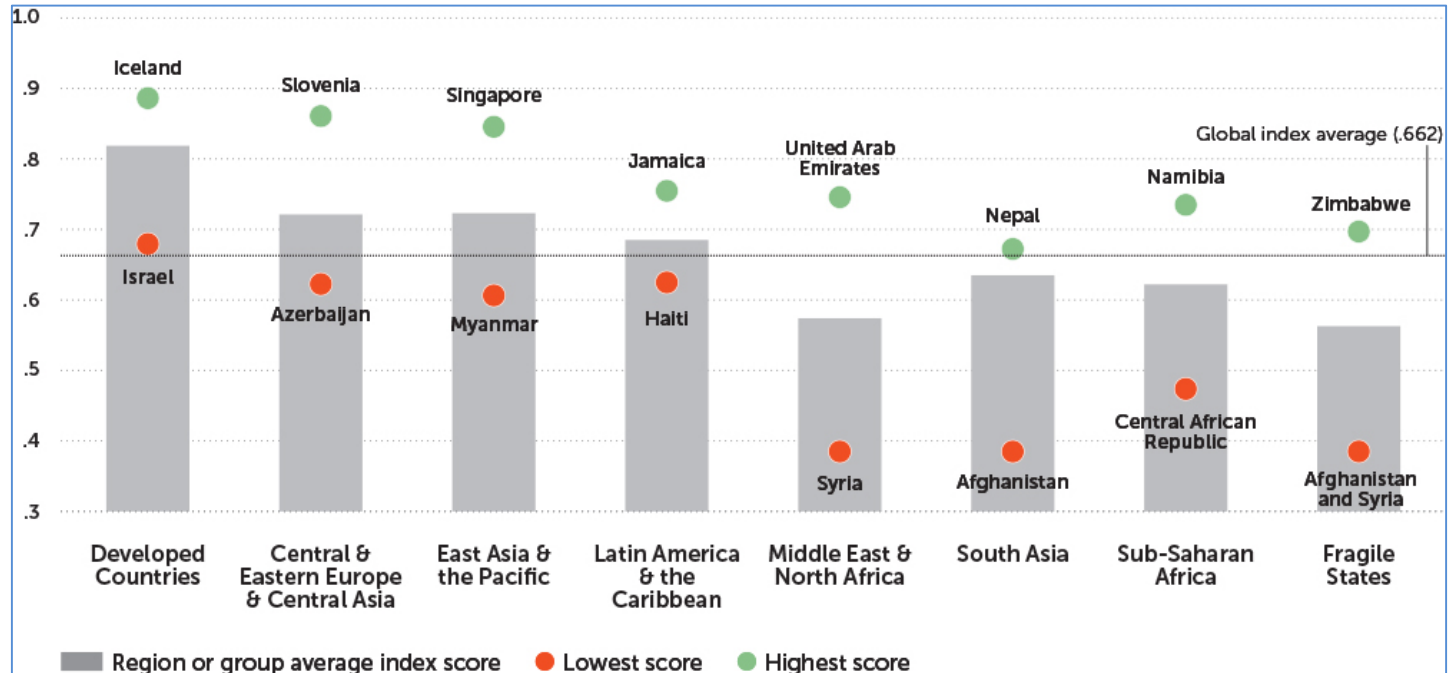
The best and worst performers, 2017



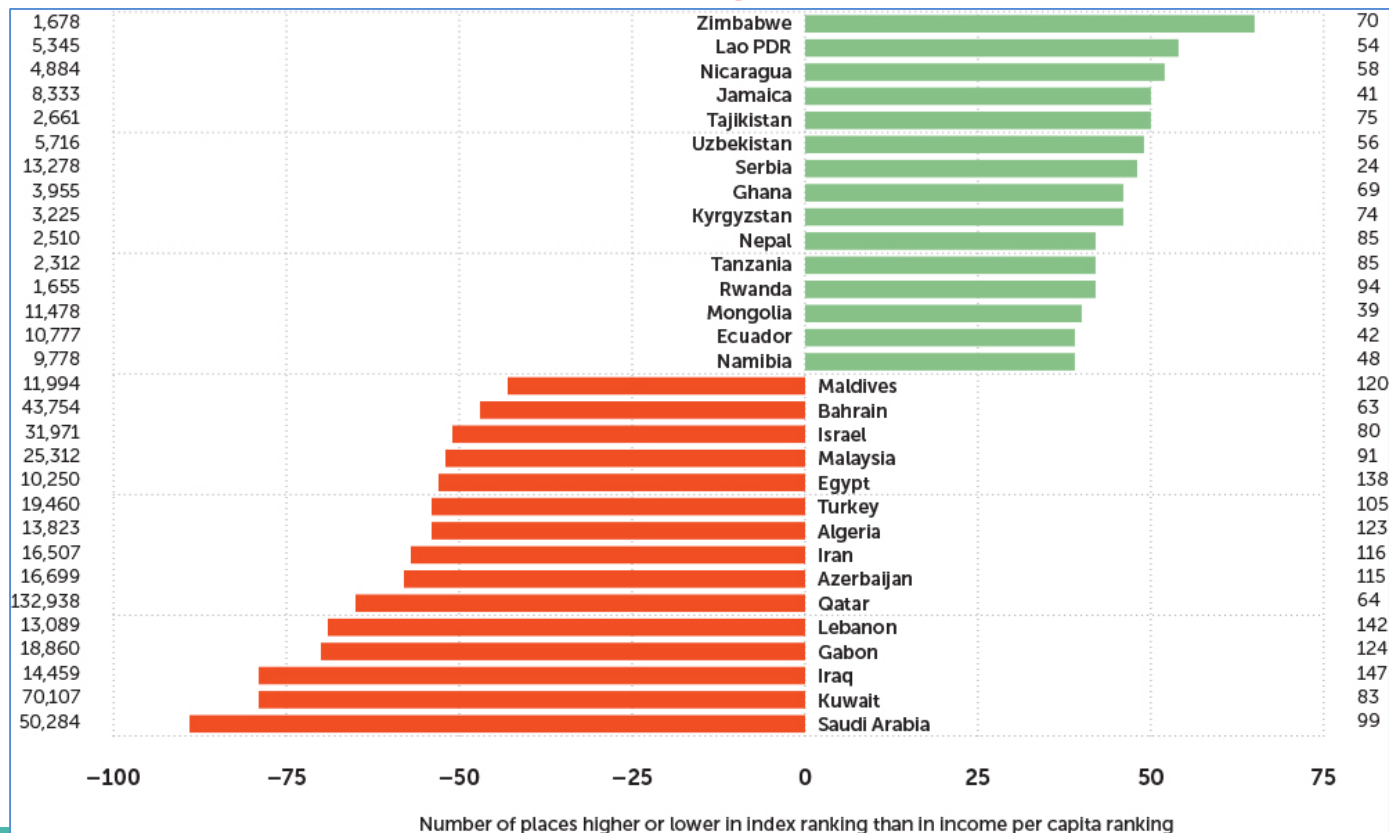
Global ranking, 2017



Within region variation reveals scope for improvement



Money matters, but some countries do much better, others much worse, than income ranking

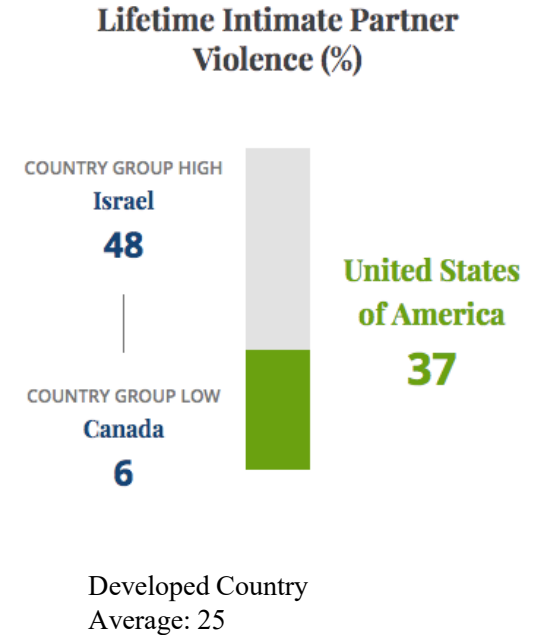
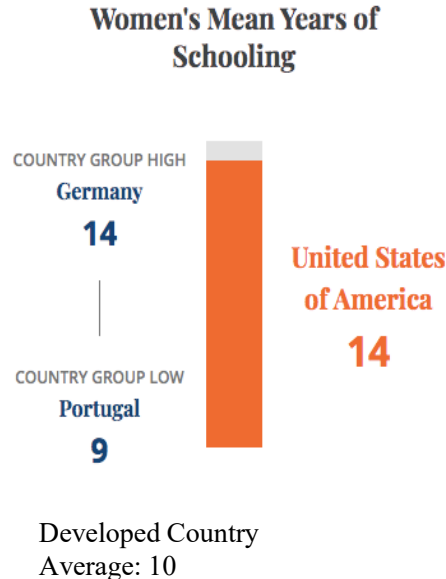


USA: Selected Highlights, 2017

Ranked at 22nd overall, just behind Portugal and France.

Key Strengths: developed country group high for discriminatory norms and mean years of schooling (tied with Germany)

Key weaknesses: parliamentary representation, female employment, lifetime intimate partner violence

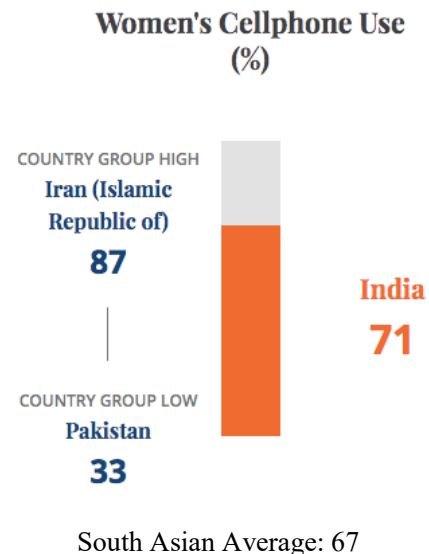
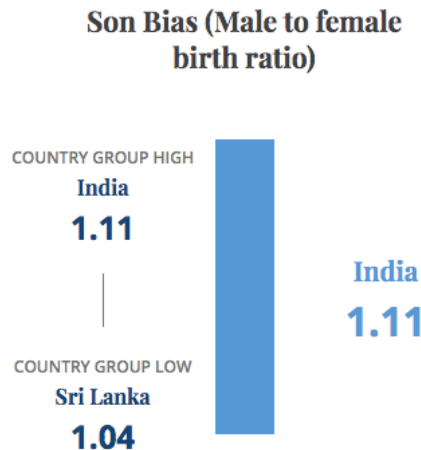


India: Selected Highlights 2017

Ranks at 131 overall, just behind Nigeria and Benin.

Key Strengths: Cell phone use

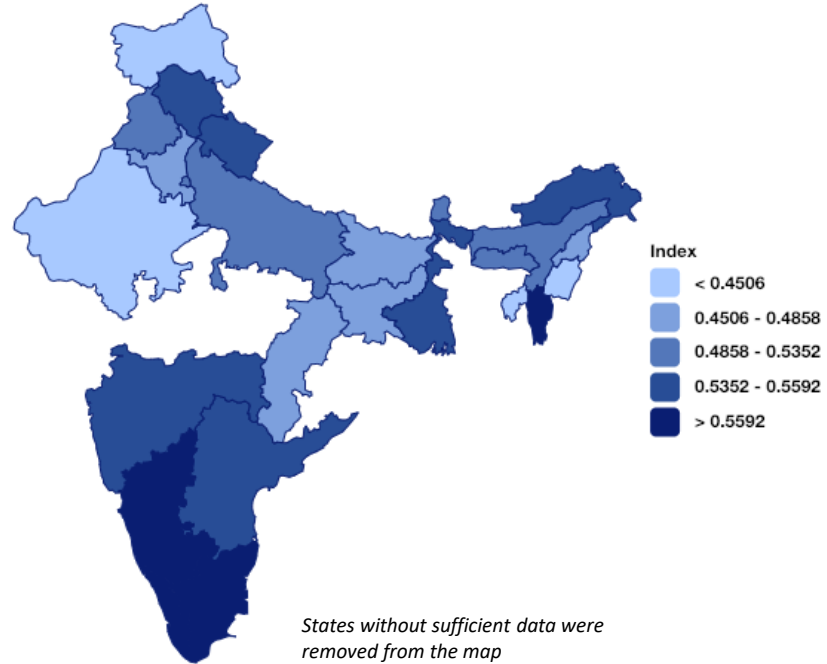
Key weaknesses: India performs below the South Asia regional and global averages on son bias, parliamentary representation, and employment



South Asian Average: 1.10

India: Subnational Analysis, 2019

- 8 year gap in mean years of schooling between the most and least-well educated states (Manipur and Rajasthan)
- Current -- 12-month -- IPV prevalence ranges from 53 percent in Manipur to 3 percent in Sikkim
- Female representation in state parliaments ranges from zero in 12 states to 50 percent in Chandigarh
- Kerala, India's best performing state, scores similarly to Armenia. Manipur, India's worst performing state, scores worse than Yemen.



Breakout discussion

Top three surprises from the WPS Index results



Justice for Women

High-level Group Report

We are at a pivotal moment for women's rights. The historical and structural inequalities that have allowed oppression and discrimination to flourish are being exposed like never before. From Latin America to Europe to Asia, on social media, on film sets, on the factory floor and in the streets, women are calling for lasting change and zero tolerance for sexual assault, harassment, and discrimination of all kinds.

UN Secretary-General's message for International Women's Day, 2018

Structure of the report

1. **Measuring the justice gap for women and girls**
What do women and girls need and want? Are their justice needs being addressed? What is the impact of gender discrimination?
2. **Making the case**
What is the case for action and investment in access to justice for women and girls, and how can this case be made effectively?
3. **Understanding what works**
What strategies, tools and approaches are likely to increase access to justice for women and girls?
4. **Call to action**
 - What commitments should national and local actors make to close the justice gap for women and girls?

Measuring the justice gap: Headline results

Just over half – 53 percent – had experienced a legal problem over the past two years.

In countries where the situation of women is worse overall – as measured by the WPS Index – higher frequency of problems – around 60 percent.

	Overall average		Top WPS tercile		Bottom WPS tercile		Gender gap, percentage points	Gender gap, in percent	Gap in bottom tercile, in percent
	Male	Female	Male	Female	Male	Female			
Total	53.1%	53.0%	58.2%	58.0%	62.6%	60.8%	0.1%	0.2%	3.1%
Accidental Illness & Injury	7.8%	6.9%	11.6%	10.9%	5.6%	4.7%	0.9%	12.6%	21.4%
Citizenship & ID	6.1%	5.8%	5.7%	4.6%	11.6%	12.5%	0.4%	6.4%	-7.2%
Community & Natural Resources	12.8%	11.5%	12.4%	9.7%	20.1%	19.3%	1.3%	11.6%	4.0%
Consumer	26.1%	24.7%	27.7%	25.8%	31.9%	29.6%	1.4%	5.6%	7.8%
Debt	10.0%	9.5%	15.5%	15.0%	5.9%	5.0%	0.5%	5.1%	17.2%
Employment	9.9%	8.3%	14.7%	13.4%	7.5%	4.6%	1.7%	20.0%	63.9%
Education	5.7%	6.0%	8.4%	8.1%	5.2%	5.6%	-0.3%	-5.0%	-7.7%
Family	8.1%	9.0%	11.0%	11.3%	7.4%	8.8%	-0.9%	-10.4%	-15.9%
Housing	19.8%	20.1%	27.2%	26.6%	16.2%	16.8%	-0.3%	-1.7%	-3.4%
Land	9.6%	8.8%	11.3%	10.3%	11.1%	9.2%	0.8%	8.7%	21.2%
Law Enforcement	1.7%	0.9%	2.1%	1.1%	2.2%	0.9%	0.9%	99.6%	138.7%
Money	12.4%	10.2%	18.7%	15.6%	8.9%	6.6%	2.2%	21.6%	33.8%
Public Services	13.5%	13.5%	19.7%	18.3%	10.6%	12.6%	0.1%	0.6%	-15.5%

Reported experience of legal problems over the last two years, 45 countries, by gender, 2017

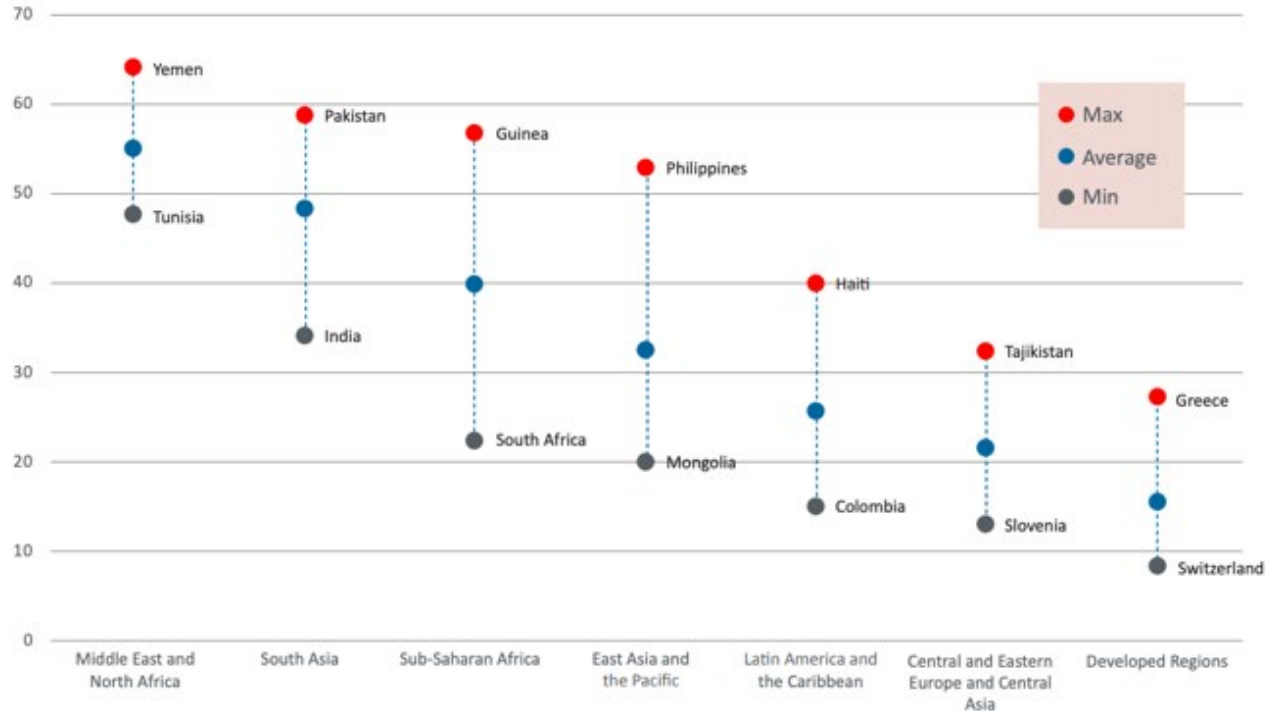
Source: Author estimates based on GPP Dispute Resolution Model

Behind the aggregate numbers: cross cutting challenges

1. Overlapping disadvantage – in all countries, the poorest experience more frequent and more complex, interrelated legal problems – In Australia -- people with multiple (at least six) indicators of disadvantage reported six times as many problems as those with none
2. Hundreds of millions of women live in countries where they face legal discrimination in the family, workplace and/or polity and society, or they do not have legal protection – as documented by Women Business and the Law
3. Even if ostensibly gender neutral, the way laws play out in practice and norms and attitudes can affect implementation and enforcement – captured in SIGI. For example,
 - For businesses, lengthy and complex registration rules can effectively exclude women because of restrictions on their mobility and time.
 - Land registration rules where men are recognized as household heads.
4. Plural systems. Most justiciable problems are resolved outside of the formal justice system.

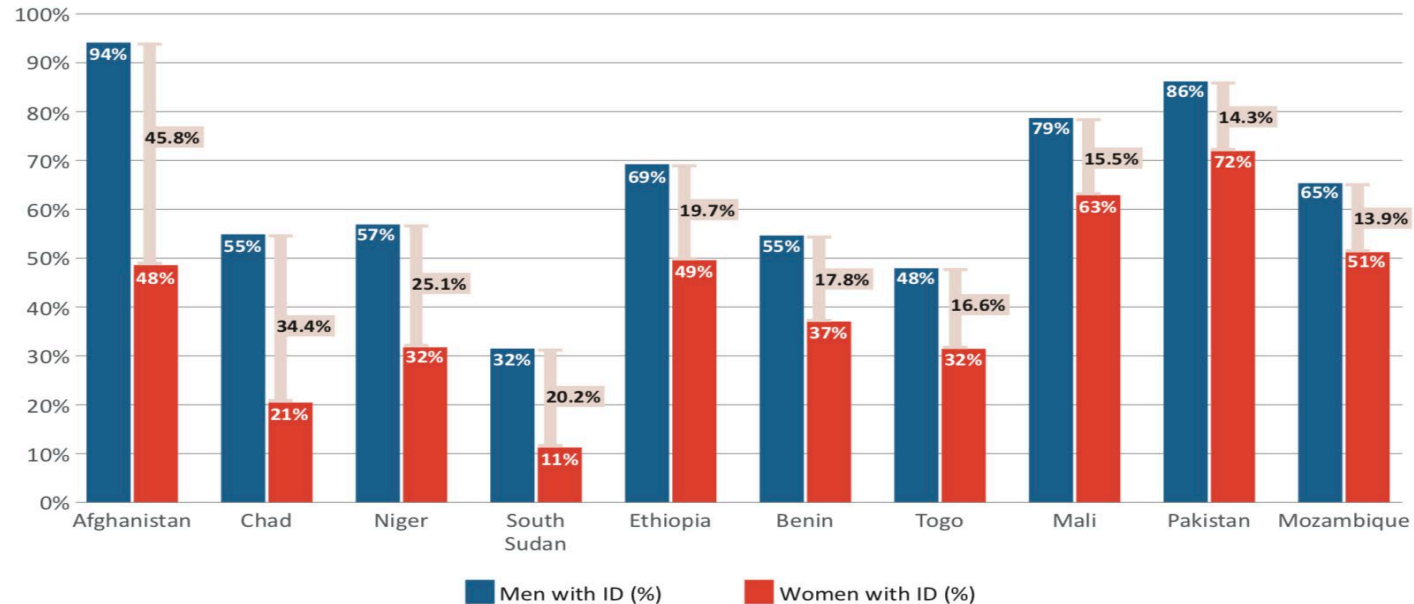
Rates of legal discrimination vary across and w

OECD Social Institutions and Gender Index by region, 2019



Source: Author estimates based on <https://stats.oecd.org/Index.aspx?DataSetCode=SIGI2019> using UN Women country group classifications. Note: Higher values indicate greater discrimination.

Figure 2.8: Top 10 countries with the greatest gender gaps in ID coverage



Gaps in ID coverage by country, 2018

Source: Insights from ID4D-Findex Survey Data at id4d.worldbank.org



Major justice challenges for

● Intimate partner violence

- In 2018, more than one billion women lacked legal protection from sexual violence by an intimate partner.

● Discrimination against women at work

- The World Bank estimates that over 2.7 billion women are legally restricted from having the same choice of jobs as men. Ninety percent of economies have at least one law that discriminates against women, with 943 legal gender differences across 170 economies.

● Discriminatory family laws

- In 57 countries, women do not have the same rights as men to become the legal guardian of a child after divorce

● Gaps in legal identity

- In low-income countries, on average, over 45 percent of women lack an ID, compared to 30 percent of men.

● Exclusion of women from decision-making

- .In 2017, only 24 percent of constitutional court justices globally were women, MENA

Breakout discussion

How to build the case to invest in justice for women?

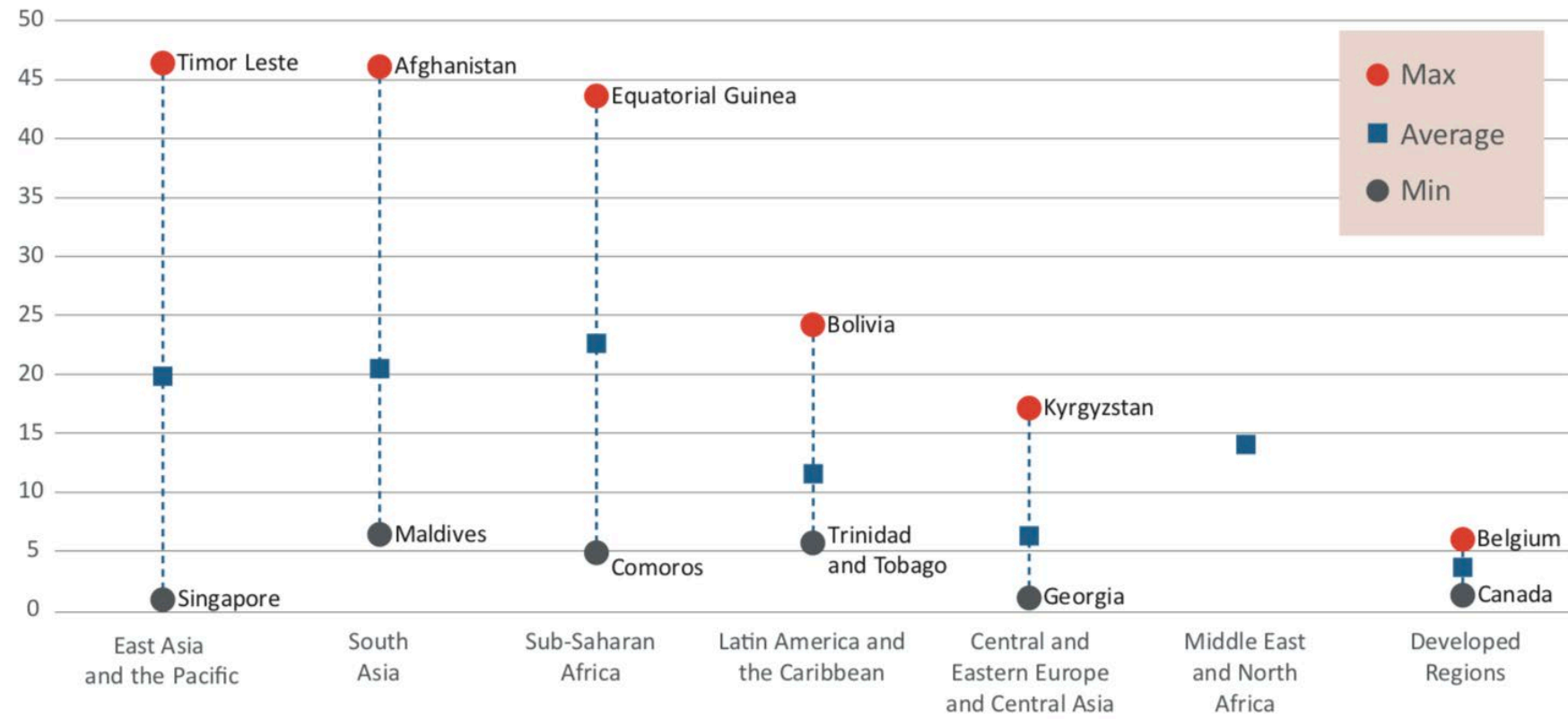
Arguments

- Human rights
- “Business case” for governments

Consider

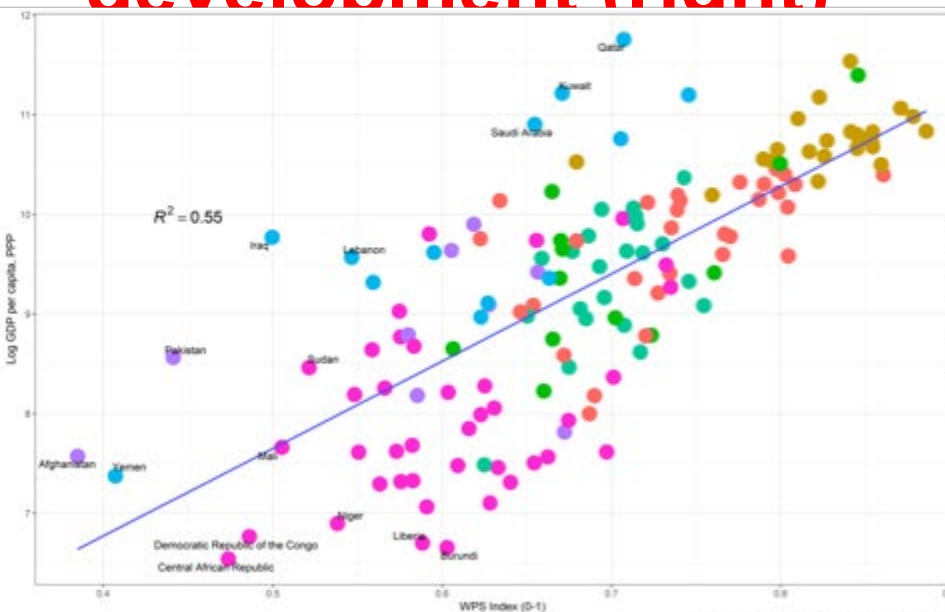
- Audience
- Evidence
- Accountability

Figure 2.4: Rates of intimate partner violence are highest in Asia and sub-Saharan Africa

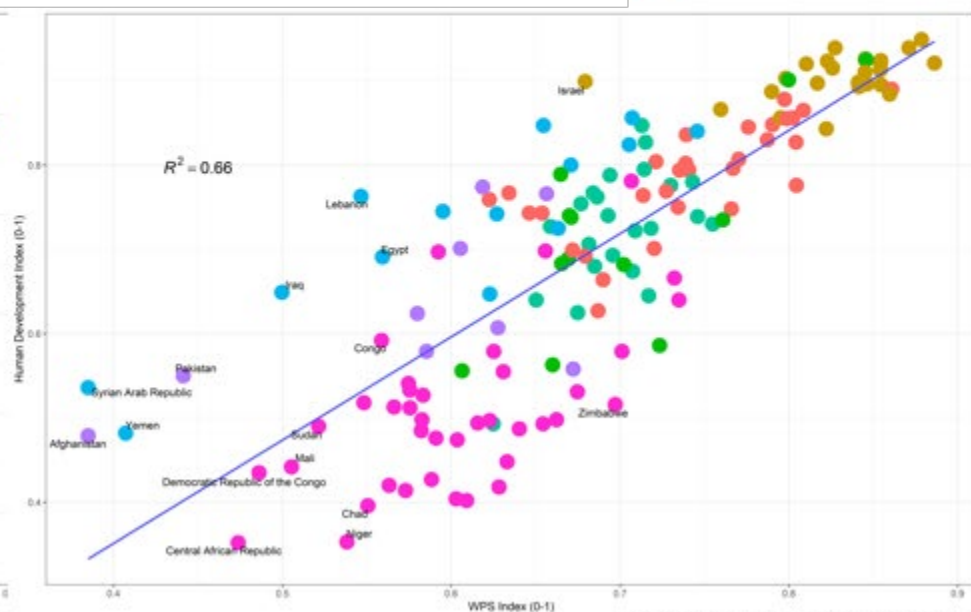


Regional rates of intimate partner violence, and country outliers (past year prevalence)

Women's inclusion, justice and security is associated with higher income per capita (left) and human development (right)



Source: World Bank, International Comparison Program data



Source: United Nations Development Programme 2015 Human Development Reports

Building the case to invest in justice for women

1.5% of GDP

Costs related to intimate partner violence {Source: World Bank}

**\$22 billion in 2015, and
\$566 billion in 2030**

The global income gains ending child marriage {Source: World Bank & ICRW}

**\$12 trillion, or 16
percent of global GDP**

The output losses associated with gender discrimination {Source: OECD}

Building the case to invest in justice for women

15 % gain in GDP {Source: IMF}

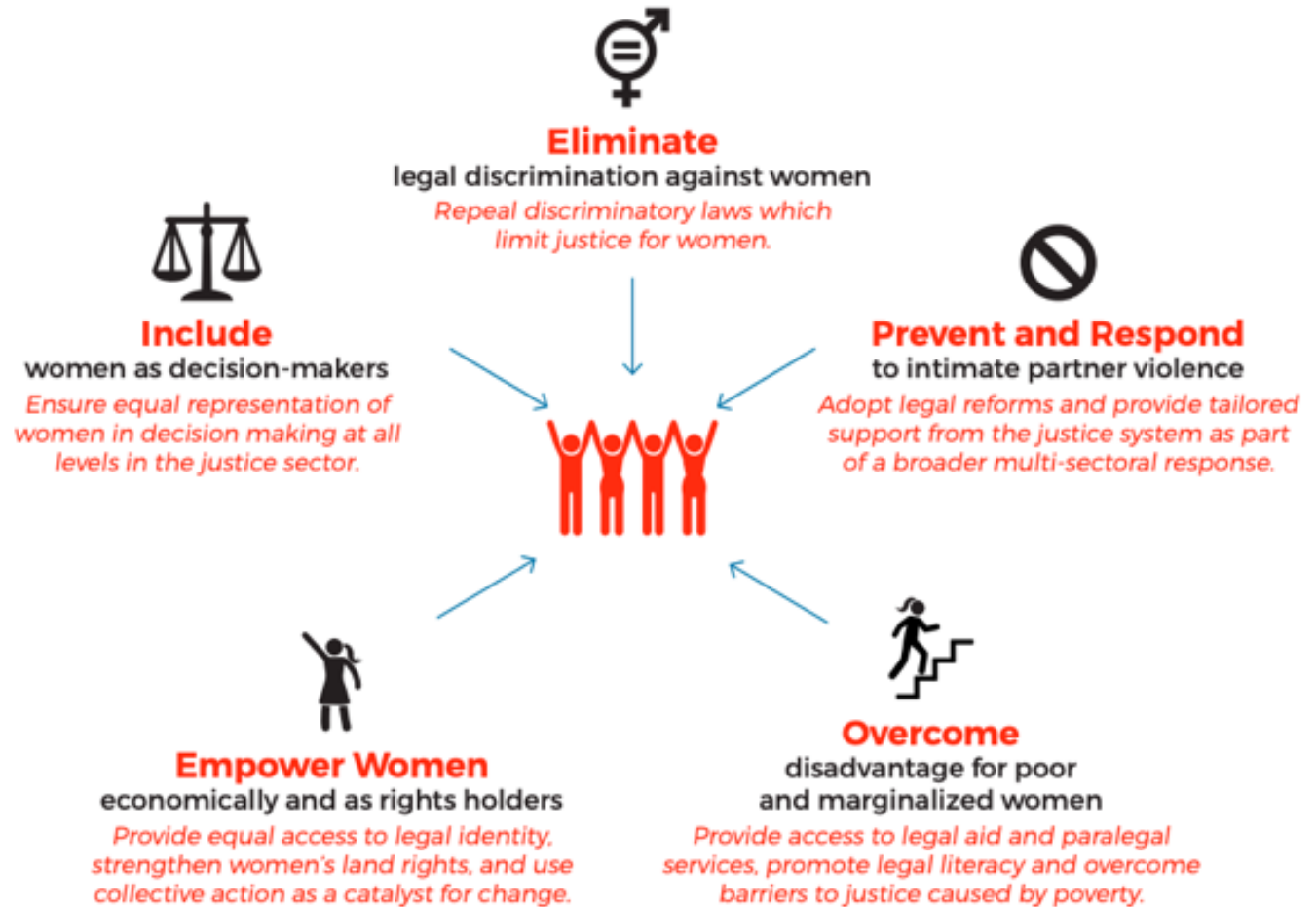
**Raising women's
labor force
participation could
boost global output by
26 %** {Source: Power of Parity McKinsey
Global Institute}

Making the case cont'd – income and beyond

Gains from control over land, for example

- In Tanzania, women earned nearly four times more in areas where they have control over land (Markham (2016))
- In India, women with secure rights to land are eight times less likely to suffer violence at home (Panda, P. and B. Agarwal 2005)

What works to advance justice for

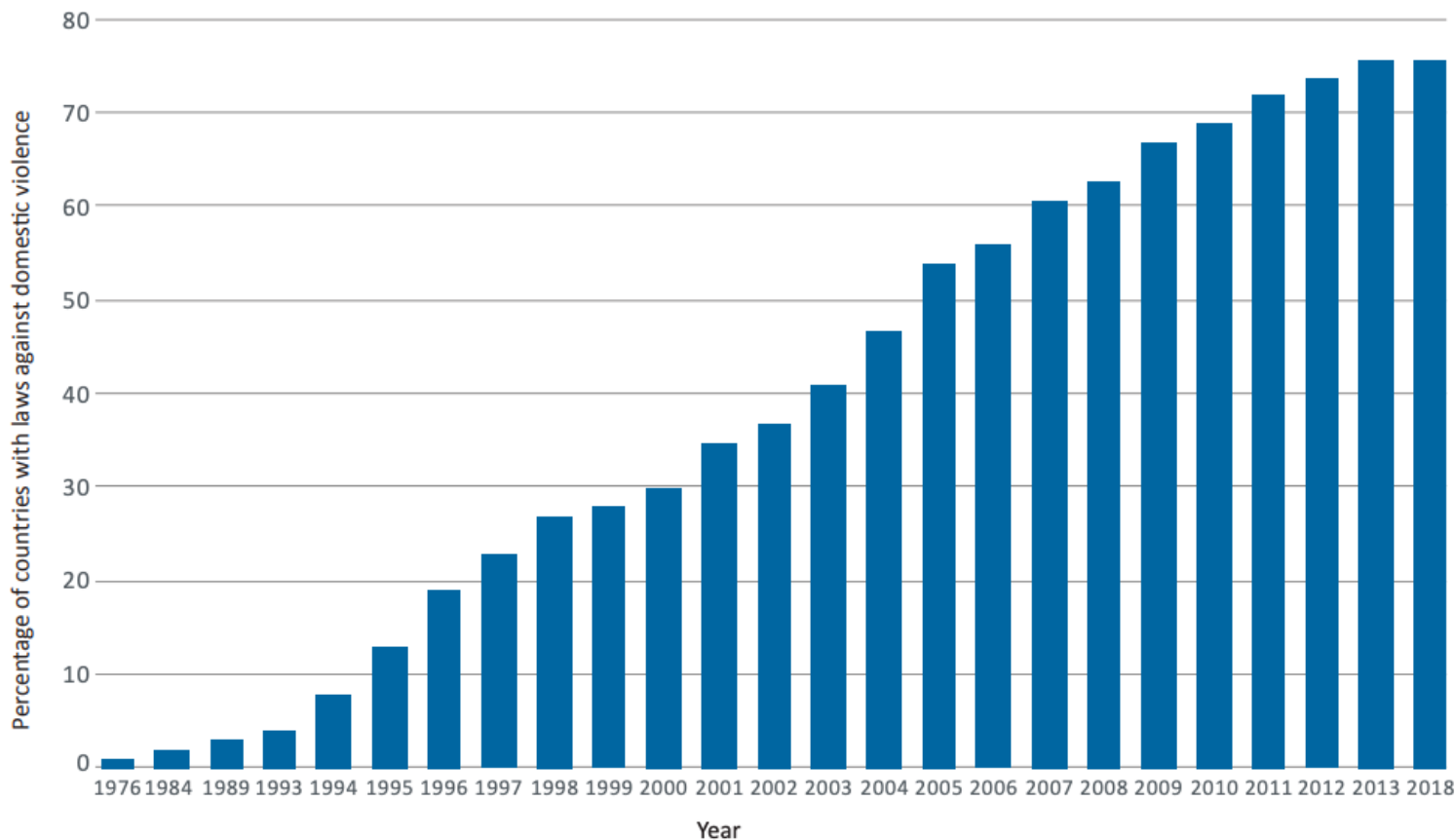


Caveat: Data constraints and scarcity of evidence

- Inadequate attention and resources devoted to measuring results
- A lack of common definitions means that it is difficult to generalize from results.
 - There is no widely accepted definition of “effective” or “meaningful” access to justice and there is no common framework for developing process and outcome indicators that would facilitate comparison of results.
- Most research fails to adopt an intersectional lens
- It is always uncertain whether small-scale interventions or pilots can be scaled up.
- Published evidence is biased toward successful interventions, a problem across all disciplines.

Increasing
country
coverage
of
domestic
violence

Percentage of countries with laws against domestic violence by year, 1976-2018



Source: Author estimates, based on Women, Business and the Law, 2018; and Klugman et al., 2014

Overcoming disadvantage for and marginalized women



Overcome

- **Access to legal aid:**
 - Online dispute resolution platforms also help citizens to learn of their legal options
- **Support from paralegal services:**
- **Promoting legal literacy:**
 - For example, in Guatemala, UN Women is working with indigenous women human rights defenders to increase their awareness of rights and needs, who in turn provide paralegal services to indigenous women – linguistic support, accompanying them to the courts, and assisting with their cases. Since 2015, almost 2,500 women have been supported through the justice process and over 60 percent of cases resolved.
- **Overcoming poverty barriers:**
 - Mobile legal clinics appear to have enhanced access to justice for women in a number of countries. For example, a mobile clinic developed to increase access to justice for victims of armed conflict went to hard-to-reach areas and served as a one-stop shop sharing legal information and advice

Empowering women economical and as rights holders



- Enabling legal identity
 - Over a decade ago, Mozambique and Nepal, for example, changed their laws to allow women as well as men to register births.
 - Some governments, such as Angola, have made birth registration and certification free. Other governments provide a window for free registration – as an incentive to register at birth – as in Angola, El Salvador, Ghana, Jamaica, Kenya, Lesotho, Sri Lanka, Tajikistan and Vietnam
 - Pakistan's BISP – social protection program
- Three key areas – family law, inheritance law, and land law – affect the right to own and control property.
 - Rwanda, Tanzania and Laos, include: recognition of customary unions in land registration processes; setting up small price incentives; and putting in place a series of field staff training on gender-sensitive practices, public gatherings, women's meetings, and awareness raising campaigns.

Empowering women economically and as rights holders (cont'd)

- **Collective action as a catalyst** -- inform and educate people about women's rights, provide spaces for women's and girls' groups, and campaign for reforms.
 - Trade unions, associations and cooperatives – eg Thailand HomeNet
 - NGOs to act as friends of the court and engage in strategic litigation.
- **Eradicating patriarchal biases in family law** has been successfully pursued through feminist advocacy and women's representation in decision-making.
 - In Morocco, activists had long worked to reform the *Moudawana*, the family code which regulates marriage, divorce, inheritance, and child custody. In the early 1990s, women gathered 1 million signatures, lobbied, raised public awareness, and led demonstrations, resulting in some modest reforms. Then in 2004 family code was overhauled.

Equal representation of women in decision making at all levels in the justice sector.

1. The importance of political will.
2. Fair and transparent selection, nomination and promotion processes
3. Collective action
4. Taking advantage of post-conflict opportunities
5. Influencing aspirations and mentoring
6. Providing training and education opportunities
7. Improving data and tracking progress



Include

What and how to prioritise ?

Factors

- Expected effectiveness
- Cost
- Political economy

What else ?

Cross cutting challenges and actions



Work with
**customary, informal
and religious leaders**
to advance justice

*Respond to the reality of
legal pluralism, focus on the
women who seek justice
and uphold international
human rights standards.*



Invest in
data and evidence
on legal needs of women

*Effective decision-making
should rely on high quality,
comparable, timely, and gender-
disaggregated data, which
captures empowerment and
links to other SDGs, such as:
health, education, access to land.*



Develop
new partnerships

*Governments, multilaterals,
businesses, civil society,
independent monitoring
bodies, and thought leaders
should partner to realize
justice for all women by 2030.*

Some recurring debates

1. Gender equality comes with development... Better to focus on growth
2. A matter of basic human rights, or smart economics...
3. Need to respect local norms
4. Legal reforms cannot accelerate change
5. Mainstreaming gender vs targeted interventions

Gender equality comes with higher incomes ...

Gender equality is a luxury that poor countries cannot afford, and in any case, more equitable outcomes will come with higher levels of income.

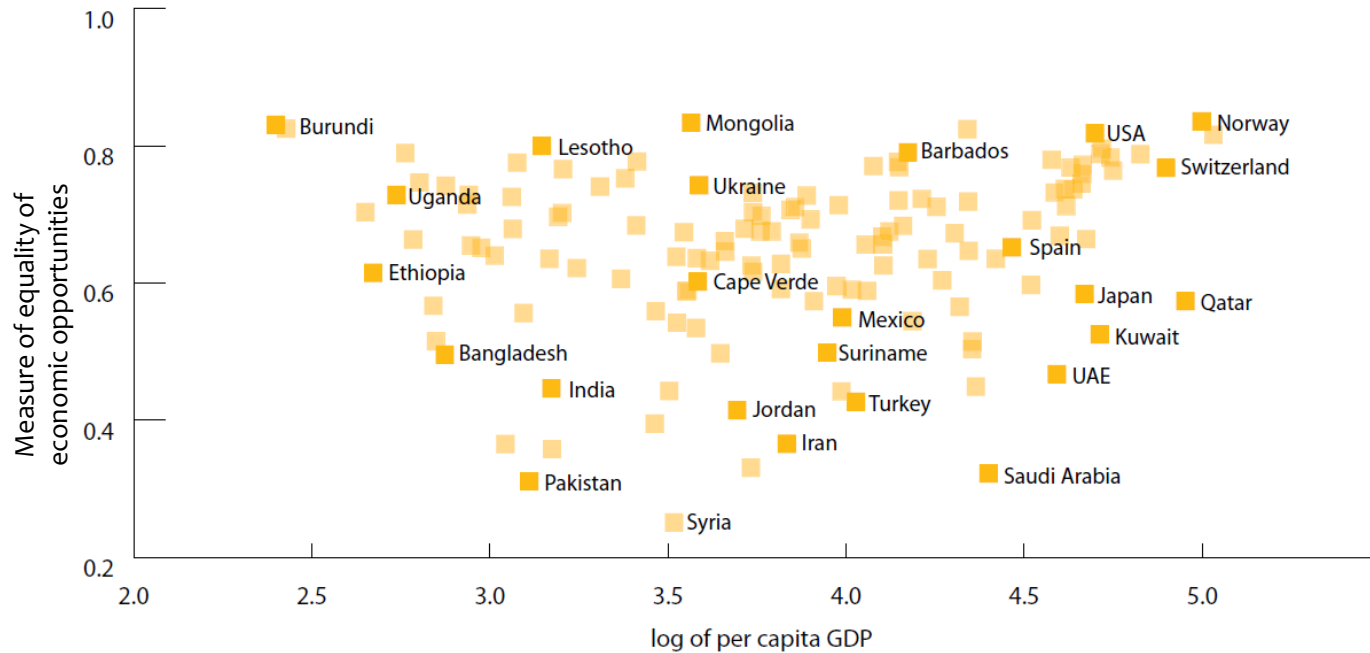
Compare, for example, Norway and Niger:

- Per capita income, PPP terms, \$63,909 and 873\$

Contrast Norway and Niger

HDI rank	WPS Index rank	Maternal mortality/ 100 000	Teen birth rate/ 1000	Women with at least secondary school	Female labour force participation	Share of women in parliament
1	2	7	8	97	62	40
187/ 187	144	590	205	3	40	13

But high incomes do not guarantee gender equality



Note: WEF's measure of economic opportunities captures gaps in participation, remuneration and advancement (share of management).

Gender gaps do not disappear with high national incomes

Earnings gaps

South Korea – 37 percent; UK – 36 percent; Japan 28 percent

Gender differences in **political representation**

Qatar – 0, Kuwait – 6 percent

Japan – 11 percent

Violence – estimated lifetime prevalence

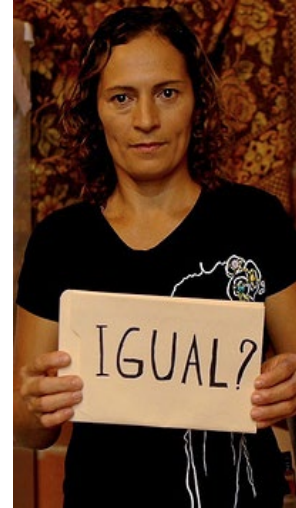
Australia – 41 percent; Czech R – 43; Denmark – 45,

Switzerland – 61 percent

Exclusion from corporate management

US: Share in top management positions below 9 percent, and on corporate boards stuck around 12 percent. Low shares in senior management in Germany (14 percent), and Switzerland (13%).

Contrast BRICS nations averaging 30%; Russia 43%



Economic growth is important, but not sufficient

Papua New Guinea

High economic growth from mining BUT

Very high gender inequality

- Ranked 157 / 187 countries in 2014 on GII

Pervasive gender-based violence –
highest rate outside conflict country
- 70 % say they have been physically
abused by their husbands: PNG Law
Reform Commission

India

Growing challenges include:

- Strong preferences for sons -> a quarter of a million Indian girls missing at birth every year
- Falling female labour force participation

Labour force participation rate		Not in education, employment or training	
Female level	Gender gap	Female level	Gender gap
28.5	54	57.0	42.3

A matter of basic human rights, or smart economics...

Rights based: Discrimination on the basis of sex is prohibited, has intrinsic value – and is enshrined in international law.

- *Universal Declaration of Human Rights, 1948*
- *International Covenant on Civil and Political Rights, 1976*
- *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* – ratified by 188 States, and obliges "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices, which constitute discrimination against women."

Instrumental value – gains to economic productivity and total output, benefits to families and children, improved decision-making...

- eg estimated growth impacts – 28 trillion: McKinsey Sept 2015

Need to respect local norms

Traditional local norms which favour men and boys reflect culture, and must be respected and not disrupted.

*“I was a girl in a land where rifles are fired in celebration of a son, while daughters are hidden away behind a curtain, their role in life simply to prepare food and give birth to children.”
(I Am Malala)*

Legal reforms cannot accelerate change

“Legal change without prior changes in norms is useless”

- Bangladesh - child marriage
- *Counter-examples* include
 - Violence – In countries with laws against domestic violence, women have 7% lower odds of experiencing violence – each additional year that the legislation is in place, associated with 2% reduction in prevalence
 - Use of CEDAW and constitutional rights to advocate for change – South Africa, Turkey...
 - panchayat quotas – Duflo et al

Effects of legal reforms on gender norms

Example of quotas -- mandates -- to increase female political representation
Risk of backlash versus value of role models and demonstration effects

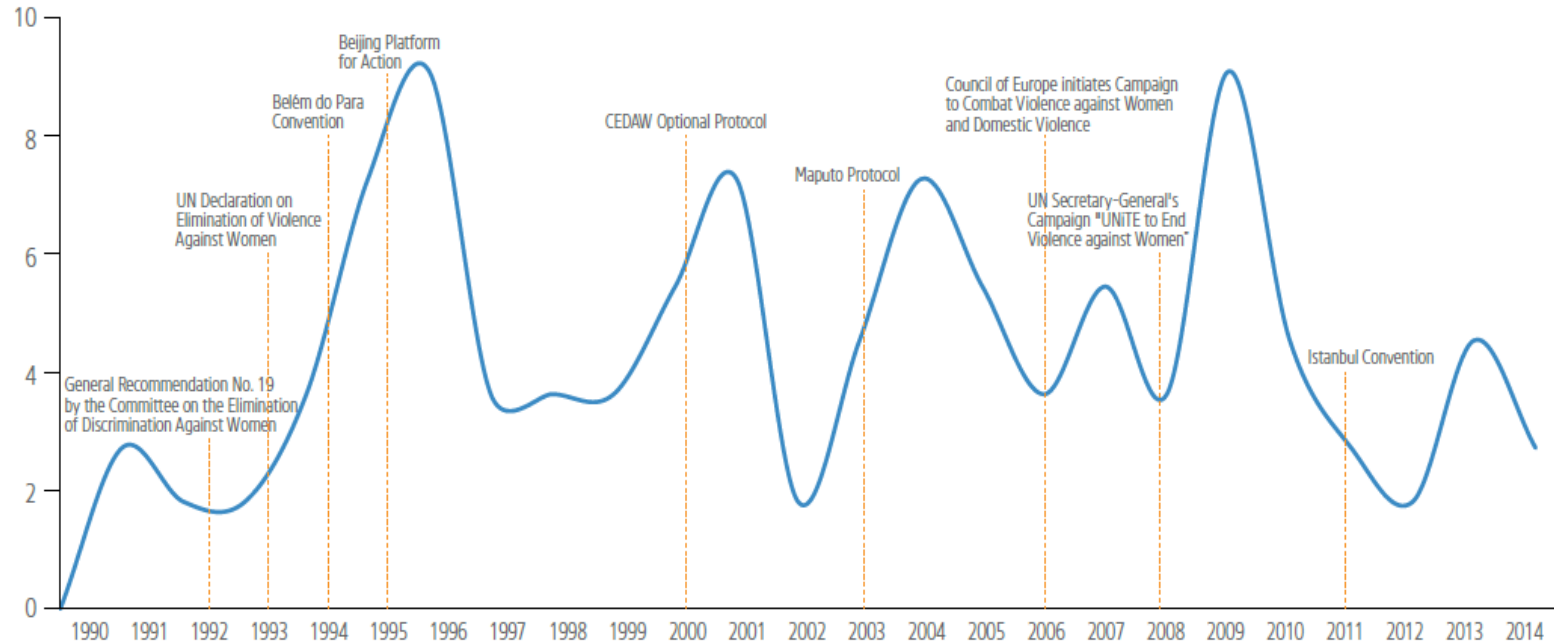
In India, a 1993 constitutional amendment required states to reserve 1/3 of all village council chief posts for women. Each election cycle, 1/3 of villages are randomly selected to reserve their council chief seat for a woman → share of female village leaders rose from 5% in 1992 to over 40% in 2000.

West Bengal, India – study found positive effects of introduction of quotas at the local level: improvement in voter perceptions of female leaders, followed by electoral gains for women

-> Role of public policy in addressing popular bias against women

Powerful Women: Does Exposure Reduce Bias? QJE, Esther Duflo, Raghavendra Chattopadhyay, Rohini Pande, Petia Topalova and Lori Beaman

International commitments can encourage legal reform: the case of domestic violence



Source: Women, Business and the Law database.

Mainstreaming vs targeted

- Mainstreaming = *“ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects”* UN Women
- Targeted interventions -- particularly where there are glaring gaps.

Breakout discussion

- Form different small groups – 3-4 people :
 1. Choose one of the recurring debates
 2. What are the key implications of the debate ?