

ACCESS TO JUSTICE FOR WOMEN

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This article outlines some of the problems in access to justice that women face, and outlines various strategies that can be adopted to solve these problems. The article establishes the legal norms and principles that should guide the state in its work on the protection of women.

We all know where to turn when faced with a violation of the law and want to restore justice, and we all have the right to do so. The idea of unhindered access to the court was recognized by the international community as one of the fundamental. The right of everyone to free access to justice is enshrined in Art. 8 of the Universal Declaration of Human Rights, in Art.6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, in Art. 14 of the International Covenant on Civil and Political Rights and other international legal instruments. In this regard, limiting the ability of certain groups to be heard is unacceptable. The judiciary exists to ensure justice, and if the court is not available, then there is no point in its existence.

Access to justice can manifest itself in various aspects. The object of my research will be access to justice for women. Raising the awareness of international human rights bodies regarding access to justice and the obstacles women face is a good force for reflection. As part of this study, the concept of "access to justice" should be understood as the ability of people to seek remedies and obtain them through formal or unofficial bodies of justice in accordance with the principles of the rule of law and human rights standards [1]. To ensure real access to justice, these bodies must function effectively to ensure fair outcomes of justice procedures. Thanks to additional safeguards to ensure women's access to justice, which are enshrined in Council of Europe Convention No. 210 on the Prevention of Violence against Women and Domestic Violence, and the fight against it, called the Istanbul Convention, women's rights in this area have expanded. However, today women all over the world continue to face obstacles in the application and exercise of their rights. Women in some states tend to have fewer opportunities, fewer resources, lower status, less power and influence than men. However, every person must have the rights and fundamental freedoms proclaimed in international law on an equal basis, without any distinction or discrimination, including with regard to gender. Unhindered access to justice is necessary for both women victims of crime and women in prison, as well as women who have committed a crime.

Of course, the problem of access to justice for women who are victims of crime is particularly relevant. Despite the growing attention on the global level to the problem of violence against women, the right to life without violence is still systematically violated in any society. According to the most current global estimates of the prevalence of intimate partner violence and sexual abuse by another person, every third woman in the world experiences physical violence from her partner or sexual abuse by another person during her life. Violent survivors face many obstacles in trying to go to court and get help. Limited knowledge of their rights, as well as social and institutional barriers often prevent them from exercising their rights, obtaining justice and receiving psychological, medical and legal assistance. Weakened social and economic ties, the inability to enforce judicial decisions and the destruction of response mechanisms in such conditions often lead to chronic impunity for gender-based violence.

There is a clear violation of universal human rights in post-conflict and transitional countries, where criminal offenses and impunity are commonplace. However, it should be said that in the indicated states a number of measures are applied, aimed at improving access to justice for women, as well as at expanding their rights in general. Established in 1996 in accordance with General Assembly resolution 50/166, the United Nations Trust Fund supports activities to eliminate violence against women and is a multilateral subsidy mechanism. For example, the non-governmental organization "Physicians for Human Rights" uses the Foundation's assistance to remove obstacles in the process of collecting and systematizing information about sexual violence in conflict, as well as to facilitate access to services for victims. Lawyers, policemen and doctors often do not have the necessary skills and experience, medical examination is rare, medical records do not reflect the results of the examination, and there is no complete understanding of the functions and duties

of government representatives. In order to remove these obstacles, the Doctors in Support of Human Rights organization has created medical and legal assistance networks in five African countries: the Democratic Republic of the Congo, Kenya, Sudan, Uganda, and the Central African Republic. This program involves improving the collection of information and documenting the results of forensic medical examinations that are required for criminal prosecution, in connection with which the organization conducts training of specialists in the field of forensic medicine and contributes to enhancing communication channels and coordination between doctors, law enforcement agencies and representatives of the judicial sphere. Specialists who provide medical and legal services address the specific needs of the victims and reduce the risk of aggravating the trauma they have experienced, providing the conditions in which victims can safely share what happened to them. Women's Initiatives for Gender Justice is another structure that aims to empower civil society to document cases of sexual violence; it also involves promoting accountability for these crimes under national and international law. The program, implemented in the Democratic Republic of the Congo, Libya, Sudan and Uganda, aims to increase the participation of women in transitional justice mechanisms and to ensure that the needs and opinions of women are taken into account in the peace process. In the eastern provinces of the Democratic Republic of the Congo, the organization helps human rights defenders to document cases of sexual violence. The information gathered is used to prosecute crimes of sexual and gender-based violence, and the organization also advocates that this information be used by the International Criminal Court in its investigations. Creating a network structure that provides a comprehensive range of services is also the goal of a program implemented by the International Medical Corps in Iraq. This organization helped to form a system in which victims of gender-based violence are referred to relevant specialists, in particular, those who can advise, provide psychological, legal and medical assistance [2].

Speaking of ensuring access to justice for women, especially for women who are victims of violence, the central place is to eliminate the limitations and obstacles that prevent such access and to close the gap between women's rights and their effective implementation. States are obliged to respect the rights of women related to access to justice, such as the right to equality before the law, the right to a fair trial or the prohibition of discrimination, and ensure the practical realization of these rights. In addition, States are required to exercise due diligence to protect women from violence perpetrated by non-state actors.

Access to justice begins with access to a lawyer, but they are either expensive or inexperienced. States guarantee free legal assistance to vulnerable groups of society, but they do not guarantee high quality legal assistance. In addition, bar associations do not offer specialized training on women's issues for lawyers. Therefore, the only hope is for non-governmental organizations, which through their legal protection programs can guarantee both free and legal assistance. Also, access to justice, understood as a reasonable judgment with appropriate and sufficient reasons for the alleged violations, involves the training of judges. The training of judges on women's rights issues is needed, which is again done by non-governmental organizations.

There is also a massive culture of neglect and denial of violence against women. This culture of neglect and denial exists everywhere and we must be ready to confront it. This means working to change our attitude and actively promoting equality between women and men, girls and boys, and respect for the rights of women and girls. Even in those jurisdictions that are generally considered to follow international best practice, work is constantly being done to ensure women's access to justice. It is necessary to tirelessly make serious efforts and carry out a critical study of what has been achieved so that the enactment of the necessary legislation and the effective functioning of the justice system ensure that women, especially the most vulnerable of them, have the opportunity to defend their rights and use remedies in practice [4].

To solve the problem of the existence of barriers to access to justice for women, a comprehensive approach that takes into account the psychological and medical needs of victims, as well as their need for legal assistance, is crucial. This requires effective coordination between officials of various departments, so that at every stage - from initial referral to specialists and documenting facts to prosecution and compensation for harm - they consider such cases appropriately and professionally, with full respect for the victims' human rights. Clear job descriptions regarding the handling of cases should be defined and respected. Also, ensuring justice requires the coordination of actions of state bodies and civil society for the most effective realization of women's right to access to a fair trial. In order to ensure the proper protection of women, it is important for each of us to understand and recognize the particular problems they face. By understanding these problems, you can work more effectively to provide them with the necessary protection.

REFERENCES

1. Руководство для дискуссий на четырнадцатом Конгрессе Организации Объединенных Наций по предупреждению преступности и уголовному правосудию [Электронный ресурс] / E/CN.15/2018/CRP.1. – Режим доступа: file:///C:/Users/123/Downloads/V1800662.pdf. – Дата доступа: 10.02.2019.
2. Доклад Структуры ООН по вопросам гендерного равенства и расширения прав и возможностей женщин о деятельности Целевого фонда ООН в поддержку мероприятий по искоренению насилия в отношении женщин [Электронный ресурс] / A/HRC/19/30–E/CN.6/2012/13/. – Режим доступа: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-30_E-CN-6-2012-13_ru.pdf. – Дата доступа: 09.02.2019.
3. Руководство для организаций гражданского общества по обеспечению доступа к правосудию для женщин [Электронный ресурс]. – November, 2017. – Режим доступа: file:///C:/Users/123/Desktop/58_file_russianversion_book.pdf. – Дата доступа: 09.02.2019.
4. Руководство УВКБ ООН по защите женщин и девочек [Электронный ресурс]. – January, 2008. – Режим доступа: http://unhcr.ru/fileadmin/files/docs/rukovodstvo_po_zashite_zhenshin_i_devushek.pdf – Дата доступа: 09.02.2019