



UN Working Group on Discrimination against Women and Girls

“Advancing comprehensive legal, policy, procedural, and institutional measures to tackle the persistent and structural discrimination faced by women and girls and ensure and strengthen their access to justice”

UN-Women Expert Group Meeting in preparation for the [70th session of the Commission on the Status of Women](#) (CSW) on women and girls’ access to justice

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1. Introduction

Access to justice is a fundamental right enshrined in numerous international human rights instruments, including the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It encompasses the ability to seek and obtain a remedy through formal or informal institutions of justice in conformity with human rights standards. For women and girls, especially those from marginalized or vulnerable communities, access to justice is not merely a legal issue—it is integral to autonomy, dignity, and equality in society.

Yet, despite decades of advocacy and reform, the reality remains stark. Discriminatory laws, gender bias within legal institutions, sociocultural stigma, and structural and procedural obstacles create an environment where violence against women goes unpunished, inequality is normalized, and survivors are routinely silenced. In many contexts, the pursuit of justice itself becomes a source of additional trauma for those seeking it.

The [United Nations Working Group on discrimination against women and girls](#) (WGDAG) was established in 2010 to strengthen global efforts to eliminate all forms of discrimination against women and girls based on States' obligations to respect, protect, and fulfil women's and girls' human rights. The present paper illustrates that States have a positive, proactive obligation to adopt comprehensive legal, policy, procedural, and institutional measures to tackle the persistent and structural discrimination faced by women and girls and ensure and strengthen their access to justice.

2. Discriminatory Legal Frameworks, including in Family Law, Religious, Traditional and Customary Law

Legal frameworks should serve as the first line of defence against discrimination and violence against women and girls. However, in many countries, the law itself, as well as the absence of laws, are a source of injustice for women and girls. Discriminatory legal provisions, whether explicit or implicit, continue to undermine gender equality and restrict women's and girls' access to justice.

In some legal systems, the principle of gender equality is undermined by the application of religious or customary law, particularly in matters related to family life and personal status. These laws often codify patriarchal norms under the guise of cultural or religious justifications, entrenching male dominance in marriage (including in child, early, and forced marriage), divorce, custody, and inheritance. In addition, some countries legally impose male guardianship systems on women, reinforcing the notion of women as property, minors, or dependents and limiting their access to justice. The impacts of guardianship laws or institutional measures on women with intellectual and other disabilities in particular remain a serious concern. Where guardianship laws exist, they significantly limit women's ability to report violence, file complaints, or engage in legal processes without male approval. Furthermore, legal proceedings may be adjudicated in traditional alternative dispute resolution processes or

religious courts, often dominated by male elders or traditional mediators and authorities, reinforcing patriarchal control.

The private domain of the family is frequently beyond the reach of effective legal State scrutiny. Many violations faced by women and girls within the family, such as various forms of sexual and gender-based violence, harmful social, religious, and traditional practices, domestic violence, and femicide, remain inadequately identified, codified and/or prosecuted. In contrast, certain behaviours related to women's sexuality and reproduction (e.g. adultery, abortion, and prostitution/sex work-related offenses), though similarly situated within the private sphere, are disproportionately criminalized and often enforced in a discriminatory manner that unduly targets women and girls in an intersectional way. Such disparity demonstrates that while the State often times has the capacity to intervene in private matters, it tends to do so selectively, prioritizing the policing of women's bodies over the protection of their rights. Furthermore, criminal justice frameworks reinforce social norms on women's behaviour, resulting in justice and law enforcement institutions replicating harmful, gender-blind, neutral, or patriarchal approaches that re-victimise women and girls, especially those who are poor, illiterate, living with disabilities, or belonging to minority groups.

The Working Group has continued to emphasize that the right to gender equality must take precedence over any religious or cultural norms. States must ensure that legal protections against discrimination cannot be waived or circumvented through appeals to culture, religion or societal norms ([A/HRC/56/51](#)). Furthermore, States must ensure robust legal protections by adopting laws that prohibit all forms of sexual and gender-based violence, and decriminalize sexual and reproductive behaviours that are attributed exclusively or mainly to women, including adultery and prostitution, and termination of pregnancy ([A/HRC/32/44](#)).

3. Structural Barriers for Access to Justice, Particularly for Gender-Based Violence (GBV)

Even when legal frameworks appear to guarantee gender equality, the structure and operation of justice institutions often render them inaccessible or hostile to women and girls. These barriers are systemic, involving every level of the legal process—from filing a complaint to obtaining redress—and are particularly acute in cases involving GBV.

Gender bias and unresponsiveness within law enforcement agencies and judicial institutions remain key barriers. Police officers, prosecutors, and judges often hold stereotypical views about gender roles, which affect how they perceive victims, evaluate evidence, and determine credibility. Survivors of GBV are frequently met with scepticism, blame, or outright dismissal, and/or are confronted with systems and processes that are not well equipped to meet women's and girls' specific needs and concerns. Working Group reports reveal common instances where women reporting rape have been asked invasive, irrelevant, and degrading questions—such as what they were wearing or whether they tried to resist ([A/HRC/56/51/Add.2](#)). These interactions not only retraumatize survivors but also dissuade them from coming forward, resulting in underreporting and silencing. Judicial actors also may trivialize domestic violence as a private matter or characterize women's complaints as exaggerated or vindictive, encouraging them to seek mediation or reconciliation instead of filing complaints and

channelling women away from legal recourse to access adequate protection, including protection orders.

The absence of comprehensive public, accessible, free and/or affordable support services—such as psychosocial counselling, legal aid, gender-sensitive personnel, safe shelters with long-term funding and institutional support, and interpretation services—also contribute to survivors’ decisions not to pursue justice. Many opt not to pursue justice at all, particularly due to the fear of retribution from the perpetrator, mistrust of the justice system, lack of financial means, and backlash from the community and their families. While protection orders are a key tool for limiting reprisals and preventing further violence, in many cases, they are not issued promptly, are not enforced, or are ignored by law enforcement.

Another significant obstacle is the complex, time-consuming and often expensive nature of legal proceedings in criminal, civil or administrative cases. Filing a claim or complaint often requires navigating multiple offices in formal official languages using technical terms, filling out extensive paperwork electronically or physically, undertaking invasive medical exams in cases of sexual violence and appearing before numerous officials, often men or personnel without adequate gender-sensitive training. For women with caregiving responsibilities, limited mobility and resources, or low literacy levels, these requirements may present as insurmountable barriers. Long delays also affect the quality of evidence and the willingness of witnesses to come forward. Furthermore, in some regions, women live in areas underserved by justice and law enforcement institutions, which affects their ability to pursue justice due to lack of availability of institutions.

To enhance access to justice for women and girls in GBV cases, the Working Group has recommended that States “adopt robust measures to train justice sector personnel on victim-centred approaches and anti-discrimination and to support the work of civil society organizations providing specialized assistance to victims” ([A/HRC/59/45/Add.2](#)); adopt “[s]pecific measures to increase access, minimize delays, build the trust of victims and survivors in the system and sensitize and equip the relevant authorities to properly respond to complaints need to be implemented” ([A/HRC/53/39/Add.2](#)); as well as develop specialized units to address gender-based violence and adequately resource one-stop centres that integrate all necessary services, including health, psychological, police and legal services ([A/HRC/56/51/Add.1](#)).

4. Women and Girls facing Multiple and Intersecting Forms of Discrimination

While all women and girls face systemic barriers to justice, those experiencing multiple and intersecting forms of discrimination face exponentially greater challenges, including women and girls with disabilities; migrant, stateless, and refugee women and girls; LGBTIQ+ women and girls; women and girls from marginalized castes, or racial, ethnic or religious minorities; girls, adolescents and young women; women and girls living in poverty; older women; indigenous women and girls; rural women and girls; sex workers; and women deprived of liberty.

Women and girls with disabilities face a unique set of barriers in accessing justice, including inaccessible court buildings and information, lack of braille services and sign language interpreters, as well as the absence of easy-to-read documents, which make participation in justice proceedings highly challenging. Additionally, they are more likely to experience sexual violence, especially in institutional or caregiving settings, yet their complaints are often dismissed due to assumptions about their credibility or ability to consent. Systems frequently infantilize women with disabilities, denying them agency and autonomy.

Many migrant, asylum-seeking, stateless, and displaced women, including refugee women and girls are often unable to access the justice system due to fear of arrest, detention, or deportation. Others lack basic documentation needed to file complaints or receive legal aid. Even where protection is theoretically available, hostile immigration and refugee policies and xenophobic policing practices deter reporting.

LBTIQ+ women and girls also face widespread discrimination, criminalization, and social ostracism. In many countries, same-sex relations are criminalized, and trans identities are not legally recognized. This legal hostility exposes LBTIQ+ individuals to harassment, extortion, and police violence, while simultaneously deterring them from seeking legal redress. Transgender women, in particular, face disproportionate rates of sexual and gender-based violence.

Similarly, sex workers face systemic barriers to access to justice, stemming from the criminalization of their work, widespread stigma, and discriminatory law enforcement practices. Societal prejudice, coupled with mistrust or hostility from law enforcement and judicial authorities, often deters sex workers from seeking legal and medical assistance, or other recourse for sexual violence, further entrenching impunity for crimes committed against them.

Ethnic minority and Indigenous women, too, are often excluded from justice systems both structurally and culturally. Many of them live in rural areas without nearby police, judicial, or other legal institutions or facilities, do not speak the official languages of State institutions, and often face bias and profiling on the basis of race, ethnicity, and other intersecting identities from law enforcement authorities. Rural women and girls, older women, those living in poverty, and those from marginalized castes also face similar challenges, such as the inaccessibility of judicial institutions, limited literacy, difficulty navigating bureaucratic procedures, and lack of financial resources to secure legal assistance in the absence of legal aid.

Finally, women deprived of liberty also encounter profound obstacles in accessing justice, often shaped by prior experiences of gender-based violence, poverty, and intersecting forms of discrimination. Justice systems frequently fail to account for the structural inequalities that drive women into conflict with the law, and once incarcerated, women are further marginalized through the lack of legal aid and inadequate prison conditions that do not take into consideration gender-specific needs.

In view of the impact of intersectional discrimination on women's and girls' access to justice, the Working Group has recommended States to “[e]stablish a comprehensive legal aid system for all survivors of gender-based violence, including migrant, stateless, refugee, ethnic minority

and Indigenous women and girls, those with disabilities and sex workers, providing, where relevant, child-friendly and disability-inclusive accommodations, access to women lawyers and language interpretation” ([A/HRC/59/45/Add.2](#)). Furthermore, States should decriminalize sex work and address structural barriers against sex workers ([A/HRC/WG.11/39/1](#)), and ensure that Bangkok and Nelson Mandela rules, including access to legal counsel and fair trial, are implemented for women deprived of liberty ([A/HRC/41/33](#)).

5. Political and Public Participation to Influence Decision-Making

To advance their access to justice, women and girls must be empowered to participate meaningfully in decision-making fora and mechanisms in the justice and legal sector and influence their processes and outcomes. Yet, the political and public participation of women—especially young women—is often heavily restricted by structural barriers including in the areas of education and employment, legal frameworks, and social norms.

In many jurisdictions, girls and young women face legal and administrative barriers that limit their ability to organize, protest, or register as civil society groups. These include age restrictions for leadership roles, minimum capital requirements to open bank accounts, and bureaucratic hurdles that discourage grassroots activism. As a result, many young women organize informally, without legal recognition or protection ([A/HRC/56/51](#)).

Furthermore, women and girl human rights defenders frequently become targets for gender-based violence themselves, both online and offline. They face harassment, physical violence, threats, doxxing, and various forms of online abuse. In extreme cases, they are arrested under anti-terror or public order laws, surveilled, or even killed. The risks are even greater for activists working on issues such as LGBTIQ+ rights, reproductive justice, or sexual violence.

The Working Group has recommended States to publicly acknowledge the important role played by women and girl human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women and girl human rights defenders are compatible with relevant provisions of international human rights law ([A/HRC/23/50](#)). Furthermore, it has called for the increasing representation of women in the justice, legal and security sector, including in leadership and strategic decision-making positions, ensuring that State institutions and personnel respond effectively to the rights, needs and lived realities of women and girls ([A/HRC/59/45/Add.2](#); [A/HRC/56/51/ADD.1](#)).

6. Conclusion

Discriminatory laws, structural, socioeconomic, cultural and political barriers, exclusionary practices, and entrenched patriarchal norms continue to silence women and girls and deny them access to justice, perpetuating cycles of violence and inequality. Nonetheless, with political will, institutional reform, and adequate resourcing, justice can be reimagined and rebuilt. States must make comprehensive efforts to guarantee substantive gender equality for all women and girls, ending impunity for violations against them, eliminating discriminatory laws and practices, and ensuring their equal participation in decision-making processes.