

Concept Note

Enhancing Access to Justice for Women in the Context of Religious & Customary Laws

A Webinar Series

20 & 21 October 2020

11am (Central European Summer Time)

I. Background

Access to justice for all remains paramount for the protection and fulfilment of human rights, and global efforts toward that end must be reinforced. Access to justice, however, has proved illusory and globally women have been disproportionately denied access to justice. As the ICJ concluded at its global Congress in Tunis in 2019 “ Worldwide, increasing attacks on the rule of law have intensified longstanding inequalities and compounded intersecting forms of discrimination against women and girls and persons from marginalized groups. This has limited their enjoyment of human rights and their effective access to justice. “Moreover, in many countries, culture, tradition, or religion are being used to justify laws, policies and practices that discriminate against women and girls.”¹

Access to justice is a descriptive term that encompasses some rule of law issues. Enhancing the ability of women to access justice is essential for reducing gender inequality and discrimination, and for furthering development and human security.² Women’s empowerment in every aspect of their lives is reliant upon systems of law and justice that work for women. Many people all over the world resolve disputes and seek redress in diverse ways and, whilst the role of everyday justice providers is important, it too is not without problems. It is therefore important not to overlook these providers as they have important strengths which contribute to ensuring access to justice for women.³

Over the years, there has been an expansion in many countries of women’s legal entitlements and enhancement of their right to access justice. However, it cannot be denied that in many other domestic contexts, there is also a growing trend of religion and custom being invoked to violate women’s human rights. It is in these contexts where laws and policies exist that expressly discriminate against women, posing a continuing serious challenge to women’s ability to access justice.

In light of the above, the International Commission of Jurists (ICJ) and Cordaid consider that it is important to foster dialogues among human rights defenders who are engaged in women’s human rights and religious and customary law actors focusing on ensuring protection of women’s human rights and access to justice in contexts where religious and customary law are prevalent.

These dialogues will bring together women human rights defenders (WHRDs), justice actors, and religious actors from the Asian, African, and the Middle East and North Africa (MENA) regions to discuss the protection and promotion of women’s human rights and enhancing access to justice for women within a framework of rule of law and international human rights law and standards.

¹ Paragraph 44 of the Tunis Declaration, available at <https://www.icj.org/icj-congress-2019-the-tunis-declaration-video/>

² UN Women, *Progress of the World’s Women Report: In Pursuit of Justice 2011-2012*, New York: UN Women 2012.

³ Cordaid, *Diverse Pathways to Justice for all: Supporting everyday justice providers to achieve SDG16.3*, September 2019, available at: <https://www.cordaid.org/en/wp-content/uploads/sites/11/2019/09/Cordaid-Security-and-Justice-rapport-Sept2019.pdf>

II. Objective

To provide platforms for discussion among women human rights defenders and religious and customary law actors on ensuring gender equality and eliminating gender discrimination in the context of custom and religion.

III. Date, Duration & Platform

The webinar series will be held on **20 & 21 October 2020, from 11am to 1:30pm (CEST)**. Each webinar will be 2.5 – 3 hours long with a short refreshment break. The meeting will be held on Zoom and simultaneous interpretation will be provided in French, Bahasa and Dari.

Programme Agenda (DRAFT 1)

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20 & 21 October 2020

Date and Time	Session Details	Materials Needed/ Other Notes
<p>20 October (Tuesday)</p> <p>(time-11h00 – 13h30) (CEST)</p> <p>(Note: 10 minute refreshment break)</p>	<p>Webinar 1: Intersections between custom & religion and women’s access to justice</p> <p>Moderator: Kaajal Ramjathan-Keogh, Director – ICJ Africa Regional Programme</p> <p>(Note: Moderator will give a brief recognition of each participant and their organization and only panelists will be given the floor to introduce themselves)</p> <p>Opening: Cordaid Representative – (outline the objectives of these webinars)</p> <p>Webinar description: During this webinar, the resource speakers and participants will discuss their views and experiences responding to the following questions -</p> <ul style="list-style-type: none"> • How do custom and religion shape the ability of women to access justice? • Do pathways to justice based in custom and religion promote women’s human rights? • Do you perceive a clash between women’s human rights and pathways to justice based on custom and religion? If so, how? • Are there religious and cultural practices, which have an impact of exacerbating inequalities between men and women, and negatively affect women’s ability to defend their human rights? • How have women created space within customary and religious law to advocate for women’s human rights? <p>Resource Speakers: (Note: The speakers are given 7-8 minutes to give their presentations. The speakers are encouraged to frame their presentations so that it enables responses and further discussions from participants)</p> <ul style="list-style-type: none"> • Prof. Nazila Ghanea, Associate Professor in International Human Rights Law, University of Oxford • Clara Rita Padilla, a lawyer from the Philippines who has engaged the Catholic Church in debates on women’s sexual & reproductive rights 	

	<ul style="list-style-type: none"> • Josephine Chandiru, Executive Director, Stewardwomen, South Sudan • Claudine Tsongo, Director, Dynamique des Femmes Juristes • Judge Humiding, Judge, Philippines <p>Q & A</p> <p>(Note: The moderator shall endeavour to urge the participants to express their views or ask questions on the speakers/resource persons' presentations)</p>	
<p>21 Oct. 2020 (Wednesday) (time-11h00 – 13h30)</p> <p>(Note: 10 minute refreshment break)</p>	<p>Webinar 2: Best practices, interventions, and obligations under international human rights law to ensure access to justice in cultural and religious contexts</p> <p>Moderator: Ms. Nahla Haidar, ICJ Commissioner and CEDAW Committee Member</p> <p>(Note: The moderator shall review the key points raised in the previous webinar – for 5 mins)</p> <p>Webinar description: During this webinar, the resource speakers and participants will discuss their views and experiences responding to the following questions -</p> <ul style="list-style-type: none"> • What are the best practices and interventions, which can be adopted by States, international organisations and civil society to support positive impacts of custom and religion on women's access to justice? • What practical measures can be adopted by States, international organisations and civil society to eliminate practices, which exacerbate women's inequality and are barriers to pathways to justice? • What are the obligations of these actors when customary and religious law discriminate against women and prevents them from being able to defend their rights? • How have women successfully created space for advocacy within customary and religious contexts? <p>Resource speakers: (Note: The speakers are given 7-8 minutes to give their presentations. The speakers are encouraged to frame their presentations so that it enables responses and further discussions from participants)</p> <ul style="list-style-type: none"> • Prof. Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief • Hauwa Ibrahim, former prosecutor from Nigeria and human rights lawyer who practiced in the Sharia law context • Freshta Karimi, Executive Director, Da Qanoon Ghunshonky, Afghanistan • Shareena Sheriff, Sisters in Islam (SIS), Malaysia <p>Q & A</p> <p>(Note – shall we ask a rep from one of the organizers to speak as closing here? Just for 5-6 mins)</p> <p>Closing: Sam Zarifi, ICJ Secretary General</p>	