

# Annex 2: Concept Note

## Southeast Asia Regional Judicial Colloquium on Gender Equality Jurisprudence and the Role of the Judiciary in Promoting Women's Access to Justice

4th -5th September 2013 InterContinental Hotel, Bangkok, Thailand

### 1. Background:

The Convention on the Elimination of Discrimination of All Forms of Discrimination against Women (CEDAW) is the most comprehensive international treaty for ensuring the rights of women. Often referred to as the international women's bill of rights, CEDAW has been ratified or acceded to by 187 countries to date.

The CEDAW provides a powerful framework and legal obligation for countries to move towards achieving gender equality. It obligates States Parties to pursue by all appropriate means and without delay, a policy of eliminating discrimination against women. Implementation of the Convention by States Parties has been uneven however, and more effort is needed to ensure its principles are implemented at the national level. The judiciary is an important mechanism for ensuring CEDAW implementation, as judges have the opportunity to interpret and apply the provisions of the Convention in domestic court decisions, and thus send a powerful message to society that discrimination against women cannot be tolerated.

Unfortunately however, international human rights standards, including the CEDAW, are not sufficiently well known among many members of the judiciary. This is in part because lawyers and judges are not always adequately trained in international and regional human rights norms, and it is often difficult for them to access information or obtain advice about human rights jurisprudence. In addition to limited training and knowledge sharing opportunities, CEDAW implementation in the justice sector is also impeded by judicial decisions that are based on stereotypical notions about the nature and role of women, and by the view that human rights applies only to the public sphere, and not the private sphere - where women often experience violations. Moreover, in many countries, implementation of CEDAW principles may also be hindered by certain traditional or customary practices and cultural prejudices that violate women's human rights. Judges also frequently fail to recognize that equal treatment of persons in unequal situations may perpetuate rather than alleviate injustice. Often, formal equality rather than substantive equality is the focus of judicial decision making.