

JUDICIAL COLLOQUIUM ON ACCESS TO JUSTICE FOR WOMEN'S ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN SOUTH EAST ASIA

CONCEPT NOTE

IWRAW Asia Pacific is an international women's human rights organization working since 1993, towards the progressive interpretation and realisation of the human rights of women through the lens of the CEDAW and other international human rights treaties. It is the key non-governmental organisation recognized by the Office of the High Commissioner for Human Rights and the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) to support submission of inputs by NGOs into the CEDAW review and monitoring processes. IWRAW Asia Pacific's programmes and strategies being grounded in realities of women's experiences and contexts at national levels, the organisation has established partnerships with 43 country level partners in Southeast Asia, in Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor Leste and Vietnam.

The past 20 yrs of engagement with international, regional and national standard setting processes, as well as a range of civil society stakeholders, has indicated that women's claim to equal enjoyment of human rights rests on the pre-requisite of an enabling socio-political and legal environment. While movement oriented initiatives to enhance socio-political environment for women's human rights were already in existence, to address challenges in legal environment, a comprehensive strategy on use of law and litigation was adopted by IWRAW Asia Pacific in 2008. This strategy aims to achieve the following long term outcomes:

- i. Influencing change in political and judicial attitudes towards women through recognition of their lived realities in all processes relating to setting of standards and claiming of rights;
- ii. Contributing to increased capacity of women's human rights activists in furthering state accountability for the realization of women's human rights through domestic litigation;
- iii. Enhancing best practices in litigation and use of law at the domestic level using CEDAW and its standards to promote women's equality and non-discrimination in all fields;
- iv. Influencing relevant jurisprudence and legal strategies at the domestic level which would contribute to fulfilling admissibility criteria towards pursuing litigation at the international level;

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The present Colloquium for Judges on furthering protection and promotion of women's access to justice for economic, social and cultural rights (women's ESC rights) is being organized by IWRAW Asia Pacific with support from UN Women and the Foreign Affairs Trade and Development Canada. It is intended to complement the on-going national, regional and international initiatives on women's access to justice which include broader issues of justiciability of rights, legal protection and accountability mechanisms, as well as effective remedies.

Although economic, social and cultural rights have long been recognized as justiciable under international human rights law¹ and strengthened through the adoption of Optional Protocol to the International Covenant on Economic Social and Cultural Rights, questions on justiciability of ESC rights within domestic jurisdictions in certain countries continue to hinder the implementation of relevant international standards and principles. Therefore while an evidenced body of jurisprudence from countries in South Asia, South Africa, and Europe depicts progression in the enjoyment of ESC rights both through constitutional protections and judicial remedies, countries in Southeast Asia are yet to constitutionalize the rights with justiciable effect.² The Colloquium is being organized in recognition of emerging issues, contexts and challenges relating to economic, social and cultural rights within the South-East Asia region, their disproportionate impact on women, and the inadequacy or in some instances even lack of legal protections for violation of such rights. Deliberations at the Colloquium would include evaluating opportunities and relevance of evolving standards and principles under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on the Economic, Social and Cultural Rights (ICESCR) and other relevant international human rights treaties, in national legal processes, including law reform and judicial decision making.

¹ UN doc. E/CN.4/SR.248, p 6 & p. 26. During debates at the seventh session of the United Nations Commission on Human Rights, India strongly favoured the drafting of two separate covenants (one for civil and political rights, and the other for economic, social and cultural rights) on the basis that economic, social and cultural rights differed from civil and political rights inasmuch as the former were not justiciable. India explained that by "justiciable rights" it meant "those rights for the violation of which governments could be sued and stated that Governments could not be sued for failing to carry out economic, social and cultural rights since the responsible party might well, for example, be employers. The Commission rejected this proposal by 12 votes to 5, with 1 abstention and thereby also rejected the view contained in the draft resolution that economic, social and cultural rights were not justiciable.

² Malcolm Langford, Domestic Adjudication and Economic, Social and Cultural Rights: a socio-legal review, SUR International Journal on Human Rights, Issue 11 (2009); Also refer to Concluding Comments of the Committee on Economic, Social and Cultural Rights for Cambodia, Indonesia and Philippines.

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Deliberations would also provide opportunities for sharing and documenting good practices in enhancing justiciability of women's ESC rights through the national courts.

The Dialogue will be held over 2 days, from **27th September – 28th September 2014**, at Hotel Seri Pacific, Kuala Lumpur, Malaysia with participants from Indonesia, Philippines, Timor Leste, Cambodia, Thailand, Vietnam, and Laos, judicial experts from Malaysia and individual experts holding thematic expertise.

Background

The Southeast Asian region is made up of disparate states with various systems of political, economic and historical backgrounds e.g. socialist states, post-colonial states, newly autonomous or emerging democracies. These diverse institutional and socio-political contexts and the cultural underpinnings of communities, result in different levels of development, levels of incorporation and domestication of universal human rights norms, and therefore often different responses from the justice systems.

Recognition of women's human rights is equally widely disparate and continually evolving based on local and international factors. The ongoing inequalities in Southeast Asia in the sphere of ESC rights contributes to the continuing subordination of women and makes them especially vulnerable to violence, exploitation and other forms of abuse. Therefore while women consist of almost 50% of the population in the region³, they continue to remain the most affected in terms of their enjoyment of basic rights and access to services. Instances of such inequalities can be witnessed in the fields of education, health, employment, property rights, access to resources etc.

To provide some examples, with nearly 65 percent of participation in the labour force, women are over-represented in the informal economy (more than 8 out of 10 working women are in vulnerable employment) and are most often excluded from contributory social insurance systems with little or no entitlement to social protection schemes.⁴ Similarly, while 45% of economically active women are engaged in agriculture, land continues to be acquired mostly through customary inheritance systems which exclude women. Cultural and

³ <http://unstats.un.org/unsd/demographic/products/Worldswomen/FactSheet2010.pdf>

⁴ <http://asiapacific.unwomen.org/~media/D06F6163A4764BDC9D67111BBAEC2EDD.pdf>

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religious norms shape and complicate policies and practices regarding land ownership and acquisition which often favour males as heirs against their female counterparts. These norms, practices and policies create innumerable challenges in improving women's economic status and conditions enhancing their vulnerability to a plethora of subsequent violations of their right to bodily integrity, rights in marriage and families, rights to full participation in public and political life; and the right to participate in decision-making.⁵

In Southeast Asia, one in five women aged 15-24 and one in six women aged 40-49 is subject to domestic violence from their intimate partners or husbands. Early marriage continues to affect adolescent girls, with prevalence rates highest among poor families, those with the lowest educational attainments and those living in rural or remote areas. And yet, while universal free provision of basic education is common across most countries within the region, access to good quality education remains a serious issue, particularly in rural areas and for minority ethnic groups, migrants and girls.⁶

Similarly in the field of health, as per the 2008 WHO estimate 3.5 million people are currently living with HIV in Southeast Asia. Of the total number of people living with HIV, women account for 33%, which is lower than the global average of 50%⁷. And yet, there has been an upward trend in the proportion of women living with HIV in the region from 19% in 2000 to 35% in 2008⁸. This is true even in the case of Thailand, one of the few countries in the world to have reversed the trend of the epidemic, where the proportion of women among all reported AIDS cases has increased from 14% in 1990 to 39% in 2008⁹. The WHO-multi-country study has made very pertinent linkages between sexual abuse experienced by women and girls and HIV/AIDS. It notes that in the Southeast Asia sub-region younger women aged between 15 – 19 years of age are at a higher risk of experiencing intimate partner violence, e.g. 57% of first sexual encounters for young women and girls in the Philippines were unplanned or non-consensual.¹⁰ The lack of acknowledgement of such

⁵ <http://www.landcoalition.org/sites/default/files/publication/1291/CEDAWWomenAccessLand.pdf>

⁶ <http://asiapacific.unwomen.org/~media/D06F6163A4764BDC9D67111BBAEC2EDD.pdf>

⁷ HIV/AIDS in the South-EAST Asia Region -2009 WHO

⁸ 2009 AIDS Epidemic updates, UNAIDS, WHO

⁹ HIV/AIDS in the South-EAST Asia Region -2009 WHO

¹⁰ WHO Multi-country Study on Women's Health and Domestic Violence against Women, 2008. Viewed at: http://www.who.int/gender/violence/who_multicountry_study/en/.

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lived realities for women in the justice system results in a cycle of discrimination starting from lack of protection for women's sexual rights and against gender-based violence to the denial of access to relevant health services. Studies have on the other hand indicated that while countries in the region have experienced remarkable economic growth in the last few decades, conditions attached to loans and health-sector reforms proposed by international institutions have forced governments to cut public spending on health and education and introduce fees for basic health services.¹¹ Therefore health sector reforms, which were expected to increase the efficiency, affordability, coverage, and quality of health-care services,¹² have in fact reduced women's access to basic care.

The disparities and inequalities that continue to exist within South East Asia, are increasingly compounded by emergence of newer contexts such as climate change, disasters and conflict, and as mentioned-above, new global development patterns and practices such as economic and trade liberalization, growth of the capitalist market economy, non sustainable consumerism etc.¹³ Additionally consultations with civil society stakeholders in the region have indicated a range of complex violations resulting from such emerging contexts that ranged from displacement, alienation from natural resources and access to public service facilities, to feminization of poverty and re-victimization of women in the existing contexts of non-recognition of their fundamental rights.¹⁴

¹¹ Women of the World: Laws and Policies Affecting Their Reproductive Lives, East and Southeast Asia, Centre for Reproductive Rights & Asian-Pacific Resource and Research Centre for Women.

¹² Asian Pacific Resource and Research Centre for Women (ARROW), ICPD: Ten Years On: Monitoring on Sexual and Reproductive Health and Rights in Asia (2005), at 32.

¹³ <http://www.iwraw-ap.org/publications/doc/Full%20Report%20of%20SEA%20Consultation-FINAL.pdf>

¹⁴ See Conference Report of A Southeast Asia Consultation: Using CEDAW to Strengthen Accountability for Women's Human Rights in Development organized by IWRAW Asia Pacific and Center for Women's Global Leadership in June 2012.

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CEDAW and Access to Justice

*"What must be understood is that gender bias in the application and interpretation of laws is important not only for individual women before the courts. To the extent that the justice system suffers from gender bias, the system fails in its primary societal responsibility to deliver justice impartially. As a consequence, the administration of justice as a whole suffers. The legitimacy of the entire system is brought into question."*¹⁵

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 recognises and addresses systemic and historical discrimination against women as a specific 'group' under international human rights law. State parties to the Convention are therefore under legal obligation to respect, protect, promote and fulfil the right to non-discrimination for women and to ensure the development and advancement of women in order to improve their position to one of de jure as well as de facto equality with men. Principles of equality and non-discrimination have been established and recognised as cornerstones of international jurisprudence for the achievement and enjoyment of human rights including women's human rights. The Convention has been ratified by 188 countries across the world.

Ensuring women's equal access to justice is integral to securing full compliance with state obligations under CEDAW. Article 2 of CEDAW in specific obligates State Parties to take *appropriate measures* to eradicate discrimination against women by introducing new laws or policies, changing existing discriminatory laws, as well as providing effective remedies and sanctions for discrimination where it occurs. In implementing this obligation the State Parties are to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination. The CEDAW Committee through General Recommendation 28 expanded on the obligations under Article 2 and explained that structures and institutions comprising the justice system should be impartial, efficient, adequately resourced and free from gender bias and negative stereotypes in the administration of justice.

Addressing the gender bias in laws and legal systems Article 15 of CEDAW on equality before the law, includes within its ambit equal access to courts and tribunal, non-

¹⁵ Kathleen Mahoney, 'Canadian Approaches to Equality Rights and Gender Equity in Courts' Law' in Rebecca Cook (ed) Human Rights of Women: National and International Perspectives (University of Pennsylvania Press 1994), 441, 452.

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discriminatory administration of justice, as well as equal treatment under the law and equal protection of the law. It applies to “*all decision-making bodies, executive or judicial, including civil, criminal and administrative courts and tribunals*” as well as traditional legal systems. Obligations under the Article extend to women’s status before the law in various capacities, be it as a claimant, a witness or a defendant. Within the structures of the domestic justice system it requires State parties to not only ensure equality of women’s legal capacity, but also prevent and prohibit individuals or institutions from limiting women’s legal capacity.

In addition to the text of CEDAW itself, the Committee has been active in addressing the issue of access to justice in specific contexts and areas through its general recommendations. The protection of women against discrimination committed by public authorities, the judiciary, organizations, enterprises or private individuals, in the public and private spheres is also echoed in General Recommendation 28 of CEDAW¹⁶. It requires such protections to be provided by competent tribunals and other public institutions and enforced by sanctions and remedies, where appropriate. States parties should ensure that all Government bodies and organs are fully aware of the principles of equality and non-discrimination on the basis of sex and gender and that adequate training and awareness-raising programmes are set up and carried out in this respect¹⁷.

General Recommendation 28 also clarifies that “*intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25.*”¹⁸

¹⁶ General Recommendation 28, para 17.

¹⁷ Ibid.

¹⁸ General Recommendation 28, para 18

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Furthermore, achieving substantive equality within the meaning of Article 15 requires that women have access in practice to affordable, fair, independent and effective justice and remedies, in a general context in which the rule of law prevails. In this regard, General recommendation 28 clarifies that States hold an obligation *“to ensure that legislation prohibiting discrimination and promoting equality of women and men provides appropriate remedies for women who are subjected to discrimination contrary to the Convention. This obligation requires that States parties provide reparation to women whose rights under the Convention have been violated. Without reparation the obligation to provide an appropriate remedy is not discharged. Such remedies should include different forms of reparation, such as monetary compensation, restitution, rehabilitation and reinstatement; measures of satisfaction, such as public apologies, public memorials and guarantees of non-repetition; changes in relevant laws and practices; and bringing to justice the perpetrators of violations of human rights of women.”*¹⁹

In outlining *appropriate measures* for implementation of the Convention, the Committee has identified the following as basic measures to be adopted by State Parties²⁰:

- (a) Establishing codes of conduct for public officials to ensure respect for the principles of equality and non-discrimination;*
- (b) Ensuring that reports of court decisions applying the provisions of the Convention on the equality and non-discrimination principles are widely distributed;*
- (c) Undertaking specific education and training programmes about the principles and provisions of the Convention directed to all Government agencies, public officials and, in particular, the legal profession and the judiciary;*

To satisfy the requirement of “appropriateness” of measures adopted by a State Party, the Committee outlined the importance of ensuring that a State Party, among other things:

- (a) Abstains from performing, sponsoring or condoning any practice, policy or measure that violates the Convention (respect);*

¹⁹ General Recommendation 28, para 32.

²⁰ General Recommendation 28, CEDAW

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(b) Takes steps to prevent, prohibit and punish violations of the Convention by third parties, including in the home and in the community, and to provide reparation to the victims of such violations (protect); ...²¹

The Committee's standard guidelines on "*all appropriate measures to eliminate discrimination against women*" therefore also inform the current development discourse and mechanisms in order that women truly enjoy their rights and fundamental freedoms through economic and social development. This includes ensuring women's equal rights with men in "education", "right to work", "access to healthcare and adequate healthcare facilities", "bank loans", "credit", and to benefit from "social security programmes" as well as to "enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications"²².

Enhancing Justiciability of Women's ESC rights in Southeast Asia

While CEDAW imposes obligations on State Parties to prevent and address discrimination in women's enjoyment of their economic, social and cultural rights, other international treaties such as the International Covenant on Economic Social and Cultural Rights (ICESCR) also impose obligations on States to guarantee the enjoyment of economic, social and cultural rights and to ensure women's enjoyment of these rights on a basis of non-discrimination and substantive equality. As a result, identifying the scope and content of women's economic, social and cultural rights and the contours of States correlative obligations to respect, protect and fulfill them, also requires analysis of these standards and the opportunities for application in complementarity.

All countries in the South East Asia region have ratified the CEDAW and 4 countries have also ratified the Optional Protocol to CEDAW with one additional signatory.²³ In addition 7 countries, i.e. Philippines, Indonesia, Vietnam, Cambodia, Laos, Myanmar and Thailand within the region have ratified the ICESCR. By the act of ratification obligations under both

²¹ Ibid

²² Articles 2, 3, 10, 11, 12, 14, 16 of the Convention on the Elimination of All Forms of Discrimination Against Women

²³ Cambodia, Philippines, Thailand and Timor Leste have ratified the Optional Protocol to CEDAW and Indonesia is a signatory.

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the treaties apply to all branches of the state.²⁴ Both these treaties require States to ensure women have access at a domestic level to an effective legal remedy when they face violations of their ESC rights. Meanwhile international communications procedures under OP CEDAW, and OP ICESCR, provide those in ratifying countries with an international avenue to justice when domestic level remedies fail.

It is however pertinent to note, that despite the various guarantees, standards and remedies relating to women's human rights under international human rights law, justiciability, in as much as it concerns recognition of women's human rights, have remained a challenge within domestic jurisdictions. In its on-going efforts towards addressing access to justice for women as an entire component of state obligation under CEDAW, the Committee notes *"Women are also discriminated in the administration of justice and application of the law as a result of lack of understanding on the part of the police, prosecutors, lawyers and judges of the sensitivities surrounding certain violations of women's rights or even of their justiciability."*²⁵

To explain the vicious cycle of discrimination and its impact on women's access to justice, the Committee has also stated *"With regard to the challenges and barriers faced by women in accessing justice, it must be said that their situation is aggravated by different factors. Poverty and gender, for example, are, among the main obstacles and are overlapping and mutually reinforcing. The recognition of the minimum core content of economic and social rights as justiciable rights is crucial."*²⁶

While Articles 10 – 14 and Article 16 of CEDAW specify obligations of State Parties in relation to education, employment, health, economic and social benefits, rural women, and marriage and family life in particular, Concluding Observations of the Committee for countries in Southeast Asia depict low levels of compliance. The Committee has repeatedly expressed concerns on the lack of clarity in the ambit of prohibitions against sex-based discrimination under constitutions of State Parties in Southeast Asia and the restrictive interpretation of such provisions of non-discrimination in relation to guarantees of

²⁴ Vienna Convention on the Law of Treaties, May 1969

²⁵ Concept Note on the Half Day of General Discussions on the General Recommendation on Access to Justice: <http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessToJustice/ConceptNoteAccessToJustice.pdf>

²⁶ <http://www2.ohchr.org/english/bodies/cedaw/docs/Discussion2013/WrapUpMsSilviaPimentel.pdf>

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fundamental rights that results in denial of women's human rights, especially their economic, social and cultural rights.

On the same issue of justiciability, the ESCR Committee through General Comment 19, notes that *"... whatever the preferred methodology, several principles follow from the duty to give effect to the Covenant and must therefore be respected. First, the means of implementation chosen must be adequate to ensure fulfilment of the obligations under the Covenant. The need to ensure justiciability (see para. 10 below) is relevant when determining the best way to give domestic legal effect to the Covenant rights. Second, account should be taken of the means which have proved to be most effective in the country concerned in ensuring the protection of other human rights."*²⁷

Subsequently in para 10 of the same General Comment, it states:

"In relation to civil and political rights, it is generally taken for granted that judicial remedies for violations are essential. Regrettably, the contrary assumption is too often made in relation to economic, social and cultural rights. This discrepancy is not warranted either by the nature of the rights or by the relevant Covenant provisions. The Committee has already made clear that it considers many of the provisions in the Covenant to be capable of immediate implementation. Thus, in General Comment No. 3 (1990) it cited, by way of example, articles 3; 7, paragraph (a) (i); 8; 10, paragraph 3; 13, paragraph 2 (a); 13, paragraph 3; 13, paragraph 4; and 15, paragraph 3. It is important in this regard to distinguish between justiciability (which refers to those matters which are appropriately resolved by the courts) and norms which are self-executing (capable of being applied by courts without further elaboration). While the general approach of each legal system needs to be taken into account, there is no Covenant right which could not, in the great majority of systems, be considered to possess at least some significant justiciable dimensions. It is sometimes suggested that matters involving the allocation of resources should be left to the political authorities rather than the courts. While the respective competences of the various branches of government must be respected, it is appropriate to acknowledge that courts are generally already involved in a considerable range of matters which have important resource implications. The adoption of a rigid classification of economic, social and cultural rights which puts them, by definition, beyond the reach of the courts would thus be arbitrary and incompatible with the principle that the two sets of human rights are

²⁷ General Comment 19, CESCR Committee, para 7.

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indivisible and interdependent. It would also drastically curtail the capacity of the courts to protect the rights of the most vulnerable and disadvantaged groups in society.”

As noted from Concluding Comments issued by the CESC Committee for Cambodia, Indonesia, Philippines and Vietnam, constitutional provisions that guarantee basic protection of fundamental rights are seldom invoked or applied through national courts in instances of violations of ESC rights²⁸. The Committee has therefore in several instances recommended awareness –raising initiatives and trainings for the justice sector on the justiciability of economic, social and cultural rights.

Colloquium for Judges on Access to Justice for Women's Economic, Social and Cultural Rights in South East Asia

The Colloquium will be organized with judges from each of the 7 countries in the Southeast Asia Region, namely, Philippines, Indonesia, Vietnam, Cambodia, Laos, Malaysia and Thailand.

Discussions and strategies on access to justice are often divided at two levels: the first focuses on the courts and other institutions of administering justice, and with the processes whereby a person presents her case for adjudication; the second focuses on the process of law making including through judicial precedents and pronouncements, the contents of the law and its interpretation, the legitimacy of the courts, alternative models of legal representation and dispute settlement. ***The current Colloquium will focus on the latter with the aim of examining the substance and culture of law and judicial processes relating to women's equal enjoyment of economic, social and cultural rights, including the relationship between formal judicial systems with informal mechanisms of dispute resolution for ESC rights violations.***

²⁸ Concluding Comments: E/C.12/KHM/CO/1, E/C.12/IDN/CO/1, E/C.12/1995/7, E/C.12/PHL/CO/4, E/C.12/1993/8

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The Agenda of the Workshop will therefore broadly enable the following:

- Sharing of information on the existing best practices and/ or challenges in adjudicating women's ESC rights violations within South East Asia.
- Sharing of knowledge on CEDAW, other international human rights treaties and standards, as well as comparative jurisprudence from across the world relating to justiciability of women's economic, social and cultural rights.
- Discussions on role of judiciary as independent arm of governments in fulfilling state obligations under CEDAW and ICESCR.
- Identification of specific contexts, issues or challenges within domestic legal frameworks that are critical considerations in efforts to enhance women's access to justice for ESC rights.

Objectives of the Colloquium

The specific objectives of the Colloquium would be as follows:

1. To build on regional efforts towards strengthening women's access to justice through a thematic lens reflective of the current contexts and challenges that affect women's equal enjoyment of human rights within South East Asia.
2. To enhance understanding amongst judges on existing standards and principles under international human rights treaty law in relation to justiciability of women's ESC rights.
3. To promote holistic interpretation and implementation of human rights principles by judges so as to secure the full benefit of the constitutional protection for women claiming violations of ESC rights.
4. To enable open forums of discussions regarding best practices, challenges and obstacles in adjudicating cases relating to ESC rights in general and examining the impact of resulting jurisprudence on women's enjoyment of ESC rights at the domestic level.

Outputs

The outputs of the Colloquium will be as follows:

1. Greater pool of peer advocates amongst the judges within the region on issues relating to women's ESC rights
2. Compilation of positive examples and best practices within the region including – best practices in adjudication of cases relating to women's ESC rights; best practices on use of human rights principles in adjudication of ESC rights cases in general (i.e. cases without specific claims of sex discrimination) with potential impact on enhancing women's access to justice for similar violations relating to education,

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health employment and land and property rights; best practices on implementation of international standards and principles of women's human rights and gender equality in judicial pronouncements/ judgements which hold potential in impacting claims relating to women's ESC rights.

Outcomes

The long term outcomes of the Colloquium are expected to be as follows:

- Enhanced gender-sensitivity in culture, structure and substance of justice delivery mechanisms and processes.
- Enhanced quality and quantity of judgments upholding women's human rights using internationally accepted principles of women's human rights.
- Strengthened constitutional protection for women including through domestication of CEDAW in laws, policies and remedies awarded by the courts.
- Strengthened legal protections and enhanced access to justice for women from marginalised groups through recognition of intersecting identities and multiple-discrimination in laws, policies and remedies awarded by the courts.
- Enhanced shared understanding of state obligation under international treaty law amongst all branches of the State Party including the executive, legislature and judiciary.

Participants at the Colloquium

The participants are expected to be 18 sitting judges of courts with appellate jurisdiction, and powers of judicial review or adjudication of cases relating to constitutional guarantees.

Participants and speakers will be identified prior to the Colloquium based on experiences of adjudicating cases in relation to either of following:

1. Cases invoking women's economic, social and cultural rights under domestic law or obligations in relation to women's ESC rights under international law.
2. Application of substantive equality standards in adjudicating cases related to women's human rights in general.
3. Application of standards under international law in relation to violations of rights relating to education, health, property, land, in general i.e. irrespective of claims relating to sex discrimination.

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