



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

Report on a Webinar Series held between 20 & 21 October 2020

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A. Introduction

The *Webinar Series on Enhancing Access to Justice for Women in the Context of Religious and Customary Laws* was co-organized and convened online by Cordaid and the International Commission of Jurists (ICJ) on 20-21 October 2020. The meetings brought together women human rights defenders (WHRDs) and others actively engaged in or with various formal, religious, and customary laws and institutions in 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.

During the two days of rich discussion, participants and resource speakers exchanged experiences, expertise and perspectives on ensuring gender equality and eliminating gender discrimination in the context of customary and religious law.¹ This report summarizes the discussions at the webinar series as well as setting out some preliminary conclusions and recommendations.

B. 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."²

Access to justice is a descriptive term that encompasses a range of 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.³ 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 providers⁴ 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.⁵

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. In such contexts, laws and policies that expressly discriminate against women, together with often less visible belief systems and attitudes, pose 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

¹ Whilst this report reflects experiences and ideas shared during the webinar series, it does not necessarily include all ideas, opinions, conclusions and recommendations expressed in the meeting. The views expressed in this report do not necessarily represent the views of the ICJ, nor should they be taken to indicate the agreement of any particular participant.

² Paragraph 44 of the Tunis Declaration, available at <https://www.icj.org/icj-congress-2019-the-tunis-declaration-video/>

³ UN Women, *Progress of the World's Women Report: In Pursuit of Justice 2011-2012*, New York: UN Women 2012.

⁴ "Everyday justice providers" is a broad descriptive term covering a wide range of processes and institutions. The use of terminology such as "informal" or "official" to distinguish indigenous, traditional, customary justice systems from non-indigenous/traditional/customary courts systems is sensitive and sometimes contested, since not all such systems are necessarily "informal" and they may in fact be recognized or incorporated into State justice systems. On this and other aspects of indigenous, traditional or customary justice systems more generally, see the series of publications at <https://www.icj.org/gf2020/>.

⁵ 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>

women's human rights and access to justice in contexts where religious and customary law are prevalent.

Accordingly, this webinar series brought 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.

C. Objectives of the webinar series and this briefing paper

The objective of the Webinar Series was to provide platforms for discussion among WHRDs and religious and customary law actors on ensuring gender equality and eliminating gender discrimination in the context of custom and religion. The webinar series also served as a source of information on some of the main challenges faced by women when accessing justice in contexts where religious and customary laws are prevalent. It further brought to light some recommended strategies on how to address these challenges. The webinar discussions, combined with other consultations and factual, legal and policy research conducted by the ICJ, have informed this briefing paper, which is intended to serve as an advocacy tool for women human rights defenders (as well as the ICJ itself) in dialogues with religious and/or customary law actors in other parts of the world on the same topic.

D. Main outcomes of the webinars

During the two days of rich discussion, participants and resource speakers exchanged experiences, expertise and perspective on ensuring gender equality and eliminating gender discrimination in the context of custom and religion. Some of the key challenges identified when accessing justice in contexts where customary and religious laws are prevalent include the following:

- Many women live in contexts where laws and policies discriminate against women and gaps exist in protection of women's human rights. These contexts pose a continuing serious challenge to women's ability to access justice.
- In some contexts, the plurality of customary and religious laws contribute to a lack of equality among women and hinders access to justice for women.
- Poverty and lack of knowledge of human rights also contributes to the denial of access to justice for women and a lack of justice seeking behavior among women.
- Negative experiences when interacting with justice systems also discourages women to continue or further interact with the system, and is a barrier to access to justice.

Some preliminary conclusions and recommendations emanating from the webinar series include the following:

- It is important for all justice actors, including in context of religious, or indigenous or other traditional or customary justice systems, to understand that international human rights law does not recognize the desire to maintain or promote particular traditions, customs or a particular religion, as in itself a valid basis for restricting, let alone violating, human rights.
- Human rights actors should continuously seek opportunities for communication and engagement with informal justice systems.
- Religious laws and customary laws can change over time to give effect to women's access to justice, whether in response to internal or external factors or both.
- It is important for women to be empowered and to have a good understanding of their status and demanding their rights.
- Building and expanding alliances between formal and informal systems to promote access to justice for women is an important strategy to consider.

E. Programme, Format and Participation in Webinar proceedings

This dialogue was originally planned to take place as a roundtable workshop in-person in Geneva, Switzerland, parallel to the UN Human Rights Council sessions. However, due to the exigencies caused by the COVID-19 pandemic, the webinar series took place online via Zoom with simultaneous interpretation in Indonesian, Dari and French. The meetings were arranged as follows:

1. Webinar 1: Intersections between custom & religion and women's access to justice

This meeting brought together over 40 participants from MENA, Africa, and Asia. The meeting started with brief presentations by an all-women panel including academics, lawyers and judges with a breadth of knowledge and experience on access to justice for women in customary and religious settings.⁶ In this meeting the participants discussed whether there are real or perceived clashes between women's human rights and pathways to justice based on custom and religion, and highlighted key human rights standards that provide guidance on this issue. Speakers and participants shared their experiences and addressed the following questions from the perspective of the particular contexts in which they work (e.g. Philippines, Democratic Republic of Congo, South Sudan, Eswatini etc.)

- 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?

2. Webinar 2: Best practices, interventions, and obligations under international human rights law to ensure access to justice in cultural and religious contexts

Similarly, the second webinar brought together over 30 participants from MENA, Africa and Asia. The panel for this meeting comprised Prof. Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief and Shareena Sheriff of Sisters in Islam (SIS) in Malaysia. During this webinar participants and resource persons discussed their views and experiences responding to the following questions –

- 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 laws discriminate against women and prevent them from being able to defend their rights?
- How have women successfully created space for advocacy within customary and religious contexts?

⁶ The resource speaker panel for this session comprised: 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; Josephine Chandiru, Executive Director, Stewardwomen, South Sudan; Claudine Tsongo, Director, Dynamique des Femmes Juristes and Judge Humiding who is a Judge in the Philippines

F. Summary of Discussion of challenges faced by women when accessing justice in contexts where religious and customary laws are prevalent

The following are some of the key challenges highlighted in the presentations by resource persons and contributions, and the reflections and experiences shared by participants in the webinar series, that women face when they seek to access justice in contexts where customary and religious laws are prevalent.

1. Living in contexts where laws and policies discriminate against women and gaps exist in protection of women's human rights

Several participants relayed the challenges presented by the contexts in which women live, where discriminatory customary and religious laws create barriers to access to justice. Examples were presented of countries where harmful practices such as female genital mutilation and child marriages are prevalent and are either legal or there is strong political support for such practices that result in lack of application of any laws that prohibit them. Participants highlighted that in some jurisdictions women do not have the right to decide, or even to participate in processes to determine, such issues as marriage or divorce or issues relating to property rights. Participants also shared several examples where the State has failed to pass laws geared at protecting women, including family laws and anti-gender based violence laws. They also shared examples where political, religious and other actors deliberately hinder access to justice for women by obstructing the passage of protective laws.

There were several examples shared regarding contexts where gender based violence against women was tolerated and regarded as common place. Participants shared examples of customary and religious courts obstructing access to justice for victims of rape, including by negotiating with perpetrators, without regard to the wishes of the women or girls involved, instead of ensuring access to justice through criminal law. Participants highlighted that in these contexts many cases of rape end up with a low sentences, if they are prosecuted at all, and, in many occasions, the perpetrator marries the victim upon return from servicing their minimal sentence. In many cases perpetrators are not prosecuted, and indeed the women who was raped is required to marry the perpetrator of the rape, without regard to her wishes.

The obstacles to promotion of women's rights are even more pronounced in contexts where custom and religions do not allow women to vindicate their rights. Participants shared experiences where religious norms and values are used as justification to prevent women from pursuing justice. An example was shared about victims of human rights violations being forced to forgive perpetrators, on the basis of invocation of religion, instead of pursuing justice. Participants cited examples where married women were barred from complaining about rape within marriage because dowry was paid. In many customs and religions, women are expected or required to defer to their husbands as they are not allowed to speak in public, and further, religious and customary law allow, and sometimes, mandate their husbands to speak on their behalf. Likewise, many women are forbidden to get an education, which also discourages justice seeking behaviour. In many religious contexts justice seeking behaviour by women is seen as "improper and un-lady-like" behaviour, which is not in line with religious or other norms of "modesty" or "propriety".

Participants also shared examples where there are gaps in legal protection, which also hinders access to justice for women. In one country, it was highlighted that there is no divorce law. This means that many women cannot free themselves from violent marriages. Another example highlighted the lack of laws prohibiting discrimination based on Sexual Orientation and Gender Identity and Expression (SOGIE). Others highlighted the lack of safe abortions laws. These create a context in which women struggle to pursue justice as legal frameworks do not recognise their human rights. Other examples include contexts where there is no specific age of majority for women in terms of the law; and where the age of puberty is used to presume majority. In some contexts girls can enter into valid marriages even when they have not yet attained the age of legal majority that would normally be required, as long as a petition for the marriage was filed before Sharia courts.

Examples were also given of contexts where gender stereotypes from religious precepts result in reserving judicial appointments exclusively to men. This results in a lack of women judges and chiefs. This is a major factor in denying access to justice to women. Participants also highlighted that in some contexts, when women participate in customary justice processes, their participation is highly restricted with many procedural aspects such as, for example, women's testimony being devalued and their testimony made to look not credible. Consequently, many do not file cases in these forums.

2. Plurality of customary and religious laws contributing to lack of equality among women

Several examples were given of contexts where large numbers of cultures or religions systems exist within a single geographic area and population, all with their own customary or religious laws, resulting in different customary and religious laws within the same context which have different impacts on women. Examples were made about contexts where different customary or religious marriage laws exist for different tribes or groups within the same country and how that had different outcomes for different women depending on their tribes or religion, with some women being able to enjoy certain rights and others not. This situation results in inequality amongst women themselves and hinders equal access to justice for women. One country, for example, was said to have more than four thousand five hundred different tribes, resulting in a diversity of customary laws which are all different, with many among them incorporating discriminatory laws that hinder women's access to justice. For example, some groups deny women the right to bring cases against family members. This also has an impact of increasing under-reporting of harassment and violation of women's rights.

3. Poverty and lack of knowledge of human rights

Participants also shared several examples of contexts where, even when the law provides for women's human rights including the rights to equality and non-discrimination, such rights are not applied by traditional and religious courts and justice actors, and women are deterred or effectively excluded from accessing official State courts due to economic obstacles or lack of awareness of their legal or human rights or how to access such systems.

Poverty in many cases also contributes to a lack of justice seeking behaviour. Examples were given of women continuing to live in circumstances of intimate partner violence as leaving would mean a lack of shelter, food and survival. This is because in many cases husbands control land or property and woman are therefore impoverished. This too presents a barrier to them seeking and accessing justice.

Several participants highlighted how the COVID-19 pandemic has exacerbated challenges women face in accessing justice in their jurisdictions. The lack of income and livelihood also creates a barrier to access to justice. COVID-19 regulations also made it difficult for women to leave their homes to file cases.

4. Negative experiences when interacting with the justice system, which discourage justice seeking behaviour

At women's intersection with the justice system itself, many face discrimination which has the effect of discouraging justice seeking behaviour. Examples were made of women approaching police in cases of domestic violence, where they suffer discrimination. Participants also highlighted that in some religious courts, court processes themselves are extremely challenging for women as in many cases they face discrimination, unprofessional treatment by lawyers and judges, and a lack of transparency. This too discourages women from using religious and customary systems to access justice.

G. Summary of discussions on strategies to address the challenges

Participants made recommendations to address some of the challenges discussed, including by citing experiences that had positive results in improving access to justice for women in customary and religious settings in the various contexts where they work.

1. Strengthening understanding of human rights standards

Participants emphasised that it is important for all justice actors, including in context of indigenous and other traditional or customary justice system, to understand that, in international human rights law, the 'human person' is the principal beneficiary of human rights law. Therefore, they affirmed, that international human rights law does not recognize the desire to maintain or promote particular traditions, customs or a particular religion, as in itself a valid basis for restricting, let alone violating, human rights. Furthermore, they emphasised that human rights are interrelated and indivisible. Accordingly, States have a duty to protect all human rights and fundamental freedoms. This obligation persists regarding women regardless of religious customs or communities they belong to. Furthermore, the protection of minority rights under international human rights law, alongside a host of other relevant rights including non-discrimination, mean that the desire to impose a custom or traditional practice of the majority cannot in itself be a justification for abuse of human rights. States therefore have a duty to ensure that women's human rights remain inalienable rights enshrined in constitutions because international human rights law guarantees that everyone must benefit from equal protection of the law. It is therefore important for all stakeholders to understand that one cannot invoke religion or custom to deny international recognized human rights, including the right to equality before the law, and the right to equal access to justice, to anyone.

2. Continuously engage informal justice systems: they cannot be ignored as they can play an important role in the national legal order

Participants emphasised that efforts to improve access to justice for women in contexts where informal justice systems play a major role – recognized or not – in resolving legal disputes, are unlikely to be successful unless the role of such systems is analyzed and addressed. The most effective strategy for improving access to justice for women in such contexts may include or require efforts to engage with such systems, and in many situations constructive engagement has in fact yielded positive results. Participants highlighted that in many cases traditional systems are closer to women and girls and they rely heavily on these systems to access justice; in practical terms, they often do not have other options in accessing justice. Accordingly, human rights actors should continuously seek opportunities for communication and engagement with these systems. Participants emphasised that traditional chiefs can be good allies when they are aware of women's human rights, and understand and are committed to their effective application. Examples were cited where customary law actors behaved differently when their knowledge of women's rights was improved; as they used women's human rights as a guide in arriving at their decisions. Furthermore, continuous engagement is important as it can reveal areas for collaboration and gaps in information and an understanding of limitations of informal justice systems. Examples were cited where human rights actors developed tool kits on the role of faith-based actors in ensuring access to justice for women. Participants also shared examples where they worked with traditional chiefs and provided them with tools to uphold women's human rights.

3. "Change is possible" - Interpretation of religious and customary laws in accordance with human rights standards

All justice systems, including religious and customary justice systems, should seek to ensure and uphold internationally recognized human rights and the rule of law in the broadest possible sense. Participants underlined that customary law is often not static, it can and often does develop over time in a way that better promotes women's rights and women's access to justice. This can be done through interpretation of religious and customary law in a manner consistent with human rights. Often a given body of religious law often will already have it, across its geographic and other scope, a range of different interpretations and forums for discussing and

resolving differences of interpretation; these should be seen as possible avenues for promoting interpretations that better ensure equal access to justice for women.

Participants expressed confidence in the potential to achieve changes to religious laws and customary laws to give effect to women's access to justice. They affirmed that such laws are generally subject to being transformed by many influences and value systems, and that such processes have taken place throughout history. While examples were cited about trends in certain contexts to weaponize religion to argue against rights, participants also argued that, alongside other strategies, it frequently possible to use interpretive tools and institutions within religious texts and customary laws to argue for human rights and use these to fight for the rights of women rather than to maintain the subordinate status quo of women.

Participants observed that it is important to ensure that adjudicators in customary and religious tribunals choose interpretations of law which are in line with women's rights. These actors must change customary law in a way that promotes women's rights including accessing justice.

Religious and customary tenets and values such as, for example, compassion and justice, which are also recognised in many religious and customary systems, can be interpreted to support arguments in favour of women's access to justice and equality. Participants gave examples where religious actors used religious teachings to inspire equality for everyone. Participants also gave examples where religious and customary actors with an understanding of the development of, for example, Islamic jurisprudence, challenged laws that cause injustice. They also gave examples where the principle of 'best interest of the child' was used to argue against child marriage, insofar as this principle is also a basic precept of many religions. Examples were also cited where domestic resources based on religion were used to find a way to bypass reservations made by a state to the Convention on the Elimination of all forms of Discrimination Against Women. It is important to look at domestic understandings of women's rights, it was argued, and use these to pass barriers to access to justice.

Furthermore, participants emphasised that it is important to draw on interpretation of locally relevant religious or customary texts that support women's rights. These were seen as an important entry point i.e. using interpretations from within customary, indigenous or religious groups to advance women's human rights.

Some participants encouraged a strategy of looking first to see if an interpretation under domestic or local religious or customary legal processes and concepts could achieve an outcome consistent with the relevant international human rights standard. An example was cited where scholars of Islam showed that harmful practices which harm the body of the child are not in accordance with Islam. The importance of religious literacy amongst adjudicators was therefore emphasised as a tool in ensuring access to justice for women and protecting women's human rights.

4. Empower women's voices in achieving justice

The role of women themselves in ensuring access to justice in customary and religious settings was highlighted by several participants. Increasing the knowledge of women traditional leaders and women human rights defenders about international and regional human rights standards, including on equal access to justice, contributes to ensuring access to justice for women.

Participants emphasised that it is important for women to have a good understanding of their status and how to demand legal protection for their human rights. This helps women understand what their rights are so they can stand up and claim them.

When women know their rights they often start questioning the status quo and are in a position to question or challenge discriminatory laws. Change begins to happen, it was suggested, when questioning occurs and grows into a mass conversation. An example was given where women questioned and rejected religious laws allowing for child marriage. They began to ask why is child marriage connected to religion and to question whether it really was connected to religion. This contributed to increased resistance to such harmful practices. Examples were also cited where strong women's movements lead to changes in religious laws on domestic violence. In

these cases, women's voices were strong in both Muslim and non-Muslims organisations, coming together to lobby against harmful laws.

5. *Building and expanding alliances between formal and informal systems to promote access to justice for women*

Official state justice systems and indigenous and other traditional or customary justice systems should pursue increased coordination with one another in order to ensure access to justice for women in customary and religious contexts. Participants gave examples where, in their jurisdictions, informal courts referred cases to formal courts if the case is outside the jurisdiction of traditional courts. And, in the same vein, formal courts also referred cases to traditional courts. Examples were also cited where informal justice systems were integrated into formal justice system as an entry point. Examples were cited where formal courts may not entertain cases that have not gone to informal courts.

Furthermore, examples were provided where informal systems have benefitted from oversight by the formal courts and effective partnership exists between formal and informal. Examples were cited where formal courts include mediation units that make it possible for judges to mandatorily refer matters to informal systems with the results submitted back to the formal court, and the formal court approving the ultimate settlement. Examples were also cited where, after receiving training, traditional chiefs started referring cases to the formal courts.

Conclusion:

As was mentioned at the outset, the discussions at the webinars were a rich exchange of experience and expertise, and identified key issues and strategies, which the ICJ hopes will assist women human rights defenders (as well as the ICJ itself) to be effective in advocacy, and in dialogues with religious and/or customary law actors in all parts of the world, to promote equal access to justice for women.

Annexure

Annexure A: Concept note and Agendas for meetings

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." ⁷

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.⁸ 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.⁹

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.

II. Objective

⁷ Paragraph 44 of the Tunis Declaration, available at <https://www.icj.org/icj-congress-2019-the-tunis-declaration-video/>

⁸ UN Women, *Progress of the World's Women Report: In Pursuit of Justice 2011-2012*, New York: UN Women 2012.

⁹ 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>

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, Indonesian and Dari.

Programme Agenda

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

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: Heleen van der Beek – Cordaid</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 	

	<ul style="list-style-type: none"> • Clara Rita Padilla, a lawyer from the Philippines who has engaged the Catholic Church in debates on women’s sexual & reproductive rights • 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)</p> <p>(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 • 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>	

Annexure B: Participants list

Region	COUNTRY	PARTICIPANT	DESIGNATION AND ORGANISATION
Asia	Indonesia	Rukmini Pataa	Customary Law Judge and Board of 'Aliansi Masyarakat Adat Nusantara/ Indigenous Peoples Alliance of the Archipelago'
		Nasaruddin Umar	Grand Imam of the Istiqlal Mosque
		Amar Alfikar	Muslim Trans Activist
		Dewi Novirianti	Lawyer, Women's Human Rights Defender (WHRD)
		Theresia Iswarini	Commissioner, Komnas Perempuan/ Indonesia National Commission on Violence Against Women
		Iwan Anggoro	Judge, Chief Judge of Wates Court
		Intan Rahmawati	Lawyer
		Sulistiyowati Irianto	Professor, Expert on Gender and Law
		Nirwana	Judge, High Court Judge in Makassar High Court, SC Working Group of Women and Children
		Dewi Haz	Judge, SC Working Group of Women and Children
		Nani Indrawati	Judge
		Uli Pangaribuan	Lawyer, Coordinator of Legal Service of LBH APIK (Legal Aid Institute APIK)
		Siti Aminah Tardi	Commissioner, Komnas Perempuan/ Indonesia National Commission on Violence Against Women
		Martini Maja	Judge
		Agus Akhyudi	Judge
		Lucas Prakoso	Judge, Vice Chief Judge Central Jakarta District Court
		Edy Wibowo	Judge, SC Working Group of Women and Children
		Takdir Rahmadi	Justice, Supreme Court of Republic of Indonesia
		Asfinawati	Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI) / Indonesia Legal Aid Foundation
		Maria Ulfah Anshor	Komnas Perempuan/ National Commission on Violence Against Women
Sondang Frishka	Advocacy International Team, Komnas Perempuan		

	Afghanistan	Rainy Maryke Hutabarat	Commissioner, Komnas Perempuan
		Ris Carolina	PKBI
		Lelita Dewi	Judge, SC WG Women and Children
		Agus Subroto	Judge, SC WG Women and Children
		Arezo Mirzad	Programme Manager, Cordaid
		Zarqa Yaftali	Expert
		Shahla Farid	Expert
	Philippines	Freshta Karimi	Executive Director, Da Qanoon Ghush-tonky
		Michael Sepidoza Campos	<u>Member of Emerging Queer Asian-Pacific Islander Religion Scholars</u>
		Clara Rita Padilla	Lawyer
		*Judge Jennifer Humiding	Judge
	Malaysia	Wenida Papandayan	Judge (Marawi City)
		Tess Rana-Bernales	Judge (Cagayan de Oro)
		Burt M. Estrada	Head Datu of the Bukidnon-Tagaloanon Tribe (also the Exec. Vice President of the Integrated Bar of the Philippines)
		Shareena Sheriff	Sisters in Islam (SIS)
Thilaga		Justice for Sisters	
New Sin Yew		Lawyer	
Africa	South Sudan	*Josephine Chandiru	Executive Director, STEWARDWOMEN
	DRC	Claudine Tsongo	Director, Dynamique des Femmes Juristes
	Zimbabwe	Fadzai Chatiza	Wilsa Director
		Choice DAMISO	Advocate litigating extensively on these issues in Zimbabwe
		Abigail Matsvai	ZWLA director
	Eswatini	Adv Perpetua Dube	Advocate litigating extensively on these issues in Zimbabwe
		Mary P da Silva	Southern African Human Rights Defenders Network Gender Officer
		Nonlanla Dlamini	SWAAGA

Ethiopia	Thulani Maseko	Litigator
	Meskerem Geset Techane	Member, UN Working Group on Discrimination against Women in Law and Practice, former judge
	Karabo Ozah	Executive Director, Child Law Centre
	Chuma Himonga	Academic
	Linda Kasonde	Zambian Lawyer
	Laura Miti	Zambian Lawyer
	Immaculata maluza	Women Lawyers Association
	Sibongile Ndashe	ISLA
	Kayan Leung	Sonke Gender Justice
	Waheeda Amien	Associate Professor of Public law at UCT (Specialises in religion law and women empowerment)
Other	Dee Smythe	Professor of Public Law and Interim NRF Chair in Security and Justice in the Law Faculty at the University of Cape Town
	South African Muslim Personal Law Society	South African Muslim Personal Law Society
	Charlene May	Women's Legal Centre
	Seehaam Samaai	Director, Women's Legal Centre
	Women of Waqf	Women of Waqf
	Chikondi Chijozi	SALC
	Nyasha Chingore-Munazvo	
	Hauwa Ibrahim	Prosecutor and human rights lawyer
Morocco	Atifa Timjerdine	Association Démocratique des Femmes au Maroc
	Amina Lotfi	Association Démocratique des Femmes au Maroc
	Saadia Waadad	Moroccan lawyer
	Houria El Hams	Lawyer and member of the Association Adala
MENA		

Lebanon	Zhour El Horr	Retired Family Court judge
	*Nahla Haidar	CEDAW Committee Member and ICJ COMmissioner
	Abir Chebaro	Gender expert and consultant
	*Zoya Rouhana	Director, KAFA (Enough) Violence & Exploitation
	*Brigitte Chelebian	Director, Lawyers Without Frontiers
	Mireille Daher	GBV Case Management Supervisor of ABAAD (resource center for gender equality)
Palestine	Lamia Jebreen	Women's Center for Legal Aid and Counseling (WCLAC) in Ramallah
Palestine	Kholoud Faqih (Khoulood el-Faqeeh)	Judge in Palestine
Experts and resource persons	Mr. Ahmed Shaheed	Special Rapporteur on freedom of religion or belief
	Professor Nazila Ghanea	Associate Professor in International Human Rights Law at the University of Oxford
Other groups	Rea Abada Chiongson	Senior Legal Advisor on Gender (IDLO)
	Shivani Verma	OHCHR (SEA Reg. Office)
	Doreen Buettner	UN Women (AP Reg. Office)