

## **Charter of Fundamental Principles On Access to Justice for Women Victims of Violence**

The Women's Committee of the International Association of Lawyers (UIA),

**Recalling** the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, which affirm the equal rights of women and men to enjoy all rights and freedoms set forth therein,

**Considering** the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, which condemns all forms of discrimination concerning women and establishes the obligations of States to ensure through competent tribunals and other public institutions the protection of women from any act of discrimination,

**Recalling** the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of 1985, which sets forth that victims are entitled to have access to the appropriate mechanisms of justice and to prompt redress for the harm they have suffered,

**Noting** that the United Nations Basic Principles on the Role of Lawyers of 1990 recognizes that adequate protection of rights and fundamental freedoms to which all persons are entitled requires an effective access to justice and highlights that professional associations of lawyers have a vital role in providing legal services to all in need of them,

**Recalling** that the Declaration on the Elimination of Violence against Women proclaimed by the United Nations General Assembly resolution 48/104 of 1993, specifically expressed concern that violence against women is an obstacle to the achievement of equality, development and peace and constitutes a violation of Women's rights and fundamental freedoms,

**Considering** the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women in 1995 which reaffirms the commitment of States to the promotion and protection of Women's rights,

**Recalling** the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human rights Law and Serious Violations of International Humanitarian Law adopted by the United Nations General Assembly in 2005,

**Noting** that the United Nations Principles and Guidelines on access to Legal Aid in Criminal Justice Systems of 2012 encourages the provision of legal aid for victims in the criminal justice process,

**Recalling** the United Nations 2030 Agenda for sustainable Development which aims to achieve gender equality and universal access to justice (Goals 5 and 16),

**Considering:**

- The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950,
- The American Convention on Human Rights of 1969,
- The African Charter on Human and People Rights (Banjul Charter) of 1981 and its Protocol on the Rights of Women in Africa (Maputo Protocol) of 2003,
- The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) of 1994,
- The Arab Charter on Human Rights of 2004,
- The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) of 2011,

**Declaring** expressly its deep concern about the phenomenon of violence against women globally, the new forms it takes with the development of information and communication technologies and its aggravation due to the Covid 19 pandemic,

**And**

**Determined** to combat violence against women and to undertake appropriate measures to promote and protect the fundamental rights of victims as enshrined in the texts referenced above with the effective and concrete support of Bar Associations,

Proclaims this Charter:

**Article 1:**

For the purposes of this Charter,

- The term “Women” should be understood to include women of all ages as well as girls under 18 years of age.

- The term “Violence against Women” means any act of gender-based violence or omission that results in, or is likely to result in, death or physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, harassment, coercion or arbitrary deprivation of liberty, whether occurring in private or public spheres, offline or online.

Violence can take multiple forms such as, but not limited to:

- a) Physical, sexual and psychological abuse occurring in the family, including battering, sexual abuse of female children in the household, non-spousal violence and violence related to exploitation,
- b) Physical, sexual and psychological abuse occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution,
- c) Neglect, emotional, verbal or societal violence,
- d) Legal violence (Laws that discriminate against women, lack of laws protecting them).

Violence against women can be perpetrated by States, private persons and non-state actors, including business entities.

- The term “Gender-Based Violence” means, as stated by the Committee for the Elimination of Discrimination against Women in its general recommendation No 19 of 1992 and No 35 of 2017, violence which is directed against a woman because she is a woman or that affects women disproportionately.

- The term “Online Violence against Women”, as commonly defined, extends to any act of gender-based violence against women that is committed, assisted or aggravated fully or in part by the use of information and communication technology such as mobile phones and smartphones, the Internet, social media platforms or emails.

- The term “Bar Associations” will include Law Societies, “Ordres d’avocats” and, in general, all professional associations of lawyers.

#### **Article 2:**

Women everywhere have the right to live a life free from gender-based violence.

#### **Article 3:**

Violence against women is a form of discrimination and constitutes a violation of human rights and fundamental freedoms which impairs or nullifies the enjoyment by women of their rights, mainly the right to life, the right to liberty and security of person, the right to health, the right to equal protection under the law, the right to equality in the family, the right to participate in public and political life, the right to fair and favorable conditions of work, freedom of expression and freedom of movement.

#### **Article 4:**

Violence against women evolves rapidly and affects women across the world, whatever their age, familial, cultural, religious, social, educational and economic background.

Women belonging to minority groups including but not limited to indigenous women, refugee and migrant women, women in poverty, and women with disabilities are especially vulnerable to violence.

Internal and international armed conflicts, natural disasters, pandemics, and the destruction or degradation of natural resources also put women at particular risk of violence.

#### **Article 5:**

Violence against women shall be considered a criminal offence.

Rape and other forms of sexual abuse can constitute international crimes such as war crimes, crimes against humanity and genocide.

#### **Article 6:**

Women victims of violence have the right to an unhindered and easy access to justice as well as to an effective remedy for the harm they have suffered.

They are entitled to competent and highly qualified legal services and representation during judicial proceedings and to legal aid if they lack sufficient means.

They must always be treated with respect of their dignity and their privacy and protected from repeated violence.

#### **Article 7:**

Bar Associations have a fundamental role in supporting women victims of violence who seek protection and legal assistance as well as in providing them an effective access to pro bono legal services and to legal aid.

**Article 8:**

Lawyers should be encouraged to volunteer in this process and, to enhance their skills, Bar Associations will organize continuous and specialized training focusing on the different forms of violence and the appropriate legal services in cases of women victims of any of these forms of violence.

**Article 9:**

Speed in the procedure, effective enforcement of judgements, and ending the delay of justice are necessary in cases of violence against women.

Bar Associations should identify issues that have to be addressed in this regard to streamline procedures and work to reform, repeal and enact new laws where necessary.

**Article 10:**

Response to violence against women and helping the victims requires a multi-professional approach involving all stakeholders concerned with the various issues related to the subject.

Bar Associations play a pivotal role in this field. They should initiate or support the creation of a national multi-professional committee to combat violence against women, implement the appropriate structures to protect victims and prosecute perpetrators.

**Article 11:**

Bar Associations should advocate for and take part in training other professionals of the justice system (including police officers, law enforcement agencies and the judiciary) on the best practices to handle cases of women victims of violence and on the application of international standards in order to increase the effectiveness of their work.

**Article 12:**

Bar Associations must engage actively in combating stereotypes and prejudices that are still hindering access to justice for women victims of violence and their right to an effective remedy.

**Article 13:**

Bar Associations should organize outreach events to raise general awareness on the issue of violence against women and the rights of the victims.

They also must contribute to the easy access of women victims of violence to information about their rights and legal proceedings by publishing such information on the internet, social media, or through hotlines or helplines and to create departments within the Bar to provide legal free advice to victims, start the legal proceedings, and coordinate the various services that support victims.

**Article 14:**

The Women's Committee undertakes to implement this Charter with the support of the International Association of Lawyers (UIA) and in partnership with its collective and individual members.

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This Charter was proclaimed in Paris by the Women's Committee of the International Association of Lawyers (UIA), on March 8, 2022, on International Women's Day.