



ASIA-PACIFIC CONFERENCE ON THE PROMOTION OF GENDER-RESPONSIVE JUDICIAL SYSTEMS

*Strengthening Formal Justice Systems' Responses to
Violence Against Women and Girls*

23 May 2022

POST-CONFERENCE BOOKLET
Volume I: Main Proceedings




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Dignity means human worth: simply put, every person matters. No life is dispensable, disposable or demeanable. Every person has the right to live, and the right to live means right to live with dignity. A person should live as “person” and no less. Human dignity hovers over our laws like a guardian angel; it underlies every norm of a just legal system and provides an ultimate justification for every legal rule. Therefore, [the] right to dignity is the crown of fundamental rights under our Constitution and stands at the top[—]drawing its strength from all the fundamental rights under our Constitution and yet standing alone and tall, making human worth and humanness of a person a far more fundamental a right than the others, a right that is absolutely non-negotiable.

A woman, whatever her sexual character or reputation may be, is entitled to equal protection of law. No one has the license to invade her person or violate her privacy on the ground of her alleged immoral character. Even if [a] victim of rape is accustomed to sexual intercourse, it is not determinative in a rape case; the real fact-in-issue is whether or not the accused committed rape on her. If the victim had lost her virginity earlier, it does not give to anyone the right to rape her. In a criminal trial relating to rape, it is the accused who is on trial and not the victim. The courts should also discontinue the use of painfully intrusive and inappropriate expressions[—]like “habituated to sex”, “woman of easy virtue”, woman of loose moral character”, and “non-virgin”[—]for the alleged rape victims even if they find that the charge of rape is not proved against the accused. Such expressions are unconstitutional and illegal.

Atif Zareef v. The State, Criminal Appeal No.251/2020 and Criminal Petition No. 667/2020, 4 January 2021 (Hon. Justice Syed Mansoor Ali Shah speaking for the Supreme Court of Pakistan)



Women learn refrigerator servicing under ADB's Skills Development Project in Bangladesh (photo by M R Hasan/ADB).

A person wearing a vibrant, patterned traditional garment with yellow, green, and red accents is focused on working on a complex electrical circuit board. The board is populated with various components, including a terminal block, a relay, and several integrated circuits. Red and black wires are connected to the board. The background is slightly blurred, showing other people in a workshop or laboratory setting.

1

KEYNOTE ADDRESS

by Justice Antonio Herman Benjamin

Keynote Address

Keynote Address by JUSTICE ANTONIO HERMAN BENJAMIN *Justice, National High Court of Brazil*



The Asian Development Bank (ADB) has done a remarkable work in capacity building for judges in the Asia-Pacific region. There is no other multilateral bank that has this type of experience. I come from the other side of the world—Brazil. Having been dean of the National Judicial Academy, I can say that this particular program on gender-responsive judicial systems is probably one of the most important avenues that the bank and its partners have pursued in their work with judiciaries in the region.

The reasons for that are very simple. Women represent over 50% of the population of the world. Women in most legal systems have new rights, in addition to traditional rights, that often are just law in the books. They are not respected. And, unfortunately, in many parts of the planet, they are unknown. We have right holders that are not aware of the rights that they have. On the other hand, we often see judiciaries that are not sensitive to these issues.



Scan the QR code to watch
Justice Antonio Herman Benjamin's
Keynote Address on YouTube.

We need to separate between gender issues *outside* of the judiciary and gender issues *within* the judiciary. This applies as well to public prosecutors.

Keynote Address by Justice Antonio Herman Benjamin *(continued)*

Outside of the judiciary, we as judges and prosecutors have a duty to make sure that women's rights are fully respected and implemented. In some areas we see violence, criminal law failing women. But this also exists in every other area of law, including family law, environmental law, urban planning, tax law, and so on.

We should also look into ourselves, into our institutions. How do these institutions treat our women colleagues? Beginning with recruitment—is it acceptable at this stage that recruitment juries are made up only of men? Likewise, in judicial academies, the design of the curriculum is often done exclusively by men without incorporating women's perspectives. Another aspect is the faculty composition in those judicial academies; the great majority is usually made up of men. Finally, in many countries, we still have appellate courts, high courts, and Supreme Courts without a single woman. This is absolutely unacceptable, not just from a rule of law point of view, but from a civilization point of view.

In conclusion, I would like to celebrate this remarkable work of the Asian Development Bank and its legal team: its general counsel and the small group of dedicated lawyers working to ensure that, in this huge region of the planet, human rights are fully understood and incorporated in the daily practice of judges. I repeat myself—no other development bank is doing anything that approaches the level of dedication and resources put forward by the Asian Development Bank. Many thanks to the legal team and congratulations again for this most important event.



ANTONIO HERMAN BENJAMIN

Justice, National High Court of Brazil



Human Rights Watch data indicate that girls represent a disproportionate number of out-of-school youths in Pakistan. By sixth grade, 59% of girls no longer attend school, versus 49% of boys. Secondary school statistics are worse—by ninth grade, 87% of girls are out of school (photo by Sara Farid/ADB).



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CONFERENCE AGENDA

OPENING CEREMONY

Conference time by location

09:00–15:00 : Manila, Philippines Time (GMT +8)
06:00–12:00 : Islamabad, Pakistan Time (GMT +5)
10:00–16:00 : Dili, Timor-Leste Time (GMT +9)
11:00–17:00 : Sydney, Australia Time (GMT +10)
13:00–19:00 : Suva, Fiji Time (GMT +12)

OPENING CEREMONY

09:00–09:15 Manila 10:00–10:15 Dili 13:00–13:15 Suva
06:00–06:15 Islamabad 11:00–11:15 Sydney

- ▶ **MERESEINI RAKUITA**
Principal Strategic Lead, Pacific Community (SPC)
- ▶ **MUNKHTUYA ALTANGEREL**
*United Nations Development Programme (UNDP)
Resident Representative*
- ▶ **BRUCE GOSPER**
*Vice-President (Administration and Corporate Management),
Asian Development Bank (ADB)*
- ▶ **MASTER OF CEREMONIES:**
 - **Christina Pak**, *Principal Counsel, ADB*

SETTING THE SCENE

09:15–09:30 Manila 10:15–10:30 Dili 13:15–13:30 Suva
06:15–06:30 Islamabad 11:15–11:30 Sydney

- ▶ **Overview of Violence Against Women and Girls in Asia and the Pacific** (10 mins.)
 - **Samantha Hung**, *Chief of Gender Equality Thematic Group, Sustainable Development and Climate Change Department, ADB*
 - **Abigail Erikson**, *Senior Advisor, Ending Violence Against Women and Girls, UN Women*
- ▶ **Short skit shedding light on a survivor's experience in the criminal justice system** (3–5 mins.)

Wellness Break (15 mins.)

09:30–09:45 Manila 10:30–10:45 Dili 13:30–13:45 Suva
06:30–06:45 Islamabad 11:30–11:45 Sydney

PLENARY SESSION 1

SESSION 1:

ADDRESSING GENDER-BASED VIOLENCE IN THE FORMAL JUSTICE SYSTEM - REGIONAL AND INTERNATIONAL PERSPECTIVES

(1 hour and 15 mins.) 09:45–11:00 Manila 10:45–12:00 Dili 13:45–15:00 Suva
06:45–08:00 Islamabad 11:45–13:00 Sydney

- Identifying gaps, barriers and solutions to achieve fair and effective protection of women and girls in the formal justice system
 - Ensure victim's dignity in the legal-judicial process
 - Provide effective protection measures to minimize repercussions and remove fear
 - Provide reparation to rebuild lives post-violence
- Q & A

► **MODERATOR:** **Zarizana Abdul Aziz**, *Gender and Human Rights Lawyer and Adjunct Professor, George Washington University*

► **PANEL CONTRIBUTORS:**

Hon. Justice Syed Mansoor Ali Shah, *Supreme Court of Pakistan*

Genoveva Tisheva, *Member, Committee on the Elimination of All Forms of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination against Women [CEDAW]); Managing Director, Bulgarian Gender Research Foundation; and Chairperson, Alliance for Protection from Gender-Based Violence*

Miliana T. Tarai, *Legal Services Manager, Fiji Women's Crisis Centre*

Tevita Seruilumi, *Family and Sexual Violence and Gender Equality, Disability and Social Inclusion Adviser, Justice Services for Stability and Development, Papua New Guinea*

Andy Yentriyani, *Chairperson, Indonesian National Commission on Violence Against Women (Komisi Nasional Anti Kekerasan terhadap Perempuan / Komnas Perempuan)*

Emily Morrison, *Consultant, Sustainable Solutions Timor-Leste, UNDP Timor-Leste*

► **FACILITATOR:**

Laura Arboleda Gutiérrez, *Qualified lawyer (Colombia) and Master of Public Policy candidate, The London School of Economics and Political Science*

Wellness Break (15 mins.)

11:00–11:15 Manila 12:00–12:15 Dili 15:00–15:15 Suva
08:00–08:15 Islamabad 13:00–13:15 Sydney

PLENARY SESSION 2

SESSION 2:

GOOD PRACTICES IN INCREASING CONFIDENCE IN THE FORMAL JUSTICE SYSTEM - REGIONAL AND INTERNATIONAL APPROACHES

(1 hour and 15 mins.) 11:15–12:30 Manila 12:15–13:30 Dili 15:15–16:30 Suva
08:15–09:30 Islamabad 13:15–14:30 Sydney

- Initiatives implemented by judicial systems to increase access to justice, e.g. specialized GBV judges and prosecutors, mobile courts, fast-tracking, victim-centered approach and online testimony and hearings
- Capacity building of justice personnel—during COVID-19 and beyond (showcasing of ADB interactive e-module)
- Advocacy tools (presentation of video and illustrations)
- Q & A

► **MODERATOR:** **Hon. Dr. Robyn Layton AO QC**, *Former Justice of the Supreme Court of South Australia and Adjunct Professor, University of South Australia*

► **PANEL CONTRIBUTORS:**

Hon. Justice Ananda Mohan Bhattarai, *Supreme Court of Nepal*

Hon. Judge Robyn Tupman, *District Court of New South Wales, Australia and Secretary Treasurer, The International Association of Women Judges*

Hon. Judge Shazib Saeed, *District and Sessions Judge/Director General, Case Management, Lahore High Court/Visiting Faculty, Punjab Judicial Academy, Pakistan*

Rea Abada Chiongson, *Senior Legal Adviser on Gender, International Development Law Organization*

Jargalan Avkhia, *Field Program Manager–Mongolia, International Development Law Organization*

Samar Minallah Khan, *Communications and Behavior Change Specialist and International Filmmaker*

► **FACILITATOR:**

Nikita Singh, *Qualified lawyer (Australia) and Master of Public Policy candidate, The London School of Economics and Political Science*

Break (1 hour) *Dinner Break for Fiji participants – sponsored by ADB*

12:30–13:30 Manila 13:30–14:30 Dili 16:30–17:30 Suva
09:30–10:30 Islamabad 14:30–15:30 Sydney

■ TAILORED SESSIONS – Concurrent Breakout Sessions

(held in separate Zoom rooms for virtual participants)

(held in separate conference rooms for Fiji participants)

(1 hour) 13:30–14:30 Manila 14:30–15:30 Dili 17:30–18:30 Suva
 10:30–11:30 Islamabad 15:30–16:30 Sydney

■ SESSION 3A:

CONCURRENT BREAKOUT SESSION FOR JUDGES

[Closed session for judges; the session was recorded for documentation purposes but was not livestreamed or made available to the public to allow for open exchanges.]

- Judges from Asia and the Pacific shared their experiences in adopting good practice measures applying gender perspectives in adjudicating GBV cases. They also discussed specialized mechanisms, judicial tools and knowledge resources.

▶ **MODERATOR:** **Hon. Dr. Robyn Layton AO QC**, Former Justice of the Supreme Court of South Australia and Adjunct Professor, University of South Australia

▶ **PANEL CONTRIBUTORS:**

Hon. Chief Justice Kamal Kumar, Supreme Court of Fiji

Hon. Judge Robyn Tupman, District Court of New South Wales, Australia and Secretary Treasurer, The International Association of Women Judges

Hon. Justice Vui Clarence Nelson, Supreme Court of Samoa and Member, Committee on the Rights of the Child (Convention on the Rights of the Child)

Hon. Justice Hima Kohli, Supreme Court of India

Hon. Justice Henri Jean Paul B. Inting, Supreme Court of the Philippines

▶ **FACILITATOR:**

Maria Cecilia T. Sicangco, Senior Legal Officer, ADB

■ SESSION 3B:

CONCURRENT BREAKOUT SESSION FOR PROSECUTORS

[Closed session for prosecutors; the session was recorded for documentation purposes but was not livestreamed or made available to the public to allow for open exchanges.]

- Prosecutors from Asia and the Pacific discussed issues and challenges in investigating and handling violence against women and girls cases. They also shared experiences in adopting good practice measures.

▶ **MODERATOR:** **Zarizana Abdul Aziz**, Gender and Human Rights Lawyer and Adjunct Professor, George Washington University

▶ **PANEL CONTRIBUTORS:**

H.E. Dr. Alfonso Lopez, Prosecutor General, Timor-Leste

Hon. Justice Sandi McDonald, Supreme Court of South Australia and former Acting Director of Public Prosecutions

Shyamala Alagendra, Gender Advisor, United Nations Sri Lanka Accountability Team, Former Prosecution Trial Lawyer, International Criminal Court, and Former Assistant Director of Public Prosecutions, Fiji

▶ **FACILITATOR:**

Lea Halberstein, *Juris Doctor (JD) candidate, Northeastern University School of Law*

■ **SESSION 3C:**

CONCURRENT BREAKOUT SESSION FOR VICTIM/SURVIVOR ADVOCATES AND CIVIL SOCIETY ORGANIZATIONS *[open session]*

- Participants exchanged experiences in adopting good practice measures applying gender perspectives, standards of practice, and guidelines in violence against women and girls cases. They also discussed examples to improve the formal judicial system.

▶ **MODERATOR:** **Kate Eastman AM SC**, *Human Rights Lawyer*

▶ **PANEL CONTRIBUTORS:**

Nalini Singh, *Executive Director, Fiji Women's Rights Movement*

Bárbara de Oliveira, *Partner, JU,S, Jurídico Social Consultoria, Timor-Leste*

Liliwaimanu Vuiyasawa, *Gender and Child Care Consultant, Gender Economic Inclusion Group, International Finance Corporation*

Henry Cornwell, *Counsel, ADB*

Asmita Basu, *Law, Gender and Human Rights Specialist*

▶ **FACILITATORS:**

Nelania Sarmiento, *Communications and Liaison Officer (Consultant), ADB*


Zhansaya Imanmadiyeva, *Master of Public Policy candidate, Graduate School of Public Policy, University of Tokyo*

Wellness Break *(15 mins.)*

14:30–14:45	Manila	15:30–15:45	Dili	18:30–18:45	Suva
11:30–11:45	Islamabad	16:30–16:45	Sydney		

CONCLUDING SESSION

<i>(15 mins.)</i>	14:45–15:00	Manila	15:45–16:00	Dili	18:45–19:00	Suva
	11:45–12:00	Islamabad	16:45–17:00	Sydney		



Technicians assemble electronic products in a factory inside the Savan Park Special Economic Zone in Savannakhet, Lao People's Democratic Republic (photo by Ariel Javellana/ADB).



Bayanihan dancers in Cebu, Philippines (photo by Angelo Jacinto/ADB).



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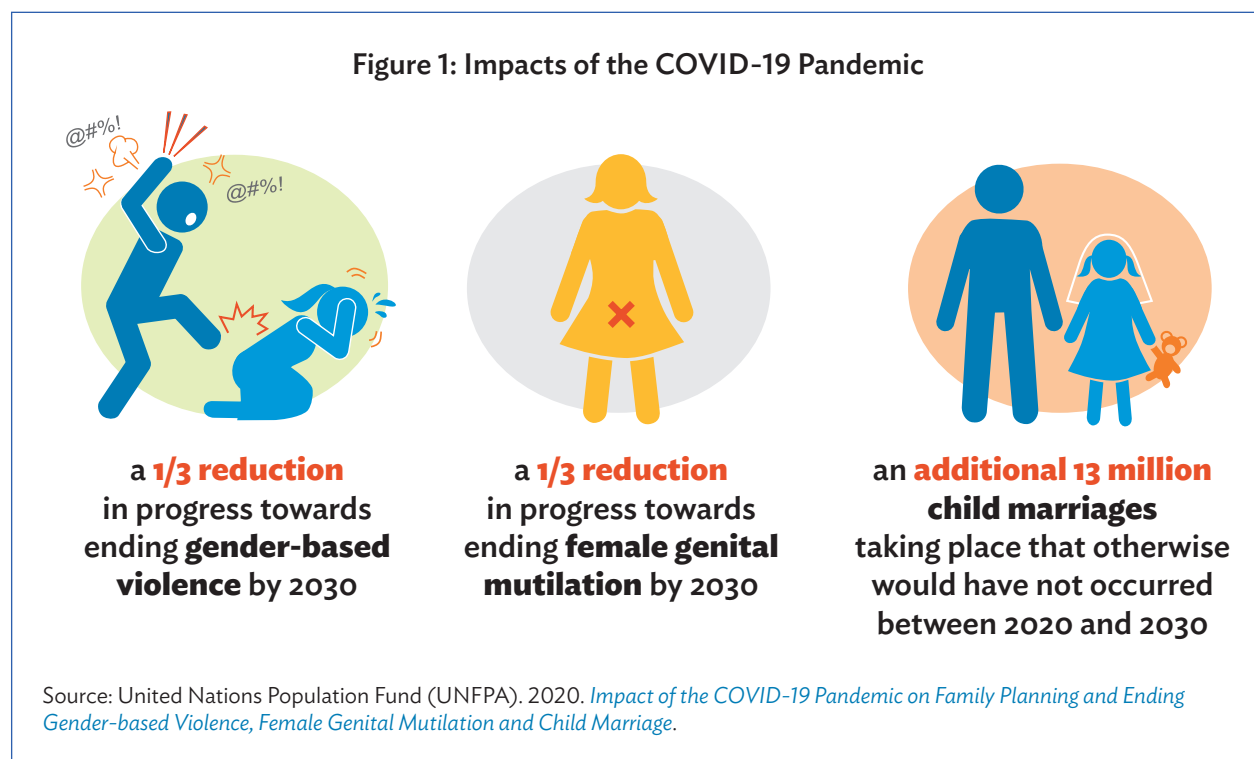
BACKGROUND PAPER



The right of access to justice for women and girls is essential to the realization of women’s rights. Justice is an enabler of rights. Absence of justice leads to the deprivation of rights.

Among these rights are the right to life, liberty and security of persons;¹ freedom from cruel, inhuman or degrading treatment;² and the right to equality and freedom from discrimination.³ These rights also mirror the fundamental rights and freedoms protected under almost all constitutions.

The most common form of violation of these rights is violence against women and girls (VAWG). VAWG is a global issue—1 in 3 women experience physical, sexual, psychological and other forms of violence.⁴ Women and girls in Pacific countries face some of the highest rates of violence with 60–80% of women and girls aged 15–19 experiencing intimate or nonintimate partner violence in their lifetime.⁵ The COVID-19 pandemic has exacerbated VAWG, with women and girls across all countries facing even higher rates of violence and sexual abuse (Figure 1).⁶



¹ *International Covenant on Civil and Political Rights* (ICCPR), New York, 16 December 1966, United Nations Treaty Series, Vol. 999, No. 14668, p. 171. Arts. 6 and 9; and General Assembly Resolution 217 A (III), *Universal Declaration of Human Rights* (UDHR), A/RES/217(III) (10 December 1948). Art. 3.

² ICCPR, Art. 7; and UDHR, Art. 5.

³ ICCPR, Arts. 3, 14, 23, and 26; and UDHR, Arts. 1, 7, and 16.

⁴ World Health Organization (WHO), et al. 2021. *Violence against Women Prevalence Estimates, 2018—Global, Regional and National Prevalence Estimates for Intimate Partner Violence against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women*. Geneva. This Report was an analysis of prevalence data from 2000–2018 across 161 countries and areas, conducted by WHO on behalf of the UN Inter-Agency Working Group on Violence Against Women Estimation and Data (VAW-IAWGED).

⁵ J. K. Singh, et al. 2020. *Comparative Legal Review of the Impact of Gender Stereotyping on Judicial Decisions in Violence against Women Cases across the Pacific Island Region*. London: Equality and Justice Alliance for Sisters for Change.

⁶ UN Women. 2021. *Measuring the Shadow Pandemic: Violence against Women during COVID-19*; and WHO. 2021. *Devastatingly Pervasive: 1 in 3 Women Globally Experience Violence*. 9 March. News Release.

Violence against Women and Girls in Asia and the Pacific

Most VAWG is intimate partner violence (IPV), which is “behavior by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviors.”⁷ Table 1 below shows 2018 national prevalence estimates of IPV among ever-married/partnered women aged 15–49 years in Asia-Pacific member countries for which data is available.

Table: Country Prevalence Estimates of Lifetime and Past 12 Months Physical and/or Sexual Intimate Partner Violence (IPV) among Ever-Married/Partnered Women Aged 15–49 Years, 2018

Country	Lifetime IPV Point Estimate (%)	Past 12 Months IPV Point Estimate (%)
Armenia	10	5
Australia	23	3
Azerbaijan	14	5
Bangladesh	50	23
Bhutan	22	9
Brunei Darussalam	–	–
Cambodia	19	9
Cook Islands	33	14
Fiji	52	23
Georgia	10	3
India	35	18
Indonesia	22	9
Japan	20	4
Kazakhstan	16	6
Kiribati	53	25
Kyrgyz Republic	23	13
Lao People’s Democratic Republic	19	8
Malaysia	19	–
Maldives	19	6
Marshall Islands	38	19
Micronesia, Federated States of	35	21
Mongolia	27	12
Nauru	43	20
Nepal	27	11
New Zealand	23	4
Niue	–	–
Pakistan	29	16
Palau	31	14
Papua New Guinea	51	31
People’s Republic of China	19	8
Philippines	14	6
Republic of Korea	–	8
Samoa	40	18
Singapore	11	2
Solomon Islands	50	28
Sri Lanka	24	4
Tajikistan	24	14
Thailand	24	9
Timor-Leste	38	28
Tonga	37	17
Turkmenistan	–	–
Tuvalu	39	20
Uzbekistan	–	–
Vanuatu	47	29
Viet Nam	25	10

IPV = intimate partner violence.

Source: World Health Organization (WHO), et al. 2021. *Violence against Women Prevalence Estimates, 2018—Global, Regional and National Prevalence Estimates for Intimate Partner Violence against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women*. Geneva. pp. 68–74.

⁷ WHO. *Violence against Women: Fact Sheet*.

The Justice System Response to Violence against Women and Girls

Over the past decade, at least 158 countries have passed laws on gender-based violence, including domestic violence.⁸ However, laws alone are not sufficient to eliminate VAWG.⁹ In relation to justice system actors—including judges, prosecutors and lawyers—common access to justice barriers women and girls encounter include (i) harmful gender bias and stereotyping; (ii) lack of gender sensitivity; (iii) inadequate investigation or prosecution of offences; (iv) re-traumatizing court processes; and (v) inadequate sentencing outcomes, often based on gender bias and taking into account inappropriate factors, such as victim blaming or “provocation.” In addition, there is a lack of appreciation of the challenges faced by women and girls in making formal complaints about the violence against them.

Underpinning these challenges faced by women and girls are other impediments such as low literacy, limited knowledge of their legal rights, harmful gender discrimination against them, male controlling behaviors towards their partners and ideologies of male sexual entitlement, cultural and social norms that excuse or normalize violence against them, lack of support by family members and community leaders, and insufficient support services. The cumulative effect of these factors in turn lead to impunity of the offender for their violent behavior and act as a deterrence for women and girls in the future being prepared to seek formal justice.

Improving Access to Justice for Women and Girl Survivors

Justice is “an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs.”¹⁰ Initiatives shown to improve access to justice for VAWG survivors require justice system stakeholders and duty-bearers to fulfil their obligations by (i) ensuring justice institutions are effective, accountable, and gender-responsive; and (ii) creating an enabling environment for women and girls to access the justice system.¹¹ This includes increasing capacity and awareness of judges and prosecutors through customized trainings on gender sensitization and VAWG laws and procedures; specialized institutions (such as GBV courts); reform of VAWG laws and court procedures and practices, including addressing re-traumatization of survivors; and streamlined practices in crime investigation, judicial decision-making, sentencing, and reparation.¹²

⁸ World Bank. 2022. *Women, Business and the Law 2022*. Washington, DC, p. 25. N.B. These laws usually address physical and psychological violence, but a significant number do not have provisions addressing sexual, economic, and financial abuse. In the World Bank study, 158 economies have laws addressing physical violence, and 157 economies have laws addressing psychological violence. However, only 134 and 113 have laws addressing sexual and economic violence, respectively.

⁹ J. Klugman. 2017. *Gender Based Violence and the Law*. Background Paper on Governance and the Law for the World Development Report 2017. Washington, DC: World Bank.

¹⁰ United Nations, Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General*, S/2004/616 (23 August 2004).

¹¹ UN Women, et al. 2018. *A Practitioner’s Toolkit on Women’s Access to Justice Programming*. New York: United Nations.

¹² M. Ellsberg, et al. 2019. *Ending Violence against Women and Girls: Evaluating a Decade of Australia’s Development Assistance*. Canberra: Government of Australia, Department of Foreign Affairs and Trade; S. Cusack. 2014. *Eliminating Judicial Stereotyping—Equal Access to Justice for Women in Gender-Based Violence Cases*. Paper submitted to the Office of the Commissioner for Human Rights on 9 June 2014; Z. Abdul Aziz and J. Moussa. 2012, reprint 2016. *Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women*. Penang; and UN Women and The Advocates for Human Rights. 2011. *Working with the Justice Sector to End Violence against Women and Girls*. 20 December 2011. pp. 18–20.

Asian Development Bank's Technical Assistance on the Promotion of Gender-Responsive Judicial Systems

The Asian Development Bank's (ADB) Technical Assistance (TA) on the Promotion of Gender-Responsive Judicial Systems, undertaken through the Office of the General Counsel's Law and Policy Reform Program, is one aspect of the ADB's Strategy 2030 priority of accelerating progress in gender equality in Asia and the Pacific.¹³ The TA aims to strengthen the capacity of judicial systems to respond more effectively to VAWG cases, as well as increase knowledge sharing on gender-based violence and access to justice issues for women and girls.

Asia-Pacific Conference on the Promotion of Gender-Responsive Judicial Systems

The Conference aims to identify and promote good and promising practices and successful outcomes in ensuring women and girls' access to justice in VAWG cases.

The right to access to justice is multidimensional. It encompasses justiciability, availability, accessibility, good quality, the provision of remedies for victims and the accountability of justice systems.¹⁴

The Conference also aims to identify common gaps and barriers to access to justices.

These obstacles occur in a structural context of discrimination and inequality owing to factors such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination, procedural and evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women. All these obstacles constitute persistent violations of women's human rights.¹⁵

This Conference likewise intends to increase regional knowledge sharing on better handling and adjudication of the VAWG cases. Participants will comprise judges, prosecutors, lawyers, government officials, civil service organizations, academia, development partners and other relevant stakeholders. The Conference is an important means to help turn around the trajectory of increased VAWG heavily impacted upon by COVID-19 in the Asia-Pacific region.

¹³ ADB. 2018. *Strategy 2030: Achieving a Prosperous, Inclusive, Resilient and Sustainable Asia and the Pacific*. Manila.

¹⁴ UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 33: General Recommendations on Women's Access to Justice*, CEDAW/C/GC/33 (3 August 2015). para. 1. A copy of General Recommendation No. 33 is on pp. 18–42 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹⁵ Footnote 14, para. 3.



Maiya Bishankhe is employed as a driver for the Nepal Electricity Authority (NEA) and was trained under ADB's Skills for Employment Project (photo by Samir Jung Thapa /ADB).



4

OPENING CEREMONY REMARKS

Opening Ceremony Remarks

Speech by **MERESEINI RAKUITA**

*Principal Strategic Lead, Pacific Women and Global Chairperson,
FP2030 Governing Board*

Honorable Judges; Asian Development Bank (ADB) Vice President, Mr. Bruce Gosper; United Nations Development Programme (UNDP) Representative, Ms. Munkhtuya Altangerel; civil society stakeholders; distinguished guests; ladies and gentlemen; Bula Vinaka to you all.



It's an honor and privilege to share opening remarks today for this conference on the Promotion of Gender-Responsive Judicial Systems. Opportunities like this—where gender-based violence stakeholders across multiple sectors come together with a focus on judicial systems in the Asia Pacific region—are rare. A number of Asia and Pacific jurisdictions have introduced laws making domestic violence a criminal offense, and revisions to criminal codes relating to broader physical and sexual violence provisions have provided legal pathways to justice for survivors of gender-based violence. This includes

the establishment of specific court procedures to protect women in the form of protection or restraining orders, legal reforms that remove the requirement for collaboration for a rape survivor's evidence, as well as specific courts to address family and domestic violence. I would like to congratulate you all for the steps taken—however big or small—to address the pandemic of gender-based violence in many of our societies and communities.

However, this opportunity is a challenge to us all—and our inclusive discussions and decisions—to unpack the issues around gender-based violence and gaps in justice systems, and to seek answers to the question: what are responsive judicial systems? We must work together to ensure gender-based violence survivors access justice across all our respective work areas: whether that is civil society advocacy and service provision; judges, prosecutors, lawyers, and government officials; academia; and development partners. I also want to acknowledge the importance of active youth engagement in the deliberations. It is not going to be easy. We have to be honest and true to our justice systems and the human rights of not only survivors of gender-based violence, but also the perpetrators.

Much has been done in judicial and court systems to improve access to justice for survivors of gender-based violence. Some jurisdictions have streamlined court procedures and reduced or waived fees for services like temporary or permanent protection orders, and this is to be commended. All of us engaged in this

Scan the QR code to watch
Ms. Mereseini Rakuita's speech
on YouTube.



Speech by Mereseini Rakuita *(continued)*

area understand the complexities and challenges of applying the law to uphold gender equality and women's rights, as well as broader family protection.

However, our Pacific region is very complex. Challenges include the need for justice sector reform, limited budgets, and reliance on external professional justice expertise in some of our smaller populated nations. Lack of funding means that systems and infrastructure that support access to justice are not consistently available. Resource constraints affect potential court users and prevent economically disadvantaged people from accessing the formal justice sector.

Much research has been done about violence against women and children in the Pacific and I am sure many of you are familiar with the grim results. The prevalence of violence against women and girls in all its forms in most countries in the Pacific is higher than the global average of 35%: it is endemic. In Tonga, Samoa, Kiribati, Fiji and Vanuatu, national research shows the rate of lifetime experience is over 70%— double the global average—and is 64% in Solomon Islands. The United Nations Population Fund's (UNFPA) global database on gender-based violence includes five Pacific Island nations among the 10 countries in the world with the highest intimate partner violence against women.

To link the prevalence rates back to the theme of this forum, I would like to share data presented to the Papua New Guinea parliamentary inquiry. In 2021, only 2% of the approximately 15,000 registered gender-based violence cases were prosecuted, and the 300 prosecuted cases resulted in 100 convictions. That is the scale of the challenge.

The COVID-19 pandemic has added more difficulties to accessing justice through border closures, domestic travel restrictions, and curfews or 'lockdowns'. Yet we know from service providers that gender-based violence increased at the same time, in some nations by very significant numbers: survivors were basically trapped in households with abusive intimate partners or others.

The Pacific Judicial Strengthening Initiative notes that while "legal aid for victims of family violence is available in some nations, often by civil society [organizations]; capacity remains limited. Further, the Family Protection Laws, which have now been enacted in most [Pacific Island Countries], do not include a right to legal assistance."¹

So what does a gender-responsive judicial system with effective responses to violence against women and girls look like? To answer this, we must acknowledge the challenges or barriers that work against women and girls' effective participation in court processes that involve them as victims or survivors. The Pacific Judicial Strengthening Initiative's Annual Report for 2018-2019 was 'on point' and to quote: "Patriarchal norms along with the breakdown of matriarchal norms, gender stereotypes, and custom have embedded structural gender discrimination within many Pacific societies. This has eroded avenues for justice, redress, and protection. These barriers allow perpetrators to evade accountability. As a result, women are vulnerable and have little faith in the justice system."²

¹ Federal Court of Australia and the Pacific Judicial Strengthening Initiative. 2019. [Fourth Six-Monthly Progress Report: July–December 2019](#).

² Federal Court of Australia and the Pacific Judicial Strengthening Initiative. 2019. [Annual Report: July 2018–June 2019](#).

Opening Ceremony Remarks

Speech by Mereseini Rakuita *(continued)*

Barriers to accessing justice for women in Fiji, as identified by the 2017 Fiji Women's Rights Movement report "Balancing the Scales: Improving Fijian Women's Access to Justice", include the physical accessibility of courts for those who live in rural areas; lack of victim support services; lack of integrated and regular analysis of sex disaggregated data on cases involving violence against women and girls; cost of accessing the justice system; "sole breadwinner" being a mitigating factor in sentencing for rape; lack of information for women living with disabilities on services that are available for them to more effectively access the formal justice system; and the need for capacity building in order to improve the delivery of high quality services for women, including training for domestic violence restraining orders and collection and use of forensic evidence.

In relation to the judiciary, the report also makes some key recommendations relating to the collection and publication of relevant data; court procedural and infrastructural reforms to enhance the safe and effective participation of women and children in court processes; and practice direction for sentencing guidelines to address concerns relating to sentencing for sexual offense cases.

Then there is the fundamental challenge across the Pacific of the confluence between a person's constitutional rights to justice and the legal system, and traditional or customary justice.

This Asia-Pacific Conference on Strengthening Formal Justice Systems' Response to Violence against Women and Girls is timely and a very welcome intervention, for Fiji and for the Pacific at large, particularly as the Conference is a prelude for more substantive work in Fiji and the region that is geared towards the promotion of gender-responsive judicial systems in the context of violence against women and girls.

There is a lot to be done to address these 'big issues.' Much is being done by governments, non-government organizations, and development partners (including The Pacific Community [SPC]) to address the incidence of gender-based violence. We know that great things can happen when all stakeholders contribute meaningfully, coordinate, collaborate, and innovate to eliminate violence against women and girls.

Addressing the barriers identified has begun in many nations with consultative engagement processes that aim to inform justice sector reforms. The voices of civil society, communities, women, and girls are critical in the shaping of these reforms and ensuring that the justice sector is held accountable. Transformative change needs transformative solutions. Reform must be multi-pronged and multi-layered. Capacity strengthening with all stakeholders must result in better, sustainable outcomes for survivors.

I wish you all the very best in your deliberations and my most sincere thanks to ADB and UNDP for this Conference and the initiative that will follow, Pacific-wide. Vinaka.

Speech by **MUNKHTUYA ALTANGEREL**

United Nations Development Programme Resident Representative

Distinguished participants of this international conference, I would like to, first of all, thank Mereseini Rakuita, Principal Strategic Lead of the Pacific Community; Bruce Gosper, Vice President (Administration and Corporate Management) of the Asian Development Bank (ADB); and Christina Pak, Principal Counsel of the ADB and the master of ceremonies, for their great support and preparation for this regional conference on gender-responsive judicial systems. I also would like to acknowledge all the government partners, development partners, civil society organizations, legal community, human rights advocates, and academics who are participating in this conference across Asia-Pacific—including in the country where I'm serving now, Timor-Leste.



First, I would like to highlight how the COVID-19 pandemic has exacerbated many of the already pre-existing conditions—including violence against women and girls—and all the statistics that the predecessor speaker has mentioned. Indeed, many girls and women across our region are facing even higher rates of violence and injustice. This is not something new, but it does exist and is pervasively entrenched in all facets of our societies, in both public and private spheres. The violence unfortunately comes in all forms, including physical, sexual, psychological, and economic.

I will not be talking too much about the statistics because I think many of our colleagues will be referring to the statistics and evidence that already exists. But a statistic that I do want to mention is the fact that over 60% of the world's youth now live in the Asia-Pacific region. This demographic dividend, this youth dividend, has the potential to mobilize the populations of Asia-Pacific countries for significant human development achievements.

However, it seems that this potential is not being fully achieved. There are some factors which are barring women and girls, for example, from fully contributing to their country's development—including pre-existing cultural gender norms and some other structural barriers. In the Pacific

region and Timor-Leste, up to 68% of women have unfortunately experienced in their lifetime physical or sexual violence at the hands of their intimate partner, which probably also speaks to the issue of societal tolerance towards violence towards women and



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**Ms. Munkhtuya Altangerel's speech
on YouTube.**

Opening Ceremony Remarks

Speech by Munkhtuya Altangerel *(continued)*

girls. This has all kinds of implications across societies, not only on health but also education and multi-dimensional poverty. In the Pacific countries and Timor-Leste, 10 to 27% of girls are married between the ages 15 to 19 years. This is another statistic which shows that many girls are getting married too early to reach their full potential, including pursuing careers and freedoms they could have been pursuing.

Unfortunately, Timor-Leste has suffered from the twin shocks of COVID and natural disasters. Just recently, it conducted a socio-economic impact assessment of COVID and floods. The assessment shows that 80% of the women surveyed were employed in the informal sector. Due to COVID and floods, they lost the highest number of assets while also carrying the highest burden of domestic care and other support, including responsibility for educating children when the schools were closed.

Moving to what Timor-Leste has done in terms of promoting women's empowerment, including women's political and economic empowerment, I would like to mention some of the good work that the government has accomplished, with the support of development partners such as the United Nations Development Programme (UNDP), ADB, and other organizations. The country has a quota system established such that women's representation should be up to 30%. Now, the representation of women in Parliament in Timor-Leste is one of the highest in the world, at 38%.

At the same time, the government has designed a national action plan to counter gender-based violence (GBV), in close partnership with developing partners. This is one of the milestones that the country is now moving towards to try to address GBV cases as crime, as stated in the laws of the country. It also looks at providing resources to address GBV cases with a survivor-centered approach.

In addition to that, the government has introduced gender-responsive budgeting to integrate gender elements, including elements of gender justice, in the planning and design of the state budgets. This is very much a work in progress. Through our joint United Nations work, such as an integrated national financing framework for the sustainable development goals (SDGs), we are working with the Ministry of Finance and the Prime Minister's Office to assist with fuller and more results-oriented integration of gender-responsive budgeting across all line ministries. This relates to ensuring that those commitments are translated into actual budgetary commitments, including implementation modalities and quality of implementation, across line ministries and at sub-national levels.

On a global and regional scale, UNDP, as a policy-driven organization, is very much committed to promoting and strengthening the rule of law and the protection of human rights. As was mentioned by the previous speaker, gender inequality does remain as one of the greatest single challenges of human rights around the world. This was stated by our Secretary General in 2021. Again and again, we emphasize the need for a multi-dimensional, multi-partner, and whole-of-society approach—it cannot be the task of just the gender ministry or gender department of a government.

Speech by Munkhtuya Altangerel *(continued)*

There are many partners who have come together, utilizing the UN reform and One UN approaches. For example, in Timor-Leste and different Asia Pacific countries, the European Union-funded Spotlight Initiative of the Secretary General has been providing much needed concerted support by drawing strengthened value-added capacities of various UN organizations and civil society organizations. This type of multi-partner approach really helps us to have that whole-of-society and whole-of-partners type of approach.

Just a few observations to think through as we go through this conference. As mentioned at the beginning of my speech, the COVID-19 pandemic has revealed systemic vulnerabilities, especially for women, low income households, and people with disabilities. However, while the great reset that we keep on talking about after COVID-19 has yet to happen (or maybe it is already happening), we need to not lose focus and to address and continue advocating for the rights of the most vulnerable. Indeed, right now, the world is experiencing some deep supply chain issues and other shocks due to ongoing conflicts, including the war in Ukraine. As many studies now show, these shocks always reach the most vulnerable communities, and countries with a variety of exposures and vulnerabilities, first. So this is not the time to relax but to have that great rethink, and continue working together to advocate for the rights of women and girls. At the end of the day, we are talking about rebuilding our social fabric across societies and upholding the social contract between governments and their people, emphasizing the rights of the people at heart.

Thank you so much for your attention.

Opening Ceremony Remarks

Speech by **BRUCE GOSPER**

*Vice-President, Administration and Corporate Management,
Asian Development Bank (ADB)*

Honorable Justices, distinguished speakers, respected guests and friends, warm greetings from Manila.

I speak after two impressive speakers with very powerful insights on the global pandemic of violence against women and girls, and I am sure we all appreciate their inspiring words and tremendous dedication.

Indeed, violence in all its forms restrains women's and girls' rights and opportunities in life globally. No country, culture, or religion is immune. No single factor can explain violence.

It is the complex intersection of a range of biological, cultural, social and political factors, with each reinforcing the other.

Changing the trajectory of violence against women and girls requires a multisector and multi-pronged approach.

It requires coordination and partnerships across international organizations, government agencies, civil society organizations and individuals—including every one of us.

This conference highlights the justice sector and its role.

Despite the important advances in international and national laws and policies, violence against women and girls has not significantly diminished.

Implementation of laws is still weak; there are capacity and resource constraints; and there are socio-cultural factors.

It is widely recognized that greater political will and commitment of resources is required at every level.

Supporting gender equality is a TOP priority at the Asian Development Bank (ADB). Gender equality is one of ADB's key operational priorities under our corporate Strategy 2030. ADB has mainstreamed gender in our projects and programs, and we have established targets for gender mainstreaming—with at least 75% of our committed projects to be gender-inclusive by 2030. Strengthened protection from gender-based violence (GBV) is also a sub-pillar of Strategy 2030's

Operational Priority 2 on Accelerating Progress in Gender Equality.

Furthermore, throughout the COVID-19 pandemic, ADB has put greater emphasis on mitigating disproportionate impacts on women and girls and on addressing pervasive gender inequalities (such as



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Opening Ceremony Remarks

Speech by Bruce Gosper *(continued)*

unpaid care and gender-based violence) by strengthening specialized clinics and telephone assistance hotlines for survivors.

Moreover, through the ADB Office of the General Counsel's Law and Policy Reform Program, we work with legal and judicial stakeholders to strengthen the formal justice systems' responses to violence against women and girls cases to improve their right of access to justice.

The obstacles that need to be addressed include gender stereotypes that prevent women from exercising their rights and impede access to effective remedies; complexity and length of proceedings; delays, gender-insensitive attitudes and practices; and outcomes that result in impunity of offenders. We need to promote survivor-centric approaches.

To emphasize, what is required are justice systems that are dynamic and open to innovative practical measures that are gender-sensitive and which encourage women to use the formal justice system. These outcomes can be substantially achieved through capacity building and training.

In the past two decades, the Asia and the Pacific region has made significant strides in establishing laws, policies and institutional frameworks, and in providing capacity building training for the justice sector.

In 2015, ADB launched a technical assistance program which worked with the judicial system in Pakistan to address GBV cases, through capacity training of judges and prosecutors.

One significant outcome was the establishment of a model GBV court—where ADB assisted with the drafting of the guidelines and practice notes, advised on the physical set-up of the court, and trained the judges. With the leadership of the Pakistan Supreme Court, the model GBV court was replicated in over 100 courts across the country.

Building on this great work, last year, ADB launched a new technical assistance entitled, “The Promotion of Gender-Responsive Judicial Systems,” focusing on our Pacific developing member countries and Timor-Leste.

Under this new technical assistance, ADB works with judges, magistrates and prosecutors on developing customized capacity building programs and specialized knowledge resources, as well as exploring special mechanisms for more effective and efficient handling of cases.

Furthermore, our work recognizes the interplay of personal, situational and socio-cultural factors, so the technical assistance is supported by a One ADB team comprised of representatives from the Office of the General Counsel, Pacific and Southeast Asia regional departments, and the Gender Equality Thematic Group, along with a dedicated team of experts in law, gender, human rights, behavioral insights and communications.

At the same time, we have convened all of you today—key stakeholders from the formal justice system, civil society, development partners, legal community and advocates—to leverage our collective knowledge, resources and determination, to help eliminate violence against women and girls.

I would like to conclude by thanking all of YOU for YOUR willingness to come together to exchange experiences and explore solutions.

We have a rich program today and I hope all leave equipped with useful information and connections that will help advance our work together.

Bula Vinaka to our participants in Fiji and great thanks to all of you who have tuned in from all over the world. Thank you for your attention.

Mother and child outside their home in Mongolia (photo by Eric Sales/ADB).





5

PRESENTATION SUMMARIES

A. Opening Ceremony: Setting the Scene

1. Presentation by Samantha Hung and Abigail Erikson

Ms. Samantha Hung and Ms. Abigail Erikson provided an overview of violence against women and girls in Asia and the Pacific.



Ms. SAMANTHA HUNG is Chief of the Gender Equality Thematic Group, Sustainable Development and Climate Change Department at the Asian Development Bank (ADB). She began by underscoring ADB’s commitment to effectively address gender-based violence (GBV), a critical component underpinning the bank’s gender equality work. Specifically, ADB’s corporate policy, Strategy 2030, identifies accelerating gender equality as the second of its seven operational priorities.¹ Building on ADB’s long-standing Policy on Gender and Development,² Strategy 2030’s Operational Priority

2 on Accelerating Progress in Gender Equality (OP2) refers to strengthening protection from GBV under the human development pillar.³ As such, the number of solutions implemented to prevent

¹ ADB. 2018. Strategy 2030: *Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific*. Manila. pp. 15–16. Para. 40 provides:

40. **Scaling up support for gender equality.** ADB will help accelerate progress in gender equality in [developing member countries] through (i) targeted operations to empower women and girls in areas such as education, health, financial inclusion, and job creation; (ii) gender mainstreaming that directly narrows gender gaps or benefits women and girls, for example, a community road project that provides women with access to income-generating opportunities combined with a capacity building component to help women improve their skills; and (iii) operations with some gender elements that incorporate a few actions in the design and implementation of ADB projects and programs, for instance, to increase employment opportunities for women during construction, operation, and maintenance. ADB recognizes that even projects not classified as (i)–(iii) may also have positive effects on the lives of women and girls. For example, a power plant project may not specifically target narrowing gender gaps as it feeds electricity into the grid; however, women will benefit from the use of electricity in terms of reduced time poverty and better access to work opportunities (emphasis in the original).

The other six operational priorities are (i) addressing remaining poverty and reducing inequalities; (ii) tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability; (iii) making cities more livable; (iv) promoting rural development and food security; (v) strengthening governance and institutional capacity; and (vi) fostering regional cooperation and integration.

² ADB. 1998. *Policy on Gender and Development*. Manila.

³ Footnote 1, para. 44 states:

44. **Pursuing gender equality in human development.** Education projects will be designed to improve gender equality in completion rates, learning outcomes, and school-to-work transitions. ADB will support girls in pursuing science, technology, engineering, and mathematics education. Health and social protection operations will address the unmet reproductive and other health needs of women and girls and gender-based violence. Elderly care services will be designed to ease women’s family care duties and meet the diverse needs of elderly women. (emphasis in the original, italics supplied)

A. Opening Ceremony: Setting the Scene

or address GBV is a key indicator in ADB's corporate results framework, i.e., how ADB reports its work to its constituents and its Board of Directors on an annual basis.⁴ This number is aggregated from project level to the corporate level.

Strategy 2030's OP2 also highlights the need to (i) have dedicated GBV-related

components in education and health projects; (ii) address women's personal security in a broad range of infrastructure investments; (iii) address project-related risks of sexual exploitation, abuse, and harassment; and (iv) explore stand-alone grant and technical assistance projects in relation to GBV.

ADB integrates considerations of women's safety in project designs. For example, public transport projects—such as metro rail transit or bus systems—are designed to ensure that women feel safe, through consultation with women at all stages of the project; provision of safe spaces for women and girls; inclusion of specific measures such as closed-circuit television (CCTV) cameras of IT applications for reporting harassment; and training of transport officials on sexual harassment prevention. The Pacific Disaster Resilience Program (PDRP) is another example of a project where GBV design features were integrated. The PDRP seeks to improve the resilience of participating small-island developing member countries (DMCs) to disasters triggered by natural hazards, and recognizes the critical importance of protection and services for GBV in post-disaster situations.⁵ At the policy level, ADB also currently supports the development of government policies to prevent sexual exploitation, abuse, and harassment in the public sector in Tonga and Nauru.

Moreover, as the coronavirus disease (COVID-19) pandemic brought along a shadow pandemic in terms of increased rates of GBV, ADB integrated GBV response into quick-disbursing pandemic response budget support and other modalities to DMCs. This included intentional efforts to preserve the provision of GBV support services, such as safe houses, telephone hotlines, public awareness, and GBV prevention campaigns. For example, in Mongolia, a four-year grant project that commenced in 2019 focuses on strengthening the quality of and access to domestic violence-related services, such as shelters for survivors, economic empowerment programs, and a study on domestic violence prevalence among persons with disabilities.

Lastly, another remarkable ADB initiative was the *Legal Literacy for Women* Technical Assistance (TA), the precursor to the *Promotion of Gender-Responsive Judicial Systems* TA currently being implemented in Fiji and Timor-Leste. Implemented from 2015 to 2020, the Legal Literacy for Women TA spearheaded an innovative two-pronged approach to achieve better justice outcomes on GBV issues in Pakistan and Afghanistan. Capacity building of judges and prosecutors was paired with a positive media campaign on the rights of women and girls (e.g., the right to inheritance under Islamic law) using traditional and non-traditional media. This TA project was highly successful, leading to institutional reforms such as specialized GBV courts in Pakistan. Although the TA ended in November 2020, it still informs ADB's broader programming and policy engagement in DMCs to ensure better justice sector responses to GBV.

Scan the QR code to watch
Ms. Samantha Hung's and
Ms. Abigail Erikson's
presentations on YouTube.



⁴ ADB. 2019. *ADB Corporate Results Framework, 2019–2024*. Manila

⁵ Asian Development Bank. *Regional: Pacific Disaster Resilience Program*.



Ms. ABIGAIL ERIKSON is Senior Advisor on Ending Violence against Women and Girls at UN Women. At the outset, she emphasized that gender discrimination and gender inequality are driving violence against women and girls across the world. Globally, one in three women has experienced physical or sexual violence by an intimate partner, or sexual violence by a non-partner. One in five girls worldwide has experienced sexual abuse from childhood. Yet, despite these high rates of violence, less than 10% of survivors seek help from the police.

The Asia-Pacific region has some of the highest rates of violence against women and girls, with the Pacific region rate twice the global average. Ms. Erikson then invited conference participants to revisit her presentation slide deck at their convenience to study the available data.⁶ Slide 3, in particular, shows prevalence rates of overall violence against women and girls, as against intimate partner violence, in small-island developing states in the Pacific.

Ms. Erikson further observed that the COVID-19 pandemic has exacerbated violence. Across all the countries in the region, helpline calls have increased.

Ms. Erikson remarked that these prevalence rates—already very high despite underreporting—are based on women’s experiences of violence. She then contrasted this data set with what men are reporting. In a 2013 survey of six countries (Bangladesh, Cambodia, China, Indonesia, Papua New Guinea, and Sri Lanka), at least one in four men surveyed said that they had either been physically or sexually violent against a female partner. At least one in 10 said they had raped a woman or girl. The most common reported motivation for perpetrating rape was related to men’s sense of sexual entitlement (71%), with fun/boredom coming in second (44%). These statistics run contrary to the usual assumption that alcohol is driving violence. Instead, GBV is driven by gender inequality—men’s perception of and belief in their power over women and girls and their bodies. The survey also shows that the majority of men who admitted to perpetrating rape did not experience any legal consequences.

A 2019 research study out of Kiribati looked at both women’s experiences of violence and men’s perpetration.⁷ The results of the study replicated survey results from 2008: the rates of violence had not changed, and the overall lifetime average was still 68%. Notably, however, men reported a higher perpetration rate of intimate partner violence than women disclosed experiencing. The difference between reported perpetration by men and reported experience of violence by women reflects the normalization of violence against women in the community (i.e., the social norm that “this is just what happens”). Further, shame, fear, and stigma of reporting are still driving underreporting of violence by women.

⁶ Ms. Erikson’s slide deck is on page 37 of this booklet.

⁷ The Equality Institute, UN Women, and Government of Kiribati. 2020. *Violence against Women and Girls in South Tarawa, Kiribati: Findings from a 2019 Baseline Study*.

A. Opening Ceremony: Setting the Scene

With respect to help-seeking behavior, women and girls do not experience the full breadth of help that they need, despite high rates of violence against women and girls across the region. In Vanuatu, 98% of women experiencing violence do not access the formal justice system. A similar number emerges from Samoa (89%). Likewise, in Solomon Islands, 70% of women who have experienced rape or physical violence from an intimate partner never sought help. Various reasons were given: they did not consider the violence “serious enough”; they did not understand or know about the justice system; they lacked awareness of services; they felt embarrassed or ashamed; they feared not being believed; or they feared they would lose relationships or children.

Ms. Erikson noted that these data should be framed in the context of access to justice. Pervasive gender discriminatory attitudes, across all parts of society, are barriers to accessing justice. Women believe that justice system actors—from the police, to the prosecutor, to the judge—would not take their story and experiences in a gender-sensitive way. This is illustrated in the United Nations multi-country study entitled “The Trial of Rape,” which looked at the criminal justice system response to sexual violence in Thailand and Vietnam.⁸ A female social worker reported that a police officer told a 12-year old rape victim, “You were raped because of the way you dressed; if not by this offender, you would have been abused by somebody else.”

Other barriers to justice include (i) practical obstacles (e.g., inaccessibility of courts, costs of travel, court fees), (ii) complexity of court processes, and (iii) information gaps (i.e., limited knowledge and limited access to information about rights and what to expect when navigating the criminal justice system).⁹

Furthermore, research conducted by Diverse Voices and Action (DIVA) for Equality indicates that 76% of sexually assaulted lesbian, bisexual, and transgender women and gender non-conforming responders reported that they do not feel safe going to the police—suggesting that these issues are compounded for them.¹⁰

Ms. Erikson concluded with a three-point recommendation. First, she underscored the need to look at gender discriminatory attitudes that prevent women and girls from having a positive, safe, and fair experience in the justice system. Second, this stocktaking must be complemented with strengthened access to quality and essential services. Lastly, we must ensure that women and girls know where and how to get help. While there have been some improvements in this space, Ms. Erikson observed that a lot of work still needs to be done.

⁸ E. Skinnider, R. Montgomery, and S. Garrett. 2017. *The Trial of Rape. Understanding the Criminal Justice System Response to Sexual Violence in Thailand and Vietnam*. UN Women, United Nations Development Programme and United Nations Office on Drugs and Crime.

⁹ Fiji Women’s Rights Movement. 2017. *Balancing the Scales: Improving Fijian Women’s Access to Justice*. Suva; and UN Women. 2016. *Women and Children’s Access to the Formal Justice System in Vanuatu*.

¹⁰ DIVA for Equality. 2019. *Unjust, Unequal, Unstoppable: Fiji Lesbians, Bisexual Women, Transmen and Gender Non-Conforming People Tipping The Scales Toward Justice*. Laucala Beach Estate.



Samantha Hung's Presentation

Asia-Pacific Conference on the Promotion
of Gender-Responsive Judicial Systems

Setting the Scene: Gender-Based Violence (GBV) in Asia-Pacific ADB Experience

23 May 2022

Samantha Hung
Chief of Gender Equality Thematic Group
Asian Development Bank



ADB

Presentation Overview

- Addressing gender-based violence in ADB gender policy
- Snapshots of ADB's work to address gender-based violence



A. Opening Ceremony: Setting the Scene

Addressing GBV in ADB Gender Policy

- ADB Policy on Gender and Development 1998
- Strategy 2030
 - Health and social protection operations to address unmet reproductive and other health needs of women and girls and gender-based violence.
- S2030 Operational Priority 2. Accelerating Progress in Gender Equality
 - Pillar 2. Gender equality in human development enhanced
 - Protection from gender-based violence strengthened
 - Dedicated components in education and health projects
 - Women's personal security in infrastructure investments
 - Addressing project SEAH risks
 - Explore stand-alone grant and technical assistance projects



Addressing GBV through sector investments

- GBV prevention in urban planning and transport design
- Pacific Disaster Resilience Program:
 - Protection from GBV in post-disaster situation (Kiribati, Solomon Islands)
 - GBV considerations in cluster safety and protection (Tonga)
 - National COVID-19 Economic and Financial Relief package - funding for survivors (Tuvalu)
- Kiribati Outer Islands Transport Infrastructure Investment Project
 - GBV framework
 - GBV requirements (code of conduct, signage on GBV, consultations, grievance redressal mechanism for receiving, registering, referring, and reporting complaints)
- Development of policies to prevent sexual exploitation, abuse and harassment in public sector (Tonga, Nauru*)



Responding to GBV during COVID-19

ADB's COVID-19 support programs

- Accommodation blocks for GBV survivors (Maldives), GBV Centers (Vanuatu)
- Support for responding to domestic violence and GBV during pandemic (Philippines and Indonesia)
- Telephone hotlines (Solomon Islands, Palau, Marshall Islands, PNG)
- Support to GBV service providers (Solomon Islands, Samoa)
- SOPs for domestic violence services during lockdown (Marshall Islands)
- Public awareness messages, GBV prevention campaigns (Solomon Islands, Samoa, Mongolia, Philippines, Vanuatu)



Combating Domestic Violence (Mongolia)



- Grant project on Strengthening the quality of and access to prevention and multi-disciplinary response to domestic violence (2019-23)
- Shelters for survivors
- Pilot women's economic empowerment program for survivors
- Study on DV prevalence among persons with disabilities



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- Technical assistance on addressing and Preventing Domestic Violence in Mongolia during the COVID-19 Crisis

Legal Literacy for Women

- 2015-2019
- Two-pronged approach
 - Capacity-building on gender issues government, legal and judicial sectors, religious scholars
 - Positive Media Campaign: traditional & non-traditional media, and mobilization of communities
- Pakistan & Afghanistan



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THEMATIC GROUP

- Training of Judges
- Training modules on addressing GBV
- Pakistan: Model GBV Court

Thank you

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A. Opening Ceremony: Setting the Scene



Abigail Erikson's Presentation

Asia-Pacific Conference on the Promotion of Gender-Responsive Judicial Systems

Abigail Erikson, EVAW Senior Advisor
UN Women, Fiji Multi Country Office



Violence against Women & Girls: Global Picture



MORE THAN 1 IN 3 WOMEN WORLDWIDE

have experienced physical and/or sexual violence by a partner or sexual violence by a non-partner

"Violence against women and girls may be the world's longest, deadliest pandemic. One in three women worldwide has directly experienced violence. **Every 11 minutes, a woman is killed by a partner or family member.** Often in the place where she should be safest — her own home."

UN Secretary-General António Guterres', "Role & Responsibility of Men and Boys in Eliminating Gender-Based Violence", March 2022



MORE THAN 1 IN 5 GIRLS WORLDWIDE

have been sexually abused in childhood

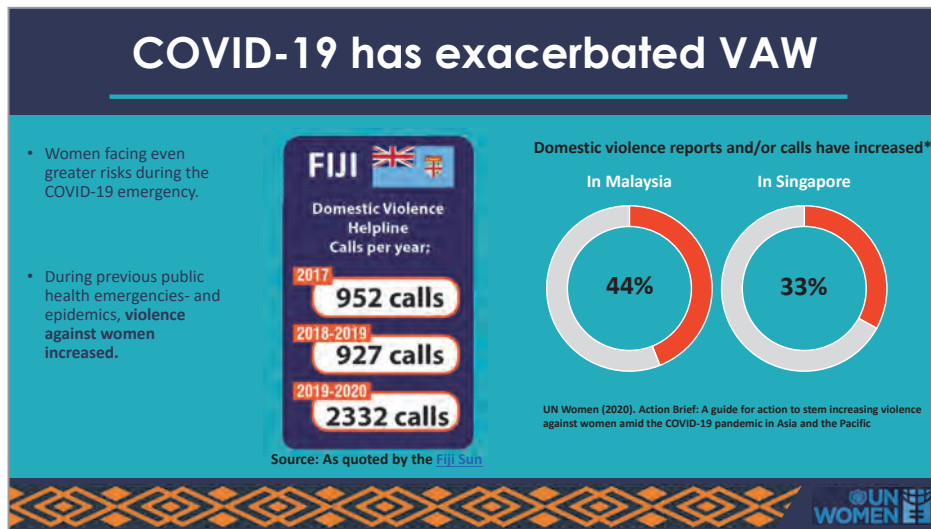


Shame and stigma around reporting, globally **less than 10%** of survivors seek help from police

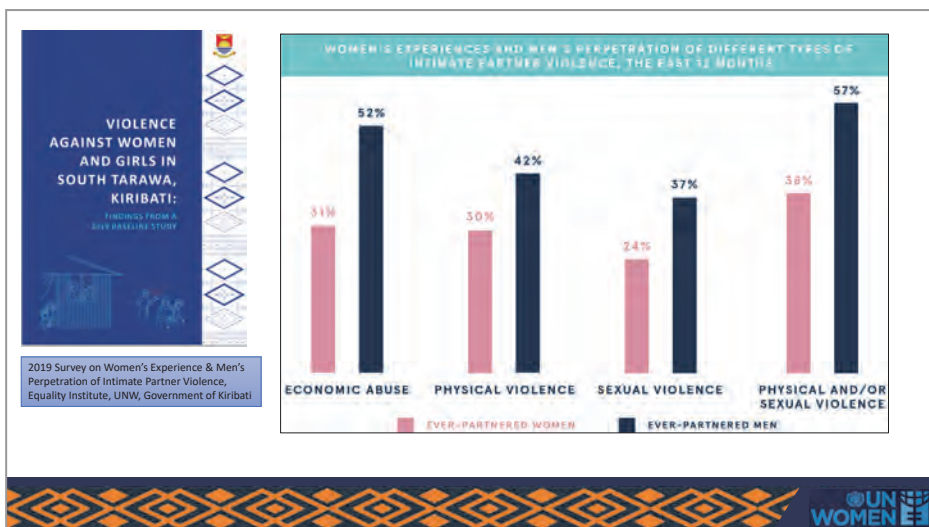
Source: WHO

Source: Worlds Women 2015 Report (© 2015 United Nations)





A. Opening Ceremony: Setting the Scene



What the data tells us about help-seeking behavior

Many women don't receive the help they need

- 98%** of women experiencing violence in Vanuatu do not access the formal justice system
- 89%** women in Samoa **never sought help**
- 70%** of women in Solomon Islands who experienced rape or physical violence from an intimate partner **never sought help**

Violence not considered 'serious' enough.

Justice systems costs & lack of awareness of services

Embarrassed, ashamed, afraid she would not be believed

Fear of losing relationship or children

Barriers to Accessing Justice: Pervasive gender discriminatory attitudes of justice sectors actors including law enforcement towards women and VAW.

"You were raped because of the way you dressed; if not by this offender, you would have been abused by another."

- A female social worker reporting a statement from a police officer handling a case of a rape victim who was 12 years of age

"I can easily sum up my experiences in the prosecution stage in three words: I don't understand. I don't understand the law, I don't understand why it takes so long, and I don't understand the language used in correspondence from the prosecutor's office. Of course I felt like quitting and leaving everything behind."

- A female rape survivor

Barriers to accessing justice: Fiji and Vanuatu

- Practical obstacles, inaccessibility of courts, costs of travel, court fees
- Limited knowledge and limited access to information about their rights and what they can should expect as they navigate complex criminal justice systems and processes – **Women's Crisis Centers Critical!**
- For women with disabilities, LBT women these challenges are even more enhanced.

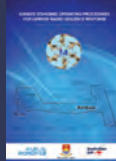
A. Opening Ceremony: Setting the Scene

Key Recommendations

- Strengthen coordination of quality essential services
- Ensure gender sensitive approaches for sexual and domestic violence survivors
- Address the gender discriminatory social norms that condone VAW
- Ensure women and girls know where and how to get help



92% of women and children with access to the Magistrates Courts in Vanuatu were assisted by the Vanuatu Women's Center or the Family Protection Unit of the Vanuatu Police Force



"It was a complex process. The system is not women-friendly. But I couldn't surrender just because of that. I continued to fight for my rights, for the justice that I deserve."

- A female rape survivor

Source, Trial of Rape, 2017



2. Video: The Story of Emily*

* Real name withheld to protect the identity of the victim-survivor.

My father spoiled me as a child. He never made me do household chores. I enjoyed my studies and was good at it. As a child, life was beautiful: as if I was in heaven. I had everything I wanted.



My ex-husband and I enjoyed spending time together. I thought he would be a dream husband and never hurt me.

I suffered violence for 14 years. It was an unhappy marriage.

His family asked for my hand in marriage and paid ‘*folin*’ (bride price) to my parents.

The bride price silenced me. I could not speak up. It killed my spirit. Inside, I felt dead.

The trauma started impacting my kids. I told them to go to their rooms and sleep when their father arrived home, drunk. I faced his wrath.

In 2009, I attended a campaign by Rede Feto, UNWOMEN on the domestic violence law. I educated myself on the issue. Read about the law.

I cried and told my ex-husband, “Enough is enough!” I said, “I don’t want this anymore”.

It was like a wake-up call. Like something was telling me to speak up.

I went to a public defender, found a lawyer to help me with my case. Within five days, I put everything in writing. I wrote about the violence that I had experienced.

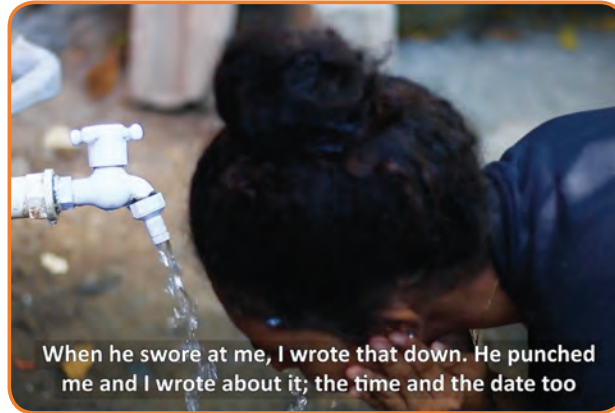
When he would hit me, I would go, wash my face and write it all down. When he swore at me, I wrote that down. He punched me and I wrote about it; the time and the date, too.

I was confident that the court would not blame me if I followed the legal process.

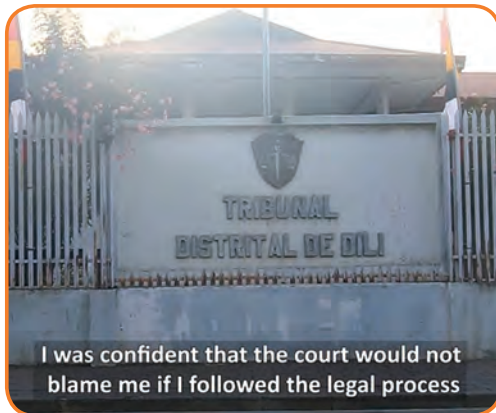
I knew about NGOs like Fokuper and Pradet’s shelter rooms, the police’s Vulnerable Person’s Unit specializing in investigating crimes of violence.

On the third day of trial, the court asked my kids about their choice. They chose to stay with me.

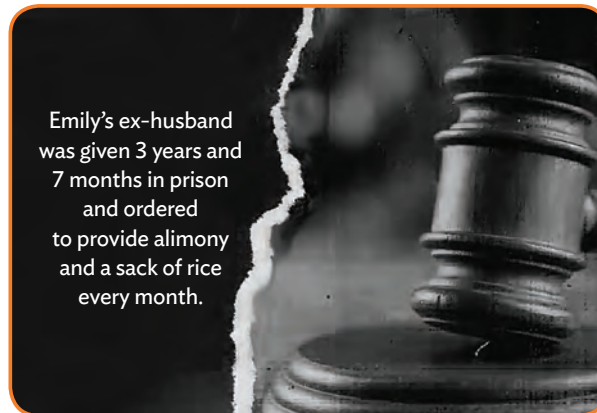
A. Opening Ceremony: Setting the Scene



When he swore at me, I wrote that down. He punched me and I wrote about it; the time and the date too



I was confident that the court would not blame me if I followed the legal process



Emily's ex-husband was given 3 years and 7 months in prison and ordered to provide alimony and a sack of rice every month.

I do not care for alimony. Neither do I want the sack of rice. All I had wanted was to end this cycle of violence.

I won at last! I won as the gavel struck three times. I hugged my father and we cried.

Not everyone is brave enough to stand in the court. People find it shameful. A stigma.

I danced while going down the court's staircase.

I returned home and it felt like heaven. I felt like the happiest woman. I felt the joy that I had not felt during the 14 years of my marriage.

B. Plenary Session 1

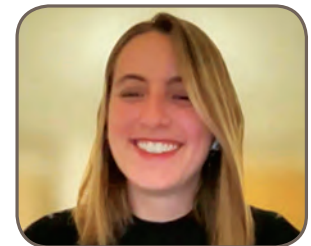
ADDRESSING GENDER-BASED VIOLENCE IN THE FORMAL JUSTICE SYSTEM—REGIONAL AND INTERNATIONAL PERSPECTIVES

1. Plenary Discussion



Ms. Zarizana Abdul Aziz, gender and human rights lawyer and adjunct professor at George Washington University, moderated Plenary Session 1, with **Ms. Laura Arboleda Gutiérrez**, qualified lawyer in Colombia and Master of Public Policy candidate at the London School of Economics and Political Science, acting as facilitator. This session aimed to identify gaps, barriers, and solutions to

achieve fair and effective protection of women and girls in the formal justice system. “Fair and effective protection” was benchmarked against three parameters: ensuring the victim’s dignity in the legal-judicial process; providing effective protection measures to minimize repercussions and remove fear; and providing reparation to rebuild lives post-violence.



The session began with a discussion on the barriers that keep victim survivors from accessing the formal justice system. **Ms. Miliana Tarai**, Legal Services Manager at the Fiji Women’s Crisis Centre (FWCC), identified nine reasons that drive victim-survivors away from the formal justice system:

- (i) Women lack awareness of their rights, the law, and the support services available to them.
- (ii) Justice system actors often have insensitive attitudes and do not adequately consider the power dynamics between perpetrators and victim-survivors. Uneven power dynamics manifest in various ways, e.g., through rape myths and gender stereotyping during questioning of the victim-survivor.
- (iii) Patriarchal culture engenders further victimization of women who decide to access the formal justice system, leading to shaming, blaming, ostracization, and stigma of victim-survivors.



Scan the QR code
to watch Plenary Session 1
on YouTube.



- (iv) Society normalizes or tolerates violent behavior, including in interpreting religious texts.
- (v) Delays in justice are prevalent as the case goes through the legal process. For instance, it takes some time for police investigations to lead to the filing of charges against a perpetrator and, once filed, for the resulting case to conclude.¹
- (vi) Service providers in the formal justice sector often lack aptitude and treat gender-based violence cases in a lackadaisical manner—i.e., they do not know or understand (a) the law or what the law mandates them to do, (b) the national service delivery protocols in place to expedite processes, or (c) the importance and urgency of enforcing domestic violence restraining orders.
- (vii) Limitations brought about by the coronavirus disease (COVID-19) pandemic have exacerbated existing access to justice issues. For example, legal aid services have moved to online platforms, making it difficult for women who lack data, money, or other resources to access the formal justice system.
- (viii) Victim-survivors sometimes have difficulty even “getting through the door.” They are turned away at the outset by court staff, sometimes as early as when they apply for relief at the court registry. Their claims are presumed vexatious or frivolous—even before consideration by magistrates.
- (ix) Legal systems do not have sufficient protections to ensure the safety of victim-survivors, such as when perpetrators get out on bail and the domestic violence relationship resumes.

Because of these factors, survivors tend to lose confidence in the judicial process.

Mr. Tevita Seruilumi, adviser at Justice Services for Stability and Development in Papua New Guinea, then discussed whether the formal justice system is nevertheless able to afford some protection to victim-survivors, despite the access to justice barriers discussed by Ms. Tarai. Mr. Seruilumi provided a two-fold response. He acknowledged that the current justice system does provide some level of protection to victim-survivors; however, more improvements are warranted. For example, while police officers in most places in the Pacific have been trained on domestic violence response, only a handful specialize in gender-sensitive approaches.



Mr. Seruilumi then suggested two interrelated pathways to promote gender-sensitive judicial systems.

First, the capacity of justice sector actors—police officers, lawyers, prosecutors, and the judiciary—must be strengthened. Trainings should encompass not just the specifics of violence against women, but also unconscious biases and well-entrenched societal norms that perpetuate victim blaming and stereotypical attitudes. Justice sector actors must understand not just the “what”, but also the “how” and the “why,” e.g., an appreciation of why laws are repealed, amended, or introduced. To illustrate, it is

¹ In relation to the investigative stage, Ms. Tarai observed that the interval between police investigations and the filing of charges often necessitates follow-ups from FWCC counselor advocates. This has also prompted FWCC to hire police liaison officers.

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crucial that legal and judicial stakeholders understand why protection orders were created and should be issued in a swift manner, and why their breach is a serious criminal offense.

Second, Mr. Seruilumi underscored the need to address domestic violence as a serious criminal behavior. Lenient approaches towards domestic violence perpetrators are an ongoing issue in the Pacific, as domestic violence continues to be viewed as a minor offense despite lobbying and advocacy to criminalize the behavior. While more deterrent punishments have been issued for sexual offenses, treatment of domestic violence as a serious criminal offense is typically reserved for domestic violence ending in femicide.



On the role of courts in protecting the dignity of victim-survivors, **Hon. Justice Syed Mansoor Ali Shah** of the Supreme Court of Pakistan discussed their 2021 decision in *Atif Zareef v. The State*.² Referring to human dignity as “a guardian angel” and the “crown of fundamental rights,” the court emphasized the humanness and human worth of a victim-survivor. In this rape case, the victim was a working-class woman who was perceived to be fashionable and very liberal. *Atif Zareef v. The State* thus provided the Supreme Court of Pakistan an opportunity to push back on two prevailing myths: (i) that it is more likely than not that a woman who is liberal consented to the sexual act, and (ii) that therefore her allegations of rape are less worthy of belief and unreliable.

To demolish these twin myths, the Supreme Court anchored its analysis on the Constitution of Pakistan and interpreted the fundamental rights it guarantees with a “gendered justice lens.” Primarily, the constitution does not distinguish between men and women with respect to fundamental human rights—all rights are available to both. Justice Shah remarked that, in fact, the constitution gives affirmative action in support of women, perhaps because the founders were keenly aware of the patriarchal nature of society and just how deeply entrenched gendered inequalities were (and continue to be). Thus, while Article 25 of the constitution states that all citizens are equal before law and there shall be no discrimination on the basis of sex, it also emphasizes that “[n]othing...prevent(s) the State from making any special provision for the protection of women and children.”

According to Justice Shah, the *Atif Zareef* decision demonstrates that the constitutional right to dignity forbids consideration of gender stereotypes in gender-based violence cases. Because the constitution provides that the right to dignity shall be inviolable, the independence, identity, and free choice of a woman should be respected.³ Taking away a woman’s autonomy is tantamount to taking away her dignity. The right to dignity—one of the strongest constitutional rights and, as Justice Shah observed, perhaps the only one that is non-negotiable—underscores the importance of upholding the human worth of a person. For this reason, cases should be decided based solely on evidence produced before the court, and not by considering the woman’s past sexual history or character, or the expectations that society builds around the sexes.

² *Atif Zareef v. The State*. Supreme Court of Pakistan. 4 January 2021. A copy of the decision is on pp. 614–624 of the Post-Conference Booklet, Volume II: Accompanying Materials.

³ Article 14 of the Constitution of Pakistan states:

Inviolability of dignity of man, etc.

(1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.

(2) No person shall be subjected to torture for the purpose of extracting evidence.

Moving to international law, **Ms. Genoveva Tisheva**, member of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), discussed the international rights framework under the Convention on the Elimination of All Forms of Discrimination against Women, the principal source of standards concerning women's rights, dignity, autonomy, economic independence, and empowerment.⁴



Having been ratified by 189 countries, the convention is one of the most universally ratified treaties. Known as the international bill of rights for women, it has a strong focus on several thematic areas, including (i) eliminating and providing protection from violence against women globally; (ii) achieving substantive equality; (iii) combating gender stereotyping; and (iv) adopting the principle of non-discrimination.⁵ For this purpose, the CEDAW Committee continues to systematically address the treatment of victim-survivors in criminal and civil proceedings, insisting that states parties provide—as part of their due diligence obligations under the convention

“The formal model of equality prescribes that equality exists where the law treats people the same. However, this formal approach is not nearly comprehensive enough to create conditions of actual equality in women's lives, because the factors that discriminate against women, and hold them in subordinate positions, extend far beyond the problems posed by overtly discriminatory laws.

In recognition of this, CEDAW takes a three-dimensional view of equality that it calls 'substantive equality'. Instead of considering equality only in formal and legalistic terms, and saying that laws and policies ensure equality between men and women simply by being gender-neutral, CEDAW requires that their actual impact and effect also be considered. The substantive model of equality therefore requires using the actual conditions of women's lives, rather than the wording used in laws, as the true measure of whether equality has been achieved. The State thus must do more than just ensuring that there are no existing laws that directly discriminate against women. It must also take whatever measures are needed to ensure that women actually experience equality in their lives.

Source: UN Women Asia and the Pacific. [Frequently Asked Questions \(FAQ\) about CEDAW](#).

⁴ *Convention on the Elimination of All Forms of Discrimination against Women*, New York, 18 December 1979, United Nations Treaty Series, Vol. 1249, No. 20378, p. 13. A copy of the convention is on pp. 2–11 of the Post-Conference Booklet, Volume II: Accompanying Materials.

⁵ Article 1 of the convention defines discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Article 2 obliges states parties to the convention to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women.” Nevertheless, Article 4(1) clarifies that temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination. These measures are to be discontinued “when the objectives of equality of opportunity and treatment have been achieved.”

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and other international standards—enhanced protection of victim-survivors’ safety and dignity.⁶

Under Article 2 of the convention, the committee makes recommendations for compliance through dialogues with states parties. States are obliged “to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,” and are therefore mandated to “take all appropriate measures” to this end, e.g., adoption of appropriate legislation to modify or abolish discriminatory laws, customs, and practices. Monitoring by the CEDAW Committee under Article 5 (on gender stereotyping and prohibition of gender-based violence [GBV]) and Article 15 (on equality before the law) is also very crucial.

The committee further issues General Recommendations that clarify its views on the obligations states parties assumed under the convention. In this regard, General Recommendation No. 33 on Women’s Access to Justice and General Recommendation No. 35 on Gender-Based Violence are central to the issue of protection and dignity of victim-survivors.⁷ These recommendations underscore the need to (i) recognize and protect the rights of GBV victims in legal proceedings; (ii) strengthen the judicial system; and (iii) provide additional financial, technical, and specialized human resources to handle cases in a timely, gender-sensitive, and non-discriminatory manner, and to ensure that GBV cases against women are promptly and effectively investigated.

Ms. Tisheva then highlighted several matters considered by the CEDAW Committee through the communication procedure under the Optional Protocol:

- In *M.W. v. Denmark*, the committee reminded the state of its obligation to ensure that

CEDAW, Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- To repeal all national penal provisions which constitute discrimination against women.

⁶ The due diligence obligation of states parties is anchored on Article 2 (e) of the Convention, which requires states parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. (CEDAW Committee. [General Recommendation No. 35 on Gender-Based Violence](#), para. 24(b), citing General Recommendation No. 28, para. 36. 14 July 2017.)

⁷ CEDAW Committee. [General Recommendation No. 33 on Women’s Access to Justice](#). 3 August 2015; and CEDAW Committee. [General Recommendation No. 35 on Gender-Based Violence](#), updating [General Recommendation No. 19](#). 14 July 2017. Copies of General Recommendation No. 19, General Recommendation No. 33, and General Recommendation No. 35 are on pp. 12–17, 18–42, and 43–61 respectively, of the Post-Conference Booklet, Volume II: Accompanying Materials.

CEDAW, Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

CEDAW, Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

women are protected against discrimination committed by state organs, e.g., the judiciary and public authorities.⁸ The committee likewise emphasized that such discrimination includes GBV.

- *Sahide Goekce v. Austria, Angela González Carreño v. Spain, M.W. v. Denmark, and Isatou Jallow v. Bulgaria* dealt with protection measures to prevent further violence, including the related matter of victim-survivors being intimidated by the fear of losing their children.⁹ In such instance, the rights or claims of perpetrators or alleged perpetrators “during and after judicial proceedings—including with respect to property, privacy, child custody, access, contact and visitation—should be determined in light of women’s and children’s human rights to life and physical, sexual and psychological integrity, and guided by the principle of the best interests of the child.”¹⁰ Thus, the perpetrator’s rights cannot supersede a woman’s human rights to life and to physical and mental integrity.

⁸ Communication No. 46/2012, 22 February 2016. A copy of the decision is on pp. 101–120 of the Post-Conference Booklet, Volume II: Accompanying Materials.

⁹ *Sahide Goekce v. Austria*, Communication No. 5/2005, 6 August 2007; *Angela González Carreño v. Spain*, Communication No. 47/2012, 16 July 2014; *M.W. v. Denmark*, Communication No. 46/2012, 22 February 2016; and *Isatou Jallow v. Bulgaria*, Communication No. 32/2011, 23 July 2012. Copies of the decisions are on pp. 62–84, 121–138, 101–120, and 85–100 respectively, of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹⁰ CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence*, updating *General Recommendation No. 19*, para. 40(b), citing *Fatma Yildirim v. Austria*, Communication No. 6/2005; *Sahide Goekce v. Austria*, Communication No. 5/2005; *Angela González Carreño v. Spain*, Communication No. 47/2012; *M.W. v. Denmark*, Communication No. 46/2012; and *Isatou Jallow v. Bulgaria*, Communication No. 32/2011. 14 July 2017.

General Recommendation No. 33, paras. 26 and 27

26. Stereotyping and gender bias in the justice system have far-reaching consequences for women's full enjoyment of their human rights. They impede women's access to justice in all areas of law, and may have a particularly negative impact on women victims and survivors of violence. Stereotyping distorts perceptions and results in decisions based on preconceived beliefs and myths rather than relevant facts. Often, judges adopt rigid standards about what they consider to be appropriate behaviour for women and penalize those who do not conform to those stereotypes. Stereotyping also affects the credibility given to women's voices, arguments and testimony as parties and witnesses. Such stereotyping can cause judges to misinterpret or misapply laws. This has far-reaching consequences, for example, in criminal law, where it results in perpetrators not being held legally accountable for violations of women's rights, thereby upholding a culture of impunity. In all areas of law, stereotyping compromises the impartiality and integrity of the justice system, which can, in turn, lead to miscarriages of justice, including the revictimization of complainants.

27. Judges, magistrates and adjudicators are not the only actors in the justice system who apply, reinforce and perpetuate stereotypes. Prosecutors, law enforcement officials and other actors often allow stereotypes to influence investigations and trials, especially in cases of gender-based violence, with stereotypes undermining the claims of the victim/survivor and simultaneously supporting the defence advanced by the alleged perpetrator. Stereotyping can, therefore, permeate both the investigation and trial phases and shape the final judgment.

Source: CEDAW Committee. [General Recommendation No. 33 on Women's Access to Justice](#). 3 August 2015.

- *J.I. v. Finland* stressed the need to avoid gender stereotyping because it affects the credibility given to women's voices, arguments, and testimonies, as parties and witnesses.¹¹ In this case, sole custody of a child was given to a man convicted of domestic violence offenses. The CEDAW Committee observed that "in spite of the number of child welfare reports and the father's conviction, no investigation or assessment of his parental abilities has been carried out." The committee then referenced paragraphs 26 and 27 of General Recommendation No. 33 to underscore that stereotyping and gender bias have grave consequences on the entire justice process—from investigation, to trial, to final judgment—leading to miscarriages of justice and the revictimization of victim-survivors.
- *S.L. v. Bulgaria* and *L.R. (Promo-LEX) v. Moldova* emphasized that states parties should provide victim-survivors (i) safe and prompt access to justice (including free legal aid when necessary), and (ii) access to effective and sufficient remedies and rehabilitation even during the proceedings, in line with General Recommendation No. 33.¹²

Ms. Tisheva also highlighted other recommendations from the CEDAW Committee, such as giving priority to prosecution over reconciliation or mediation in criminal proceedings; ensuring safe spaces for women by eliminating myths around sexual violence and crime; and providing women opportunities to be acquainted with their rights.

¹¹ Communication No. 103/2016, 5 March 2018. A copy of the decision is on pp. 173–189 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹² *S.L. v. Bulgaria*, No. 99/2016; and *L.R. (Promo-LEX) v. Moldova*, Communication No. 58/2013. Copies of the decisions are on pp. 155–172 and 139–154 respectively, of the Post-Conference Booklet, Volume II: Accompanying Materials.

Ms. Abdul Aziz then turned to **Ms. Andy Yentriyani**, chairperson of Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan, or the Indonesian National Commission on Violence against Women) to share about the Indonesian experience. Komnas Perempuan is a national human rights institution whose enabling law specifically requires that the Convention on the Elimination of Discrimination against Women (CEDAW) and the Convention against Torture be incorporated in its framework and mandate.



Ms. Yentriyani began by recalling that Komnas Perempuan was established after the May 1998 tragedy in Indonesia, when multiple riots primarily targeting the Chinese community broke out. Numerous sexual assaults were committed against women during these riots, thereby raising public awareness of violence against women and resulting in the establishment of women crisis centers throughout the country. Komnas Perempuan works closely with these service providers, consolidating lessons learned from working with victim-survivors to advocate for policies that enhance their access to justice and recovery.

Indonesian victim-survivors, especially victims of sexual violence, face similar access to justice barriers as women in Fiji and the Pacific. Komnas Perempuan thus introduced the concept of an integrated criminal justice system. The need to uphold human rights, particularly victim-survivors' dignity, throughout the legal-judicial process is central to this concept. Consequently, an integrated criminal justice system will succeed only if service providers and law enforcers are aware of, acknowledge, and act on the basis of centrality of human rights. This is achieved through five measures:

- Counselors and psychological support for victim-survivors throughout the judicial process are crucial. Women survivors of sexual violence are in particular need of this support, as they face not only an unfamiliar justice process, but mostly hostile responses to their cases.
- Law enforcers and service providers (in investigation, prosecution, and trial) must have clear guidelines on how to uphold the dignity of victim-survivors and women-defendants. These guidelines should (i) prohibit references to a woman's sexual history as justification for an act of violence; (ii) forbid other forms of gender stereotyping; and (iii) provide victim-survivors or women-defendants with the support needed for them to understand and participate substantively in the judicial process, e.g., legal aid, information, and decent accommodation for those with disability. These guidelines should be paired with an adequate monitoring mechanism to ensure that the guidelines are being implemented effectively.
- Effective protection for women victim-survivors must be provided. This requires protection on two fronts: (i) against retaliation from perpetrators, and (ii) against societal repercussions (e.g., in relation to usage of social media).
- Optimal multi-dimensional support must be given to victim-survivors, so that they can rebuild their lives with economic independence and social acceptance.
- A better mechanism to prevent recidivism and the reoccurrence of violence should also be established.

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The concept of an integrated criminal justice system has increasingly gained support in the last five years. In 2017, the Supreme Court of Indonesia issued guidelines for judges handling cases of women before the law.¹³ In 2021, similar guidelines were implemented by the High Prosecutor's Office.¹⁴ On 12 May 2022, the President signed the Anti-Sexual Violence Law, which adopted the five measures above, as well as additional measures to further strengthen the integrated criminal justice system.¹⁵ These additional measures include (i) protection of victims of online sexual violence, (ii) protection of victim-survivors who allege or report cases of sexual violence against defamation suits, and (iii) requisite training of law enforcers investigating sexual violence offenses specifically on human rights and gender perspective. All of these measures, taken cumulatively, are expected to gradually eliminate the culture of denial and victim-blaming.

Nevertheless, while progress in the recognition of survivors' dignity and human rights is encouraging, limited infrastructure continues to make implementation worrisome. During the COVID-19 pandemic, for instance, there was a spike in reported cases of violence against women, and further increase is expected given the issuance of the Anti-Sexual Violence Law. In 2021, the number of sexual violence cases reported directly to Komnas Perempuan alone increased by 72%.

At the same time, services provided by the government are still very formalistic, with many regions not equipped with knowledgeable and skillful officers. To illustrate, unlike the Supreme Court and High Prosecutor's Office, police officers still do not have clear guidelines for investigating violence against women offenses. The unit that handles GBV cases also does not have adequate resources.

¹³ A copy of the Supreme Court guidelines is on pp. 395–400 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹⁴ A copy of the guidelines for prosecutors is on pp. 401–439 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹⁵ A copy of Indonesia's Anti-Sexual Violence Law is on pp. 318–377 of the Post-Conference Booklet, Volume II: Accompanying Materials.

A year ago, the national police chief committed to enhance the unit's status to allow allocation of more resources, but the implementation of this direction is yet to be seen.

Services for victim-survivors are in fact still mostly provided by civil society organizations. Mostly women's groups, these organizations have very limited resources and have found themselves burned out from the convolution of an increasing number of reported cases and pandemic-related matters (e.g., health concerns). Further, women service providers themselves have had to deal with the added burden of domestic chores given mobility limitation policies during the pandemic.

Ms. Yentriyani also discussed various measures Komnas Perempuan has endorsed to protect the dignity of victim-survivors and strengthen their access to justice. First, Komnas Perempuan has recommended that the Prosecutor's Office be authorized to have a special task force or unit to handle GBV, to minimize the back and forth of evidence between the Prosecutor's Office and the police. Second, services to terminate unwanted pregnancies due to rape or other sexual assault must be made more accessible. Although abortion is a right according to Indonesian law, it is rarely available. Consequently, victim-survivors are forced to continue unwanted pregnancies or risk criminal charges for undergoing an abortion, subjecting them to continued derogation.



Thereafter, **Ms. Emily Morrison**, Sustainable Solutions Timor-Leste consultant at United Nations Development Programme (UNDP) Timor-Leste, expounded on how courts can effectively protect victim-survivors. Taking off from the Indonesian experience discussed by Ms. Yentriyani, Ms. Morrison underscored that clear guidelines are crucial. These guidelines instruct judges, prosecutors, defenders, and police officers on how to treat victim-survivors, and should also provide a monitoring mechanism to ensure effective implementation of policy.

Further, the justice system itself is built on fairly patriarchal systems, attitudes, and values. Ms. Morrison thus remarked that the shift towards victim-centered approaches is quite encouraging. These approaches include (i) providing counselors and psychosocial support to victim-survivors throughout the process; and (ii) allowing greater representation of victim-survivors (for instance, through victim-survivor associations and advisory councils) in any reform initiative. Ensuring that victim-survivors have a voice on how the justice system and peripheral supports (e.g., social and economic assistance) work, allows reform initiatives to be based on the needs and rights of victim-survivors. Greater representation facilitates more effective responses—i.e., not just have the system shift incrementally, when there is some fundamental issue within that system itself.

Support to victim-survivors can come in the form of reparation, although how exactly reparation is carried out is critical. For example, in the Timor-Leste context where fines are imposed on perpetrators, concerns of retaliation and retribution against the victim-survivor and her family arise. For this reason, reparation requires caution and careful thinking to make sure it is done from the perspective of the victim-survivor and her needs, which may differ on a case-to-case basis. The Indonesian model of having a general fund available to support the recovery of victim-survivors is an excellent approach because it does not rely on a direct relationship between the victim-survivor and the perpetrator. Instead, the relationship is between the state/justice sector and the victim-survivor. This sends a strong message that victim-survivor support is the responsibility of the state.

On domestic violence and women's socio-economic dependence on the accused, **Mr. Seruilumi** discussed the importance of considering context when crafting legal-judicial responses to domestic violence. For instance, the Pacific, like many societies around the world, is patriarchal. Men enjoy all the privileges of power, decision-making, and resources. On the other hand, women have access to so much less despite the amount of work they do, and are even subjected to violence. The high rate of violence against women is worse given the geography of Pacific countries—they are remote and isolated, and government services and infrastructure are limited.

Against this backdrop, Mr. Seruilumi opined that justice sector stakeholders must work on a solution that considers the reality that most women will return and continue to reside or cohabit with the offender because they simply do not have any place to go or the resources to leave. For instance, perpetrator programming in Papua New Guinea addresses men's violent behavior, while ensuring that continued support is provided to women. Mr. Seruilumi asserted that with a good monitoring system accompanied by measures to prioritize women's safety, perpetrator programming could be one of a range of solutions to improve women's access to justice. It could also form part of the restitution that so many victims are often unable to access or enjoy.

Admittedly, perpetrator programming is a gap in the region. It should thus be carefully designed based on a feminist critique of power relations. It must (i) have mechanisms to address the risk of collusion with offenders; (ii) effectively monitor behavior change; (iii) be voluntary for victim-survivors, while allowing them to continue to be supported and receive empowerment—through, for example, financial literacy programs, economic programs, and ongoing counseling and support; and (iv) exist as part of the formal response of the criminal justice system, and not exist independently from it.

Turning to the Pakistan context of compensation in light of attrition, **Justice Shah** addressed the prevalent practice of the accused paying compensation to the victim-survivors, which results in the victim-survivors or her family withdrawing the case and/or recanting previous testimony. Section 544-A of the Code of Criminal Procedure provides for the imposition of a fine or award of compensation during sentencing.¹⁶ However, Justice Shah remarked that this area needs more innovation jurisprudentially. The law itself states that compensation must be 'adequate'—this requirement of adequacy gives a lot of margin for structuring compensation in rape and GBV cases to include victim-survivor rehabilitation. After all, the purpose of compensation is restoration or restitution of the victim-survivor in the best possible manner, so that she may rebuild her life post-violence.

¹⁶ [The Code of Criminal Procedure \(West Pakistan Amendment\) Act, 1963](#). Article 544-A provides:

544-A. *Compensation to the heirs of the person killed, etc.* When any person is convicted of an offence involving death, hurt or injury to, loss, destruction or theft of property, the Court while sentencing the accused shall, unless for reasons to be recorded it otherwise directs, award compensation to the heirs of the person killed, the person injured or the person whose property has been injured, lost or destroyed, as the case may be.

The amount of compensation awarded by the Court under this section shall be regarded as a sentence of fine.

No person who has been directed to pay compensation under this section, shall, by reason of such order, be exempted from any civil liability in respect of such injury, loss or destruction. Any amount paid under this section shall be taken into account in awarding compensation to such person in any subsequent civil proceedings.

Justice Shah observed that this area is untouched, and the conference opened up a host of new ideas that need to be considered when determining compensation. He opined that courts should look at compensation more holistically, with due consideration to a victim-survivor's employment needs, economic loss, and psychological and mental trauma. While the compensation may be monetary, other aspects of rehabilitation should also be explored, such as return to employment, apology, or a public guarantee that offense will not be repeated. The type of compensation may vary from case to case, based on evidence presented and the nature of trauma suffered.

Ms. Tarai then discussed the Fijian context and the legal reform initiatives spearheaded by the Fiji Women's Crisis Centre (FWCC) to correct systemic issues.

- FWCC's advocacy efforts for better legislation constitute a key strategy and have yielded significant success. Some of these successful initiatives include the Domestic Violence Act, Family Law Act, no drop policies, and the legal recognition of de facto relationships.
- FWCC raises awareness on gender stereotyping and rape myths. It also holds stakeholders (judges, magistrates, police, and other stakeholders) accountable for perpetuating these myths.
- FWCC carries out submissions to parliamentary standing committees on proposed laws that would impact women's lives and rights.
- FWCC is a member of the technical working group on the government's National Action Plan to Prevent Violence against Women and Girls (NAPPVWG). Ms. Tarai remarked that FWCC has always advocated that patriarchy and unequal gender power relations are the root cause of GBV. That the NAPPVWG also recognizes this is a significant achievement for FWCC's advocacy efforts.
- Borne out of its work with women survivors of GBV and their experience in accessing the justice system, FWCC played a significant role in the adoption of the national service delivery protocol.
- FWCC engages in capacity building activities, such as development of resource kits and training of frontline workers and other service providers on gender sensitization and GBV, including online violence.
- FWCC holds interagency meetings with police executives and other stakeholders to talk about the challenges that women survivors face when accessing the formal justice system and strategies to improve service delivery.
- Lastly, FWCC engages in collaborations with civil service organizations and other stakeholders in the Pacific region to advocate for law reforms and to conduct regional training programs.

2. Question-and-Answer Session

(1)

Question: How can the Atif Zareef decision (i.e., that a victim’s sexual history cannot be considered in court) trickle down to lower courts, especially those in rural areas? Will they follow the path of the Supreme Court? Do you have any specific strategies in that direction? Are there consequences if a judge fails to follow the doctrine in this case, besides an appeal?

Answer: Justice Shah clarified that Supreme Court decisions in Pakistan become law and all courts subordinate to the Supreme Court are required to follow case precedent. The doctrine in *Atif Zareef* has in fact taken root in practical terms: directions to medical officers have been issued prohibiting them from (i) introducing the two-finger test, and (ii) using terms like “habitual” or “habituated to sex.” Medical reports now coming before the courts, for the most part, no longer mention a woman’s sexual history or the two-finger test.

The two-finger test is a test conducted on victim-survivors of rape, whereby a medico-legal officer inserts two fingers inside the female genitalia to check its size and elasticity, on the assumption that a woman’s sexual history is relevant to the likelihood of rape occurrence.

Justice Shah also noted that the Supreme Court’s view on honor killing has evolved. Defendants used to readily invoke grave and sudden provocation as a defense or extenuating circumstance— e.g., defendants would say that the wife was found in a compromising position and, since this is a matter of honor, the husband went out of control and sudden and grave provocation led to killing the wife. The cultural view of a woman as chattel or property has no place in the legal system. Hence, grave and sudden provocation based on honor killing has no place in Pakistan jurisprudence anymore.

(2)

Question: For a gender-responsive judicial system, should male judges be allowed to preside over GBV cases?

Answer: Justice Shah opined that no exclusion on the basis of sex should be made. A judge sitting in court, whether male or female, should decide cases based on law and evidence. Both male and female judges have to be trained, and collectively they need to take this challenge on. With the help of the Asian Development Bank, extensive training on gender sensitization has been done in Pakistan. Justice Shah believes that Pakistan is heading in the right direction, and there will be a time soon when it would be widely understood that gender stereotyping cannot have any place in a court of law.

(3)

Question: Is there a need for specialized courts to address GBV in the Fijian context?

Answer: Ms. Tarai answered in the affirmative, as a specialized GBV court would facilitate faster disposition of cases. This also means that specialized training would be given to the magistrates or judges sitting in those courts, the court clerks assisting the judges in handling those cases, and the registry staff dealing with victim-survivors.

(4)

Question: If the United States had a similar law to Indonesia's new Anti-Sexual Violence Law, could the actor Johnny Depp sue Amber Heard for defamation?

Answer: Ms. Yentriyani contextualized her response by saying that it is a common practice in Indonesia for an alleged perpetrator to file a case against the victim by claiming that the sexual violence report is a false accusation. While the Anti-Sexual Violence Law was being debated in the legislature, both 'pro' and 'against' camps raised valid arguments based on the principles of non-discrimination, fair trial, and justice for all parties. But Komnas Perempuan's experience in working with victim-survivors shows that the threat to sue, combined with other access to justice issues, stopped victims from reporting a case or from participating in the judicial process.¹⁷ It is against this factual backdrop that the parliament decided to pass the provision protecting victims from being subjected to defamation suits. At the same time, perpetrators still have the right to "rehabilitation of good name or reputation" in the aftermath of the trial, should the court decide that there is no ground or evidence to convict the perpetrators.

On restitution, Ms. Yentriyani remarked that prior to the Anti-Sexual Violence Law, Indonesia already had a 'victims and witness protection program' in place that regulated restitution. While court decisions included restitution, only 1 of 5 was actually carried out. The new law seeks to address this gap—court decisions should include a discussion on the victim-survivor's access to post-trial support (including health and psychosocial support). The court is further authorized to confiscate and auction off the perpetrator's property to cover the restitution, with the state mandated to ensure that the amount of restitution is met. If the amount is not met, the state has the obligation to provide compensation through a victims' fund. Ms. Yentriyani noted that this has yet to be realized since the law is very new, but the government is required to provide reports to parliament on the implementation of the law within three years. During this period, Ms. Yentriyani expects improvements in the legal and practical infrastructure.

The Anti-Sexual Violence Law also introduced the victim's rights (i) to be forgotten on online platforms, and (ii) to confidentiality of identity in the court decision.

(5)

Question: How does the justice system deal with issues on sexual orientation, gender identity and expression, and sex characteristics of lesbian, gay, bisexual, transgender, and gender non-binary people (LGBTQI)?

Answer: Justice Shah underscored that the LGBTQI area is also very important, even though most cases in Pakistan are structured around a binary sexual orientation. Transgender persons have been given recognition in terms of voting rights and the national registration card system. The same literature and ethos apply to all other genders—irrespective of sexuality, the principle remains that matters before the courts should be decided strictly in accordance with law.

In the Papua New Guinea context, **Mr. Seruilumi** mentioned that a program to train police officers on sensitivities towards people of different sexual orientations and gender identities has

¹⁷ Other access to justice issues include (i) difficulties in gathering evidence for sexual violence (e.g., the presence of another witness is typically required); and (ii) gender bias and possible corruption of law officers (particularly when the perpetrators are economically and/or socially better off than the victims).

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started. This program takes into context countries that still criminalize LGBTQI behavior—e.g., the police officers are made aware that prosecution would be difficult because both parties are willing. The next step is scaling up the program to involve people and groups with expertise in the area to help with sensitization training.

(6)

Question: During the trial, should there be a psychological or other expert available to assess the nature of a victim-survivor’s trauma, so that this could be considered in determining the appropriate compensation?

Answer: Justice Shah clarified that in Pakistan, conviction and sentencing are done in the same legal proceeding. However, he opined that it is time to revisit this policy. Conviction and sentencing require the evaluation of separate and distinct evidence. After a sentence is meted out, compensation should be decided more carefully (taking into account all relevant evidence) and experts engaged for this purpose. This way, innovations in compensation could be introduced, including appropriate ways to rehabilitate a perpetrator and to restitute the victim.

Mr. Seruilumi added that issues around restitution and compensation are quite similar in the Pacific. Restitution is structured within a patriarchal setting and, despite good intentions, compensation schemes tend to benefit everyone else except the victim. This is true for compensation schemes within and outside formal court systems. It is thus essential to bear the victim in mind in any reform initiative.

(7)

Question: Why do perpetrator programs have to come as part of the formal justice system?

Answer: Mr. Seruilumi explained that a perpetrator program would not be effective if it exists outside the formal justice system response. Either it would not work at all, or the offender would not complete it for lack of accountability and consequences. Ultimately, there would be no deterrence effect.

C. Plenary Session 2

GOOD PRACTICES IN INCREASING CONFIDENCE IN THE FORMAL JUSTICE SYSTEM—REGIONAL AND INTERNATIONAL APPROACHES

1. Plenary Discussion



Hon. Dr. Robyn Layton, former Justice of the Supreme Court of South Australia and adjunct professor at the University of South Australia, moderated this session on good practices in increasing confidence in the formal justice system. She was joined by **Ms. Nikita Singh**, qualified lawyer in Australia and Master of Public Policy candidate at the London School of Economics and Political

Science, as facilitator. A panel of five experts from a variety of backgrounds contributed to the discussion.



The first panelist was **Hon. Justice Ananda Mohan Bhattarai** from the Supreme Court of Nepal. Justice Bhattarai has decided landmark cases on constitutional law, human rights, gender justice, and criminal justice. For this session, he shared an overview of Nepal's legal framework and identified three parallel developments that contributed to a more progressive and gender-responsive judicial system:

- First, the process of development of a new constitution and the discussions about its content allowed a rights-based approach to be developed that was rooted in international legal principles. In 1990, democracy was established in the country. The 1990 constitution provided a bold framework of rights, and the judiciary was given the power of judicial review. Courts began to look to international human rights law when adjudicating domestic cases, and have continued to do so. For instance, courts have recognized women's equal right to property, ruled against discrimination in the workplace, and held that marital rape

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is a crime.¹ At the same time, the Parliament promulgated laws promoting gender justice—for instance, the Domestic Violence (Offence and Punishment) Act, 2009.² These developments were later reflected in the most recent 2015 Constitution of Nepal. The constitution now recognizes (i) the rights of women against violence, to equal property, and to family lineages; and (ii) the rights of victims to information, participation in trial, compensation, and rehabilitation. The constitution also provides for inclusion, social security, and mainstreaming of gender in the political process.

- Second, after the promulgation of the Constitution, the Supreme Court itself reformed both civil and criminal courts' processes and practices. Previously, a very narrow framework of laws governed the judicial system.
- Third, there is now a comprehensive body of laws with a strong emphasis on gender justice. In 2017, the Criminal Code, Procedural Code, and Criminal Offenses (Sentencing and Execution) Act were enacted. The Sentencing Act, in particular, provides for separate proceedings for sentencing post-conviction.³ In 2018, the Crime Victim Protection Act was promulgated.⁴ Other laws specifically targeted to address gender justice issues were also promulgated: (i) Sexual Harassment at Workplace (Prevention) Act, 2014; (ii) Witchcraft Accusation (Offence and Punishment) Act, 2015; (iii) Act Relating to Children, 2018; and (iv) Right to Safe Motherhood and Reproductive Health Act, 2018, which is aligned with developments in international human rights law, specifically the Convention on the Rights of the Child.⁵

Justice Bhattarai also shared how sexual offenses—including rape, domestic violence, and trafficking—are dealt with under Nepal's new codes, and how gender justice is achieved for women and girls in practice. At the outset, he pointed out that Nepal being a small country is an advantage; when consensus on certain issues is secured, it is not difficult to develop legislation or raise the matter before courts of law. As such, Nepal's reforms on gender justice are not limited to gender-based violence (GBV) but instead tackle a broader spectrum. The guarantee of equal property rights is a good example. In a rural and agricultural country like Nepal, where economic capital comes in the form of land, unequal rights to land and property lead to asymmetrical relations between men and women. Therefore, the Supreme Court's recognition that women have an equal right to property—together with recognition of the right to tenancy and an equal right to inheritance—is a landmark decision with far-reaching implications on women's autonomy, economic independence, and access to finance.

The right to identity is another prime example. Until a few years back, only fathers could pass their citizenship to their children. In practical terms, this means that children would have to produce

¹ Per Justice Bhattarai, while marital rape was criminalized in 2017, no data on conviction rates at the district level is available at the moment.

² A copy of Nepal's Domestic Violence (Offence and Punishment) Act, 2009 is on pp. 463–471 of the Post-Conference Booklet, Volume II: Accompanying Materials.

³ A copy of the Sentencing Act is on pp. 481–524 of the Post-Conference Booklet, Volume II: Accompanying Materials.

⁴ A copy of the Crime Victim Protection Act is on pp. 564–588 of the Post-Conference Booklet, Volume II: Accompanying Materials.

⁵ Copies of the laws mentioned by Justice Bhattarai are in the Post-Conference Booklet, Volume II: Accompanying Materials, as follows: (i) Sexual Harassment at Workplace (Prevention) Act, 2014, on pp. 472–480; (ii) Act Relating to Children, 2018, on pp. 525–563; and (iii) Right to Safe Motherhood and Reproductive Health Act, 2018, on pp. 589–601.

a document certifying to patrilineal relationship. That mothers did not have a right to pass citizenship to their children was a problem for children who were brought up by single mothers. The Supreme Court has since ruled that, based on the constitution, women also have the right to pass their citizenship to their children.

A further example is acknowledgement of marital rape as a crime. This was an initiative taken by the Supreme Court, which later found a place in the constitution and is now penalized by up to five years imprisonment under the new Criminal Code.

Finally, Justice Bhattarai discussed how compensation, particularly in relation to GBV, is addressed during the sentencing process. He underscored that compensation is now an overarching concept in criminal justice in Nepal. In every crime, the judge is duty-bound to award compensation to the victim. Covered by the Compensation Act, compensation includes interim relief, such as medical expenses and costs borne by the victim during the trial. Accordingly, during the sentencing hearing, the judge considers the victim's perspective in the award of compensation. In the last two years, NRs30 million (or roughly \$235,000) has been paid to victims as compensation.



Justice Layton then turned to **Hon. Judge Robyn Tupman** from the District Court of New South Wales in Australia. Judge Tupman has had a long interest in the intersections between children's law and sexual assault, and was involved in setting up the Child Sexual Offence Evidence Pilot Scheme, 2015.⁶ The pilot evidence program was an initiative meant to address criticisms that (i) the experience of children who claimed to have been sexually abused was not producing the best evidence, and (ii) the court system was revictimizing and traumatizing these children. The program thus introduced a process whereby all evidence of children—not just evidence in chief, but all evidence—would be prerecorded and dealt with as quickly as possible. The resulting product would then be played as the evidence of that witness at the trial. The purpose was two-pronged: first, to reduce the trauma to children; and second, to secure the best evidence available, because the evidence was obtained as quickly as possible after the charges were made. The latter purpose intended to address the fact that children have memory issues after a considerable period. Often, by the time trial commences—which could well be months or even years later—young children would have forgotten many of the surrounding details, leading to inconsistencies in statements.

Since the early 2000s, children in New South Wales already had alternate means of giving evidence—they were not required to appear in court or to confront the accused, and they were allowed to provide testimony from closed circuit television rooms. However, the pilot evidence program is a two-fold innovation:

- (i) It allowed receipt of all evidence at once, pre-recorded, in the hope that the child would never need to return to court. In fact, the law says that children in those circumstances could only be recalled to give further evidence with leave of the court, which in any event would be granted sparingly.

⁶ A copy of the Child Sexual Offence Evidence Pilot Scheme, 2015 is on pp. 192–200 of the Post-Conference Booklet, Volume II: Accompanying Materials.

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- (ii) It introduced the concept of intermediaries, whose remit is to ensure that children could understand what questions are being asked of them and that their answers in response could be understood by counsel, the court and later any jury.

Because the Child Sexual Offence Evidence Pilot Scheme enjoyed broad government support, it was adopted and is now implemented in Sydney and Newcastle.

Judge Tupman then discussed whether the program was able to achieve its purpose. She said that, based on the latest evaluation in 2019, it seems to be effective. Judge Tupman noted that some in the community might measure effectiveness only in terms of number of convictions obtained. However, as a judge, she opined that convictions rates, which were dependent upon fulfilling a burden of proof, are not the only way to measure effectiveness. Instead, other measures can be used to assess effectiveness. The evaluation demonstrated that the program was found to have reduced trauma to children, as their evidence is given more quickly than before and there are very few occasions when they are required to come back. It has also had a culture change impact on the profession. Initially, the defense bar thought that the program would be terribly complicated and would never work, especially since parents themselves thought that everybody had to be in court at the same time. While some of the apprehensions have proven to be correct, stakeholders have since come around to seeing that it does work—people who are innocent are not necessarily convicted, while guilty pleas have been observed to increase, probably because of the improved quality of evidence from children. The intermediaries are also particularly well regarded.

But there remains room for improvement and there are concerns expressed from the defense bar that need to be carefully considered and addressed. One other concern is that the program introduced two specialist child sexual assault judges, who do most of these pre-recordings. That seems to be working well but is quite resource-intensive, which may be one of the reasons the pilot program has not been extended beyond the initial two cities of Sydney and Newcastle. Nevertheless, the pilot program will continue to be implemented until the end of June 2022 and would be evaluated again at that point.

Judge Tupman also highlighted the resources required to ensure that the system is effective, both in terms of judges and support staff. First, not only do two judges largely spend their time doing the prerecordings, but the system also introduced a “ground rules hearing” involving the judge, intermediaries, defense, and crown. This hearing must be presided over by a judge, as it is the first step to ensuring that everybody is on the same page about what specific needs a particular child might have in terms of understanding questions, and how to pose these questions. Second, there is also some technology required to safeguard the quality of recordings. Third, the intermediaries engaged by the government must also be competent experts. Finally, all stakeholders must work together, and nobody should be left out. Judges need to work closely with the child sexual assault police unit to ensure that all evidence is provided.

In closing, Judge Tupman mentioned an anecdote from her time as a program judge. Her first prerecording involved a 14-year old girl, who had her evidence in chief and cross examination prerecorded, and objections dealt with and taken. Subsequently, the parents gave feedback to the police that while they were a bit reticent at the start, they were pleased to have agreed to do the program. According to the parents, evidence-taking is now over and done with, and their daughter

could forget about the matter and move on with her life. Judge Tupman noted that this was of course one of the reasons for the program. While she was uncertain about what happened in that trial, and if the accused was eventually convicted, Judge Tupman opined that the program had the desired impact of reducing trauma for the victim-survivor.



The third panelist was **Hon. Judge Shazib Saeed from Pakistan**, who is also Director General for Case Management at the Lahore High Court and visiting faculty at the Punjab Judicial Academy. He shared his experience with setting up the first GBV court in Lahore, following the initiative of Hon. Justice Mansoor Ali Shah, with the assistance of the Asian Development Bank (ADB).

Judge Saeed first observed that gender bias is a phenomenon that is invariably prevalent in all societies. That also includes the criminal justice system where it can be entrenched and poses substantial impediments to access to justice. Judge Saeed shared a snapshot illustrating the significant barriers a woman encounters in the formal justice system, such as the lack of a conducive, non-intimidating environment and the requirement to appear in court to face the alleged offender (Figure 1).

Figure 1: A Typical Court Environment in Gender-Based Violence Cases in Pakistan, Prior to the Establishment of Specialized GBV Courts



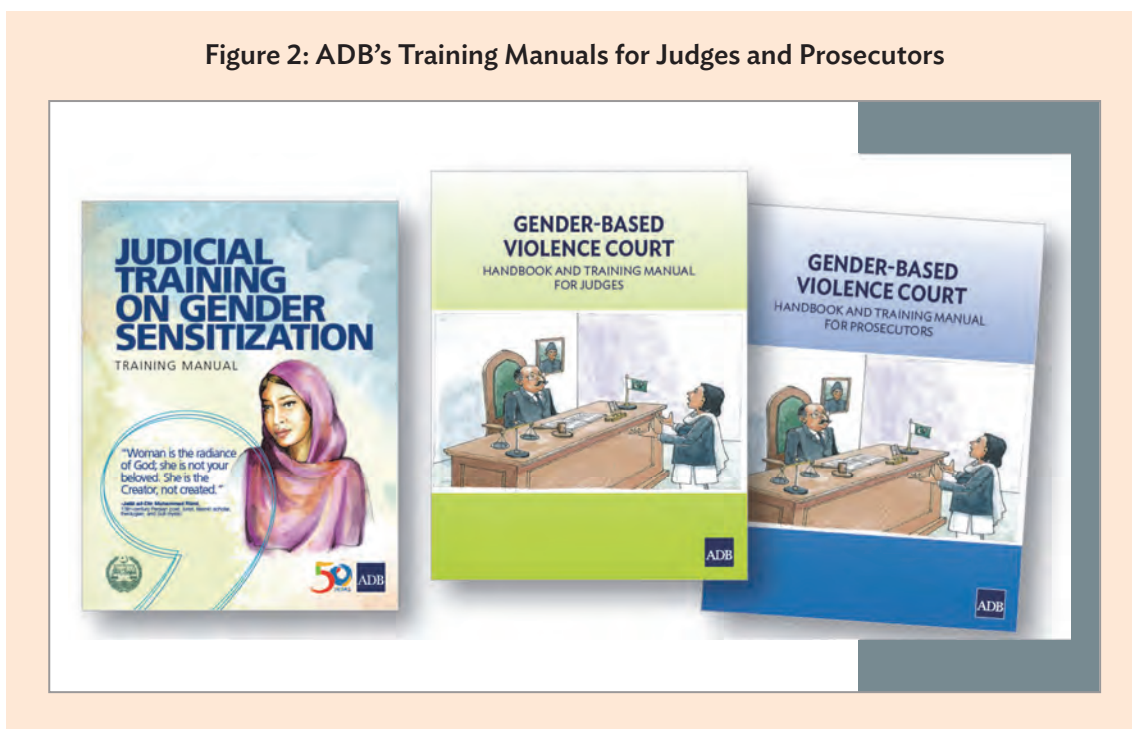
In Pakistan, the criminal justice system had tended to focus on the needs of the predominantly male defendants. Only 2 to 3% of defendants in GBV cases were convicted. However, as emphasized by the Supreme Court in its landmark ruling in *Atif Zareef v. The State*, it is the accused

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who is on trial in rape cases and not the victim.⁷ Changes were introduced in 2016 when Supreme Court Justice Syed Mansoor Ali Shah, then Chief Justice of the Lahore High Court, invited ADB to provide technical assistance on judicial capacity building, and eventually to help establish the first model GBV court in Pakistan.

ADB designed customized training modules and delivered an extensive capacity building program on gender sensitization, GBV and other culturally sanctioned forms of violence, and legal-judicial issues faced by women in the formal justice system of Pakistan (Figure 2). The program specifically addressed the factors that impede women from accessing the formal justice system, such as fear of courts, intimidation of victim-survivors, and proximity of the victim-survivor and the accused during hearings. ADB, in collaboration with the district and sessions court judges in Punjab, developed practice notes and guidelines to be followed in GBV cases, which were later approved by the Lahore High Court.⁸ In one year, the GBV court in Lahore yielded significant success, fast-tracking the resolution of GBV cases and increasing the conviction rate for rape cases four-fold, from 4.25% to 16.5%, with more gender sensitive approaches and processes.

Figure 2: ADB's Training Manuals for Judges and Prosecutors



Judge Saeed shared that after participating in the ADB training program, he in turn started training judges and judicial officers in Punjab Judicial Academy, as well as in the districts under his supervision (Figure 3). His main objective was to change the mindset of judges and institutions,

⁷ Criminal Appeal No. 251/2020 and Criminal Petition No. 667/2020, Supreme Court of Pakistan, 4 January 2021. A copy of the decision is on pp. 614–624 of the Post-Conference Booklet, Volume II: Accompanying Materials.

⁸ Copies of the *Guidelines to Be Followed in Gender-Based Violence Cases* and the *Updated Practice Note for the Model Gender-Based Violence Cases Court, Lahore* are on pp. 602–605 and 606–613 respectively, of the Post-Conference Booklet, Volume II: Accompanying Materials.

Figure 3: Trainings Spearheaded by Judge Shazib Saeed



as Pakistan is a patriarchal society that is permeated by gender stereotyping and where victim shaming and victim blaming are not out of the ordinary. As a result, less than 10% of female victim-survivors seek assistance from the justice system. Judge Saeed observed that learning will always be a challenging process against this backdrop. Hence, the focus was to train judicial officers on gender sensitization, gender laws, and the relevance of international standards on gender-sensitive conduct.

Initially, the most daunting task was to open the eyes of judicial officers to the challenges that victim-survivors face when they seek recourse in the formal justice system. The guidelines and practice notes jointly developed by ADB and Punjab judges helped greatly in creating a conducive environment in a victim-survivor's pursuit for justice. Judge Saeed shared a snapshot of a child

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victim-survivor, about eight years old, whom he, as judge, provided with a friendly environment to give evidence in court (Figure 4). He said it was easier for her to give evidence without being intimidated as the parties consented to the accused participating online. The child was able to testify and speak with clarity. This system that considers the well-being of the victim-survivor is intended to control the variables that become impediments to justice. This case concluded with the accused's conviction.

Figure 4: Judge Saeed Gets Evidence from a Child Victim-Survivor



On the challenges that lie ahead, Judge Saeed emphasized that changing mindsets remains the biggest challenge. The “macho system” is deeply entrenched in male-dominated societies, and this is not easily eradicated. State actors of the judicial system need to find ways to improve the condition and well-being of victim-survivors and avoid technical and procedural hiccups that often lead to miscarriage of justice. Judge Saeed nonetheless underscored the positive, far-reaching effects of that first model GBV court in Lahore—there are now 36 GBV courts in all judicial districts of Punjab province, and almost a hundred GBV courts nationwide in Pakistan. Along with seminal court decisions dismantling widely held myths in sexual assault cases, these specialized courts are steps in the right direction.



The fourth panelists were from the International Development Law Organization (IDLO)—**Ms. Rea Abada Chiongson**, who is senior legal adviser on gender, and **Ms. Jargalan Avkhia**, who is field program manager in Mongolia. Ms. Chiongson leads IDLO's work on



justice for women and spearheads the integration of gender in the organization of justice and rule of law programs. Ms. Avkhia is a Mongolian lawyer with extensive experience in gender and access to justice. Together, they discussed IDLO's research studies about promising good practices in responding to the needs of GBV victim-survivors.

Ms. Chiongson talked about an upcoming research report on access to justice in complex contexts, jointly undertaken with Global Women's Institute at Washington University. It examined six countries—Afghanistan (prior to August 2021), Honduras, Papua New Guinea, Philippines, South Sudan, and Indonesia—and looked at the overlapping challenges posed by the health pandemic, natural disasters, conflict, fragility, legal pluralism, and organized crime, among other factors.

Firstly, one of the central themes that emerged relates to specialized mechanisms or units. Specialized police, prosecution, and courts can positively help GBV survivors, but only if they are adequately resourced, fully embedded in the justice system, and closely monitored. While there have been studies that had found the contrary, i.e., that specialized systems do not work, these studies had primarily focused on units or mechanisms that were inadequately resourced, marginalized within the system, and often not monitored.

Secondly, protection orders in GBV cases are critical to building confidence in the justice system, especially when these are accessible, issued promptly, monitored, and offer support to survivors during the process. Unfortunately, often there is a high rate of attrition between an interim protection order and the more permanent protection order, primarily because of delay, lack of support, and even the use of mediation and informal/customary justice systems in between.

Thirdly, women professionals in the justice system are critical to increasing confidence in the justice system itself. Not only are they important because of women's right to participate in governance, but also because they increase representation in the justice system and support broader access to justice.

Finally, specialized mechanisms for data collection and review are essential. A key aspect of ensuring that justice meets internationally accepted standards is regular monitoring of justice systems, including justice personnel, to (i) address evidence gaps, (ii) identify best practices, and (iii) inform law, policy, and practice. Ms. Chiongson indicated that there are other lessons learned on capacity building and legal aid, which can further be examined in the summary document and the full report that will be published before the end of the year.⁹

Thereafter, Ms. Avkhia talked about the IDLO program on GBV response in Mongolia.¹⁰ Since 2019, IDLO Mongolia, with support from the government of Canada, has been implementing the *Strengthening the Response to Gender-Based Violence in Mongolia Project*, which aims to increase

⁹ IDLO. 2022. *Survivor-Centred Justice for Gender-Based Violence in Complex Situations*. Summary. A copy of the report summary is on pp. 850–857 of the Post-Conference Booklet, Volume II: Accompanying Materials. Publication of the full report is forthcoming. Other reports and materials from IDLO are in the Post-Conference Booklet, Volume II: Accompanying Materials, as follows: (i) *Issue Brief: Navigating Complex Pathways to Justice—Women and Customary and Informal Justice Systems* (Summary), on pp. 828–831; (ii) *Accessing Justice: Somalia's Alternative Dispute Resolution Centers* (Summary), on pp. 832–835; (iii) *Strengthening Gender Equality in Law: An Analysis of Philippine Legislation* (Executive Summary), on pp. 836–840; (iv) *News Highlights: 16 Days of Activism against Gender-Based Violence-2021*, on pp. 841–843; and (v) *Monitoring Report: Mongolian Domestic Violence Trials 2020* (Executive Summary) on pp. 844–849.

¹⁰ Ms. Avkhia's slide deck is on pp. 72–75 of this booklet.

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access to justice for victims of domestic violence by incorporating a victim-centered approach. The key stakeholders of the project include the Ministry of Justice and Home Affairs (MOJHA), Judicial General Counsel, National Police Agency, Prosecutors General Office, Mongolian Bar Association, and civil society organizations operating in the field to combat GBV. Within the framework of this project, IDLO conducted two studies on monitoring and assessing the application of a victim-centered approach in both domestic violence trials and domestic violence cases along the justice chain. The studies aimed to (i) conduct trial monitoring; (ii) analyze the domestic violence regulatory and legal framework; (iii) assess implementation and identify gaps and challenges; (iv) produce an evidence-based report with recommendations on protecting the rights of victims and improving support services for them; and (v) present the report to government agencies and stakeholders for further follow up actions. Following the study and a stakeholders' roundtable discussion, recommendations were distributed to the justice sectors' key stakeholders and the working group established under the MOJHA, which is now introducing amendments to the Laws on Infringements, 2017 and the Criminal Code, 2015. The main findings and recommendations relate to challenges in the legal framework (e.g., victim-survivors cannot exercise their core rights), as well as improving legal implementation and response of the justice sector and other organizations to combat domestic violence.

Concrete recommendations from the trial monitoring research relate to victim's safety and her rights to access information and compensation. In line with these recommendations, the Judicial General Counsel is revising regulations pertaining to court safety (e.g., separate entrances and exits for victims in court buildings) and improving standards for informing complainants about court schedules. Further, just this year, the Minister of Justice revised the Law on Forensics, thereby creating the legislative environment for including psychological damages in compensation for domestic violence victims. The Supreme Court is tasked with developing the methodology for calculating psychological damages.¹¹

In terms of the justice chain research, recommendations relate to (i) providing legal assistance to indigent victims, (ii) employing victim-centered approach mechanisms by treating survivors with care and compassion, (iii) strengthening the capacity of justice sector actors on specific needs and vulnerabilities of domestic violence survivors, and (iv) preventing victim-blaming and gender stereotypes. In line with these recommendations, the MOJHA working group is revising the law on legal aid to include domestic violence victims as beneficiaries and provide legal aid to indigent domestic violence and child abuse victims. Ms. Avkhia concluded by mentioning that IDLO has incorporated the victim-centered approach in all capacity building programs for service providers, including police, lawyers, public defenders, and contact administrative staff.

The final panelist was **Ms. Samar Minallah Khan**, communications and behavior change specialist and an award-winning international filmmaker. On her overall approach to addressing GBV through prevention strategies, Ms. Khan explained that her background as an anthropologist and documentary filmmaker helps her address these issues, specifically culturally sanctioned forms of violence against women.



¹¹ Whereas the Criminal Code, 2015 only recognizes physical and sexual violence, the Law Combating Domestic Violence, 2016 indicates four types of violence by adding economic and psychological violence.



Some societies still conform to the mindset that when a woman is raped, the focus is not on her self-worth or dignity, but on the belief that the family’s honor has been compromised. Ms. Khan underscored that this mindset needs to be challenged through a culturally sensitive approach to advocacy and communications. To do so, she works with local communities.

Ms. Khan opined that she knows that a campaign is effective when local stakeholders are interested in using it as a tool in their own advocacy initiatives. After all, a tool is made more effective when local partners have a sense of ownership. For example, the short film of the story of Mana Maria shown at the beginning of the conference, was developed and made with the help of local partners in Timor-Leste. Further, the main protagonist, Mana Maria, said that she would also like to use this film for advocacy and outreach to local non-government organizations and civil society organizations. Even Mana Maria’s current husband was supportive of the filmmaking approach. Ms. Khan then emphasized that engaging men and boys in addressing GBV is a critical component of any campaign—when men come on board, the message is amplified.

With regard to building the capacity of judges and prosecutors, Ms. Khan observed that the coronavirus disease (COVID-19) pandemic has changed the training landscape. She opined that lasting change is possible only by harnessing technology to reach out to justice sector actors. On this front, she indicated that the ADB team with whom she works, is developing e-modules that consider cultural sensitivities and nuances, are highly customized, and are made with the objective of applying effectively in a particular geographical context. The aim is to come up with interactive

Scan the QR code to watch a sample e-learning module on YouTube.



e-modules that have various elements—e.g., visuals, podcasts, explainer videos, quizzes, and different tools that may also be used separately for advocacy by different organizations—to sustain the learner’s or viewer’s interest.

Ms. Khan then showed a sample e-module currently being prepared in collaboration with local partners in Timor-Leste. Tackling domestic violence and victim blaming, the e-module had illustrations, multiple choice questions, discussions, and short video snippets. In one such snippet, Justice Layton highlighted that, “It is absolutely essential to have a good understanding of the legislation within a total cultural and social context. Every country is different. Every level of development of law is different. And all of those things need to be taken into account.” Ms. Khan expressed hope that this initiative could be replicated in other countries .

2. Question-and-Answer Session

(1)

Question: Does IDLO’s research show whether GBV victims in certain contexts, like those who live in rural areas, more often seek reparation or justice through customary laws or the formal justice system? How prevalent is this?

Answer: Ms. Chiongson answered that recourse to customary laws is quite prevalent, depending mostly on location, costs, and different identities of women. An IDLO research study covering Afghanistan, Papua New Guinea, and South Sudan found that women frequently seek justice through customary justice systems or mediation. A separate research study also shows that around 80–85% of women in many developing countries use customary justice systems for many concerns, including GBV. Finally, in a third research study on Somalia, IDLO supported the Ministry of Justice in putting together protocols for alternative dispute resolution systems for both land and GBV cases, including proper case handling and referral systems.

(2)

Question: Should the sensitization training conducted for judges, prosecutors, and lawyers be expanded to police, journalists, and non-government and civil society organizations, to improve the quality of justice in cases of violence against women and children?

Answer: Judge Saeed agreed with this proposition and emphasized that mindset change is not only for the judiciary, but all stakeholders. Doctors could also be a target audience, to build their capacity on and understanding of the latest laws (e.g., that the two-finger test violates the dignity of the victim-survivor and should not be resorted to in rape cases).

Ms. Khan added that in discussions at judicial academies in Pakistan, the judges themselves raised the importance of changing mindsets. This indicates that addressing gender bias and gender myths—especially in relation to honor-related crimes where honor is linked to a woman’s or girl’s body—must be front and center in all training and advocacy materials.

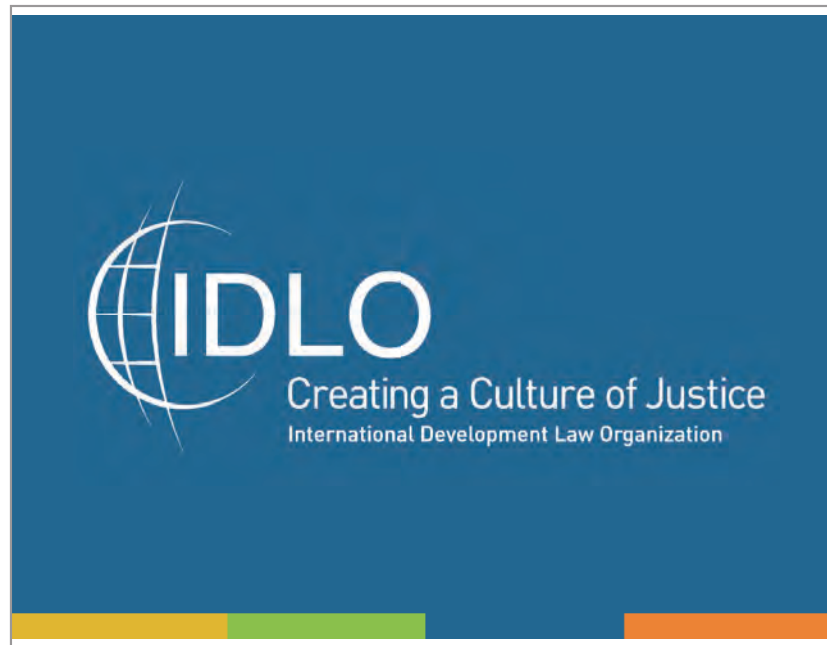
(3)

Question: When dealing with domestic violence cases, are there criteria to be followed when the court makes referrals to counseling services or mediation? The concern springs from instances when the people and organizations providing these services end up reinforcing stereotypes and expectations that promote gender inequality or justify domestic violence.

Answer: Ms. Chiongson mentioned that both the Committee on the Elimination of Discrimination against Women’s (CEDAW Committee) General Recommendation No. 35, and the Council of Europe’s Istanbul Convention, have guidance on mediation. There has in fact been a shift from “no mediation” to “no forced mediations.” Guidance may also be gleaned from the caveats attached to mediation or alternative dispute resolution in cases of GBV—e.g., support services, referral systems, and sufficiently trained staff should all be available; otherwise, mediation should not happen.



Jargalan Avkhia's Presentation



IDLO IN MONGOLIA

IDLO began operations in Mongolia in 2012, with Mongolia acceding as a Member Party in 2015. IDLO and the Government of Mongolia signed a Host-Country Agreement in 2021.

Our work focuses on SDGs **16**, **5** and **8**.



Project portfolio 2022:

- Strengthening the Response to Gender-Based Violence in Mongolia (2019-2023)
- Mitigating the Impact of Covid-19 by Increasing Children's Access to Justice in Mongolia (2021-2022)
- Mongolian Institutional Integrity and Transparency (MINT) (2021-2023)

STRENGTHENING THE RESPONSE TO GENDER-BASED VIOLENCE IN MONGOLIA PROJECT (2019-23)

IDLO has been working on the justice-sector response to domestic and gender-based violence since 2015.

Our approach is:

- Human rights-based
- Victim-centered
- Leave No One Behind
- Civil society-centric

Key stakeholders include the Judicial General Council, National Police, Ministry of Justice and Home Affairs, Prosecutors General Office, Mongolian Bar Association, Gender Equality Center, a network of CSOs, and others.



Research

Two studies conducted in 2020

- Monitoring of application of a victim-centered approach in DV trials
- Assessing application of victim-centered approach throughout the Justice Chain

Summary of findings

- Identified that survivors in Mongolia cannot exercise their core rights
- In most DV cases, survivors did not receive legal assistance or receive information about court hearing dates, creating barriers to participation in court hearings



Impact

- Both reports sent to the Working Groups under MOJHA revising the Law on Infringements and the Criminal Code





Trial Monitoring

Recommendations <ul style="list-style-type: none">✓ Separate entrances or at least staggered departures✓ Separate waiting areas✓ Systematic information about victims' security/support measures✓ Universal security checks including weapons screenings✓ Refrain from victim-blaming and reliance on gender stereotypes✓ Inform all alleged victims of their core legal rights	Results <ul style="list-style-type: none">▪ The Judicial General Council began revising regulations pertaining to court safety and improving standards for informing complainants about court schedules
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Trial Monitoring

Recommendations <ul style="list-style-type: none">▪ Consistent with UPR recommendations to increase efforts against violence against women and improve protections for DV victims, inform victims of:<ul style="list-style-type: none">✓ their right to claim compensation✓ all types of harm for which they can claim compensation✓ all types of compensation they can claim	Results <ul style="list-style-type: none">▪ MOJHA revised the Law on Forensics (submitted to Parliament in 2022)▪ This law creates the legal environment for calculating psychological damages and compensation for DV victims▪ Under the Law, the Supreme Court is tasked with developing the methodology for calculating psychological damages
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Justice Chain Research

Recommendations

- ✓ Most of indigent victims do not receive legal assistance
- ✓ All justice sector actors to treat survivors to treat with care and compassion
- ✓ Capacity building training on the specific needs and vulnerabilities of DV survivors
- ✓ Prevent victim-blaming and use of gender stereotypes

Results

- A MOJHA working group is currently tasked by parliament to revise the Law on Legal Aid in line with the report's recommendations to include victims of DV as beneficiaries
- Anticipate this law will be expanded in scope to include provision of legal aid to indigent victims of DV and child abuse crimes



IDLO is the only global intergovernmental organization exclusively devoted to promoting the rule of law to advance peace and sustainable development. IDLO works to enable governments and empower people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.

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D. Concurrent Breakout Session 3A* (for Judges)

* Closed session for judges; the session was recorded for documentation purposes but was not livestreamed or made available to the public to allow for open exchanges.

1. Breakout Session

In this session, judges from Asia and the Pacific shared their experiences in adopting good practice measures applying gender perspectives in adjudicating gender-based violence (GBV) cases, and discussed specialized mechanisms, judicial tools, and knowledge resources.



Hon. Dr. Robyn Layton AO QC, former Justice of the Supreme Court of South Australia and adjunct professor at the University of South Australia, moderated the session, with **Maria Cecilia T. Sicangco**, senior legal officer at the Asian Development Bank (ADB), acting as facilitator. There were five eminent panelists from Australia, Fiji, India, the



Philippines, and Samoa who contributed to the discussion.



The first panelist was **Hon. Chief Justice Kamal Kumar** from the Supreme Court of Fiji, who shared notable legislative measures and court processes in Fiji that afford protection to women and girl victim-survivors and strengthen their access to the formal justice system.

First, Fiji has a comprehensive set of laws on sexual offenses, primary of which is the Domestic Violence Act 2009.¹ Under this law, victim-survivors of domestic violence have an array of rights. The police, upon receipt of a complaint under the Domestic Violence Act, are dutybound to provide protection (e.g., obtain non-contact, protection, and/or restraining orders when they suspect that domestic violence has been or may be committed). Victim-survivors can likewise seek assistance to obtain medical reports, provide evidence, and find suitable places to stay away from the home shared with the offender. They are also entitled to receive compensation for personal injury.

Second, vulnerable victim-survivors and witnesses are afforded protections in the courtroom. For example, prosecutors can apply for direction from the judge as to how evidence should be provided. One such mode is videotaping of testimony beforehand, which could then be used during trial without requiring the witness to return to court, subject to the judge's possible exclusion of certain

¹ A copy of Fiji's Domestic Violence Act 2009 is on pp. 201–252 of the Post-Conference Booklet, Volume II: Accompanying Materials.

D. Concurrent Breakout Session 3A (for Judges)

parts.² Another mode is putting up a screen or one-way glass between the accused and the victim-survivor/witness in court during testimony—albeit in a way that the latter could be seen by the judge and the counsel for accused—to mitigate the fear of the victim-survivor or witness. Judges also have discretion to give any other direction to amply protect the victim-survivor or witness.

Third, the creation of a sex offenders register allows government authorities to quickly retrieve information about the identity of sex offenders, his personal details (e.g., passport details, mobile number, email address, and active social media accounts), and how sexual offense cases were resolved. Sexual offenders' failure to provide complete information, or provision of misleading information, is a crime punishable by up to 5 years imprisonment and a fine of FJD 10,000 (approximately USD 4,600). For this purpose, a judge must inform the convicted during sentencing if he falls within the definition of 'sex offender' so that he becomes aware of his duty to report or give information to the police.

Fourth, the no-drop policy, which came into effect in 2020, mandates that the police adopt a zero-tolerance policy on GBV. Consequently, once a GBV report or complaint is made, the police cannot simply dismiss the same or call in the parties and try to reconcile them. In addition, the police now provide a 24-hour hotline to receive GBV-related calls and have increased the number of female officers on desk service available to those who make GBV reports.

It appears that these measures have helped reduce the number of reported GBV cases. Based on police statistics, the number of reported sexual offenses has decreased from 2017 levels, e.g., rape fell by more than 50%, from 142 reported incidents in 2017 to 62 in 2021. More importantly, appropriate penalties are being imposed on sexual offenders. For instance, in 2021, a stepfather who was alleged to have raped his stepdaughter continuously from when she was ten years old, was sentenced to the maximum penalty of life imprisonment with non-eligibility for parole for 25 years.

Fifth, capacity development for members of the judiciary is crucial. Fiji has a National Judicial Development Committee in charge of judicial trainings, which include topics on GBV and family law. Chief Justice Kumar also shared the Bench Book on Children, developed by the Fiji Judicial Department with support from the United Nations Children's Fund (UNICEF).³ Released in March 2021, the Bench Book guides magistrates and judges on how evidence from children should be taken in court.



The next panelist was **Hon. Judge Robyn Tupman** from the District Court of New South Wales, Australia, who earlier joined Plenary Session 2 and spoke about the Child Sexual Offence Evidence Pilot Scheme.⁴ In this session, she was asked to further discuss how the effectiveness of the pilot evidence program in New South Wales was evaluated. Judge Tupman explained that the evaluation process has always been an

² Chief Justice Kumar underscored nonetheless that the accused's constitutional right to a fair trial requires that he or his counsel be given opportunity to cross-examine the witness.

³ Part B (Child Complainants and Witnesses in Criminal Proceedings) of the Bench Book on Children is on pp. 253–286 of the Post-Conference Booklet, Volume II: Accompanying Materials. The Bench Book may be read in full via this link: <https://judiciary.gov.fj/wp-content/uploads/2021/03/Child-Bench-Book1.pdf>.

⁴ A copy of the Child Sexual Offence Evidence Pilot Scheme, 2015 is on pp. 192–200 of the Post-Conference Booklet, Volume II: Accompanying Materials.

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integral part of the program, as it was necessary to determine whether the program was working and therefore should be extended or made permanent.

The Victim Services of the New South Wales Department of Justice engaged a team of well-recognized and respected experts from the University of New South Wales to undertake a formal evaluation. In April 2017, these experts conducted focus group discussions with various stakeholders (e.g., police, lawyers, judges, the court, children’s advocates, and witness intermediaries). Stakeholders unable to join the focus groups gave phone interviews and/or were requested to provide written feedback on evaluation questions. Findings were subsequently published in August 2018.

The experts determined that stakeholders unanimously supported the objectives of the program, which was perceived as being implemented in a manner consistent with those objectives. Furthermore, witness intermediaries—whose skills and expertise were highly valued—played an important role in children’s provision of evidence. Still, while stakeholders had few concerns about program implementation, resource constraints and challenges could affect its expansion.⁵

Judge Tupman emphasized that the evidence of child victim-survivors should be secured as soon as possible after a complaint is made. Under the Child Sexual Offence Evidence Pilot Scheme, one must still go through preliminary court proceedings and the whole brief must be made available to parties. Nevertheless, the process is relatively time-efficient as compared with a typical criminal proceeding. The ability to promptly gather evidence effectively addresses a typical cross-examination strategy that casts doubt on children’s memories because they do not last very long and/or are not sufficiently detailed. In addition, from the perspective of children, the dreadfulness is quickly over, without need to return to court and relive the encounter; they can get on with their lives instead of having the proceedings hanging over their head for a long time.

Judge Tupman articulated the lessons learned from the pilot evidence program in a series of “do’s” and “do not’s”:

- **Do educate.** One of the most important things any jurisdiction can implement is a proper judicial commission or education board to take on the role of educating the judiciary. For example, the International Association of Women Judges’ Jurisprudence of Equality Programs are judicial capacity building initiatives available on an international level.⁶ While the judiciary should not adjudge based on gender, gender perspective is still important—the judiciary should represent all genders and understand the life experience of each one. Education and capacity building are crucial building blocks to achieve this objective.
- **Do take everybody on board.** If a scheme is going to be implemented, all the participants—the defense bar, prosecution, witness assistance officers, and support people—must be taken on board. It takes goodwill but can be done. And, if done properly, it results in cultural change with far-reaching implications. For example, the pilot evidence program has brought about cultural change in the New South Wales bar: aggressive questioning of children has been found to be ineffective and is no longer done.

⁵ J. Cashmore, et al. 2017. *Evaluation of the Child Sexual Offence Evidence Pilot: Process Evaluation Report*. Social Policy Research Centre, University of New South Wales, Sydney.

⁶ See International Association of Women Judges. *Jurisprudence of Equality Programs*.

D. Concurrent Breakout Session 3A (for Judges)

- **Do not forget it is a court of law.** A child sexual offense is a very serious criminal charge. Thus, criminal proceedings need to be done properly, safeguarding the fair trial rights of the accused, but sensitive to the needs of victim-survivors.
- **Do not get the technology wrong.** Even outside the pilot evidence program, alternative ways by which children could give evidence have been explored. For example, a prerecorded interview shortly after a complaint is made could both be part of the investigative process and the evidence in chief of the victim. A police officer properly trained to handle child sexual assault matters conducts the interview. Usual problems encountered relate to the quality of the video recording—the child is not close enough, the audio is too low, the voice of the officer is louder than the voice of the child, or the visual of the child is not as clear as in court. However, Judge Tupman opined that doing things effectively just requires a little bit more thinking and some minor adjustments.

Turning to violence in the home, Judge Tupman observed that there is a high incidence of domestic violence cases within the indigenous community in Australia. In the past, victim-survivors were disinclined to pursue prosecution by the time these charges came to court. Charges were thus usually dropped, and perpetrators kept getting away with domestic violence.

To address this challenge, New South Wales introduced a system whereby police officers, through body-worn video cameras, can collect evidence in chief upon arrival at the domestic violence scene. As soon as the police turns up at the scene, they interview the woman-complainant—with visible injury, in tears, and fearful—and that exchange is captured on camera. As expected, this kind of evidence is extremely powerful. The recorded video becomes the evidence in chief of the victim-survivor, subject to cross-examination later on. This approach is perhaps one of the most important policies adopted to improve the quality of evidence in domestic violence cases, leading to a significant reduction in dropped charges.

Justice Layton then turned to the third panelist, **Hon. Justice Vui Clarence Nelson** from the Supreme Court of Samoa, who is also a current member and former vice chairperson of the United Nations Committee on the Rights of the Child (Convention on the Rights of the Child). Justice Nelson shared Samoa's progress in promulgating laws and institutionalizing practices to protect the rights of women and child victim-survivors of GBV.



- The Family Safety Act, 2013 provides for protection orders and a comprehensive array of protective mechanisms for domestic violence victims.⁷ For example, it requires arrangements for suitable shelter, medical treatment, and counseling services when needed. It also allows police to go into the home of victims or complainants and physically escort them out along with their property. The law likewise provides for custody and maintenance of women and children, as well as emergency interim matters, such as mortgage payments and groceries.

⁷ A copy of Samoa's Family Safety Act, 2013 is on pp. 736–754 of the Post-Conference Booklet, Volume II: Accompanying Materials.

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- The Sex Offenders Registration Act, 2017 requires a registry of local offenders and offender-deportees from Australia, New Zealand, and the United States.⁸
- Samoa has a child welfare care and protection legislation pending before Parliament, aimed at establishing a comprehensive system for child protection. Justice Nelson is also pushing for a National Commission for Children that can focus on addressing domestic violence and GBV.
- Samoa is fully compliant with the Principles Relating to the Status of National Institutions (the Paris Principles), as it has an Ombudsman's Office with a human rights unit and a child protection desk, which have both taken a very big role in investigating domestic violence.⁹ A few years ago, they launched a public inquiry into family violence, the first of its kind in Samoa. The inquiry has helped change a lot of policies and mindsets, making parliamentarians keenly aware of the domestic violence and GBV problem.

Further, Samoa has established various specialized courts focusing on GBV and women and children. These include a specialized Family Court, set up in 2013, which deals with family protection orders; a Family Violence Court, which provides rehabilitation programs for men and, surprisingly, women offenders; a Youth Court which, similar to the Family Violence Court, is a mobile court that goes out on circuit to the outer areas of the capitol; and a Drug and Alcohol Court, which provides drug and alcohol rehabilitation for domestic violence offenders.

Justice Nelson also underscored that Samoa has special laws for the protection of children. A few years ago, Samoa reformed its evidence legislation and Criminal Procedure Act to provide for, among others, (i) taking evidence of child witnesses, (ii) taking evidence online, (iii) cross-examining child complainants and witnesses, (iv) issuing anonymity orders, and (v) superseding the common law corroboration rule. Moreover, while Samoa has followed a no drop policy for several years, the Family Safety Act, 2013 was amended to impose a duty on the police to prosecute complaints. The amendment disallows police discretion on whether a complaint is to continue or be dropped—once made, police officers are mandated by legislation to file charges, which cannot be withdrawn once initiated, unless with special leave of the court. Further, the law makes the police personally liable for dereliction of duty if one receives a complaint but fails to act. While this provision is quite unpopular among local police officers, everyone now understands the necessity of pursuing this kind of complaints through the judicial system to the end result.

These reforms notwithstanding, Justice Nelson opined that a lot could still be done to promote a gender-responsive judicial system. First, a lot of domestic violence incidents occur late on Friday nights—the courts are closed, and the police are busy with road patrol and apprehending drunk drivers—such that a woman who suffers a domestic violence attack at that time of night faces quite a number of hurdles in getting prompt protective action for herself and her children. Because it only takes a second for something bad to happen, quick response procedures and processes need to be reformed to effectively address this kind of situation. Second, there is also

⁸ A copy of Samoa's Sex Offenders Registration Act, 2017 is on pp. 755–806 of the Post-Conference Booklet, Volume II: Accompanying Materials.

⁹ See United Nations Office of the High Commissioner for Human Rights. [Principles Relating to the Status of National Institutions \(The Paris Principles\)](#).

D. Concurrent Breakout Session 3A (for Judges)

the age-old problem of parties being reconciled, and women wanting to drop their complaints, by the time a GBV incident gets to court. Finally, since legislation typically focuses on men and women, domestic relationships of the lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA) community are probably underrepresented or under-addressed in law. Considering that these relationships are becoming increasingly common, even in the Pacific, careful thought must be given to how these relationships may be absorbed into prevailing legal and regulatory frameworks. Trends of violence incidents coming out of these relationships have started to emerge, but the victim-survivors have nowhere to go.

On this point, Justice Layton recalled that the issue of non-binary gender came up earlier in the conference’s plenary sessions, where it was also mentioned that very few LGBTQIA are prepared to move forward with their complaints because they are discriminated against from the very start. Hence, in Justice Layton’s view, Justice Nelson’s articulation of LGBTQIA concerns is timely and appropriate.



The fourth panelist was **Hon. Justice Hima Kohli**, who has had an illustrious career on the bench—as a judge in the High Court of Delhi, then the first female chief justice of the Telangana High Court, and now recently appointed to the Supreme Court of India. At the outset, Justice Kohli observed that there are commonalities between the legislation in Fiji and Samoa and India’s Protection of Women from Domestic Violence Act, 2005.¹⁰ The latter also provides for (i) protection officers and services that the victim-survivor can avail

of; (ii) *ex parte*, residence, monetary relief, and custody orders; (iii) protection orders, the violation of which is a non-cognizable and non-bailable offense under threat of one year imprisonment with fine; and (iv) access to counselors, medical facilities and shelter homes. In addition, the Legal Services Authorities Act, 1987 provides free legal aid to domestic violence victims, allowing an economically distressed woman to be assisted by a panel of legal aid lawyers that she does not have to pay. Instead, the Legal Services Authority bears all expenses of litigation.¹¹

Justice Kohli further discussed other good practices in India that protect and support women victim-survivors.

First, the definitions of “vulnerable woman” and “male respondent” were expanded through judicial interpretation of the Protection of Women from Domestic Violence Act, 2005. For instance, in Indian culture, extended families (and not only nuclear families) stay together. Joint families typically include parents, offspring, spouses, and possibly children of offspring, all living together in one household. Assuming a woman loses her partner or husband, and she has been staying in the matrimonial home since getting married, she is entitled to continue residing there to keep her and the children safe, irrespective of her husband’s death. Under the Protection of Women from Domestic Violence Act, 2005, she has a right to residence in the home where her husband resided until he passed away. This is an interpretation that has helped several women.

¹⁰ A copy of India’s Protection of Women from Domestic Violence Act, 2005 is on pp. 306–317 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹¹ A copy of India’s Legal Services Authorities Act, 1987 is on pp. 287–305 of the Post-Conference Booklet, Volume II: Accompanying Materials.

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Second, the Crime Against Women (CAW) cells established in the early 1980s in New Delhi have now been replicated across the country. A unit of the police force is dedicated to each cell to first help mediate towards a conciliation, if possible. If this is not possible, then the CAW cell recommends that a post-information report be filed to set the legal process in motion. Even at this stage, the woman can access a panel of legal aid lawyers. Besides mediation, CAW cells assist women by providing them emotional support linkages to livelihood opportunities, as well as psychological and legal counseling services. The goal is to reassure the woman that she is not alone, that she has a support system, and that the justice system works for her.

Third, specialized courts have been established. The Women’s Court—called in Hindi as mahila (woman)—are manned with women judicial officers to give the victim confidence that the judge can empathize and understand the difficulties of a domestic violence victim. They also deal with cases such as kidnapping, procuring minor girls for prostitution, rape, cruelty by the husband or in-laws of a woman, and dowry demands. In Indian society, marriages are sometimes arranged between families and the woman typically lives with a large group of the husband’s family members. In case of any demand, cruelty, or harassment faced by the woman, Section 498A of the Indian Penal Code entitles her to file a complaint, which is handled by Women’s Courts. In addition, Indian legislation has introduced alternative dispute resolution as an option for women who want to go back to their husbands with a negotiated settlement. Fast-Track Courts have also expedited disposal of cases.

Fourth, the Victim Compensation Scheme was introduced by the government in 2018. Under this scheme, the government has a corpus of funds that court can dip into for compensation at the end of a trial. Aside from directing the accused to pay the victim, the court can recommend that the government compensate the victim for her sufferings, such as acid attack, rape, physical abuse of

D. Concurrent Breakout Session 3A (for Judges)

minors, sexual assaults, and human trafficking. There are minimum amounts of fixed compensation to be given to the victim, arrived at through due diligence of the State Legal Services Authority. This increases the compensation for the victim who must be rehabilitated in every way.

The final panelist was **Hon. Justice Henri Inting** from the Supreme Court of the Philippines. Justice Inting is also the vice chairperson of the Committee on Gender Responsiveness in the Judiciary (CGRJ), which was created in the year 2000 to help establish a judicial system that is sensitive and responsive to gender equality and empowerment. The CGRJ aims to achieve speedy and fair administration and dispensation of justice to all—regardless of age, gender, class, ethnicity, or religious or political beliefs—through a judicial system that works with dignity, integrity, accountability, and transparency. The CGRJ has different subcommittees, consisting of different associate justices of the appellate court: (i) a subcommittee on policy that takes charge of resource mobilization and gender audits of policies, programs, and practices in the Philippine judiciary; (ii) a subcommittee on people that oversees the training and capacity building of court personnel; and (iii) a subcommittee on projects, activities, and programs that deals with various gender responsive welfare services and provides for partnerships with other gender and development advocates. Thus, there is potential to do a lot of work on gender sensitivity with regard to judges adjudicating GBV cases.



Through efforts of the CGJR, the Supreme Court of the Philippines en banc approved the Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette on February 15, 2022.¹² The guidelines direct court officials and employees to make a conscious effort to avoid implicit and explicit discriminatory language against men or women. The guidelines serve as a culmination of the Supreme Court’s efforts to combat sexist language in the judiciary, by fostering sensitivity towards persons with diverse sexual orientation, gender identity and expression, and sex characteristics. Sexist language devalues members of one sex, almost invariably women, thus abetting gender inequality. The guidelines therefore promote the use of non-sexist language in official documents, communications, and issuances. For instance, the terms “person” instead of “man,” “ancestor” instead of “forefather,” or “humanity” instead of “mankind,” are used. The use of masculine terms for professions or occupations is also discouraged in favor of gender-neutral nouns (e.g., “chairperson” instead of “chairman” or “business owners” instead of “businessman”).

Justice Inting also mentioned the Safe Spaces Act of 2019, which penalizes several forms of gender-based sexual harassment.¹³ Even prior to the passage of the law, the Supreme Court had created a Committee on Decorum and Investigation, which has jurisdiction over work-related sexual harassment offenses committed by the officials and employees in the Philippine Judiciary.

Court practices that protect both children and women are also in place.

¹² A copy of the Supreme Court of the Philippines’ Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette is on pp. 696–720 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹³ A copy of the Philippines’ Safe Spaces Act of 2019 is on pp. 651–667 of the Post-Conference Booklet, Volume II: Accompanying Materials.

- Administrative Matter No. 004-07-AC or the *Rule on Examination of a Child Witness* took effect on 15 December 2000.¹⁴ This revolutionary rule issued by the Supreme Court allows the court to authorize that a child witness' testimony be taken in a room outside the courtroom, to be televised to the courtroom through a live-link television, upon a showing that a child would likely suffer trauma from testifying in the presence of the accused, his counsel, or the prosecutor. It also allows counsel to ask leading questions in all stages of examination of a child, if this would further the interests of justice.
- Republic Act No. 9262 or the *Anti-Violence against Women and their Children Act of 2004* provides that records of cases involving violence against women and their children are confidential.¹⁵ Further, all public officers and employees, as well as clinics and hospitals (whether public or private), are mandated to respect the right to privacy of the victim. Violations of confidentiality and the right to privacy are penalized by imprisonment of 1 year and a fine of not more than PHP 500,000.00 (approximately USD 9,000.00). The law also makes liable to the contempt power of the court any person who publishes or causes to be published, in any format, identifying information of a victim or an immediate family member, without the latter's consent.
- Section 2 of Rule 135 of the *Rules of Court* allows any court, upon its discretion, to exclude the public, when the court evidence to be adduced is of such nature as to require such exclusion in the interest of morality or decency.¹⁶
- The Supreme Court-issued Administrative Circular No. 83-2015 (or the *Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names*) mandates the use of fictitious initials like AAA or XXX when referring to the names of women and children victims, as well as their personal circumstances or other information which may establish or compromise, directly or indirectly, their identities.¹⁷ The victims' identities therefore remain unknown to the public, for their safety and integrity.

¹⁴ A copy of the Supreme Court of the Philippines' Rule on Examination of a Child Witness is on pp. 668–681 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹⁵ A copy of the Philippines' Anti-Violence against Women and their Children Act of 2004 is on pp. 631–650 of the Post-Conference Booklet, Volume II: Accompanying Materials.

¹⁶ Section 2 of Rule 135 of the Rules of Court of the Philippines provides:

Sec 2. Publicity of proceedings and records. — The sitting of every court of justice shall be public, but any court may, in its discretion, exclude the public when the evidence to be adduced is of such nature as to require their exclusion in the interest of morality or decency. The records of every court of justice shall be public records and shall be available for the inspection of any interested person, at all proper business hours, under the supervision of the clerk having custody of such records, unless the court shall, in any special case, have forbidden their publicity, in the interest of morality or decency.

¹⁷ A copy of the Supreme Court of the Philippines' Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names is on pp. 682–695 of the Post-Conference Booklet, Volume II: Accompanying Materials.

2. Question-and-Answer Session

(1)

Question: Judge Nusrat Ali Siddiqui of Pakistan asked, “How could the availability and effectiveness of comprehensive services, particularly in low-resource settings, be strengthened?”

Answer: Justice Kohli shared that in India, the Legal Services Authority supports low-resource income groups, as well as those below the poverty line, by providing legal aid and facilities to enable them to access justice. The bulwark is the National Legal Services Authority, whose functions are replicated on the state-level by various state Legal Services Authorities.

(2)

Question: Senior Magistrate Corinna Ituaso Lafai of Tuvalu asked, “In the Asia-Pacific region, what would be an ideal mechanism to support the enforcement of protection orders between jurisdictions at the judicial level? For example, what if a protection order is issued in Tuvalu, but the applicants refile a duplicate application for protection order with the registrar of family courts in Fiji, because the children were traveling with their parents transiting in Fiji bound for Samoa? Immediate protection, associated costs and fees, and continuing exposure of victims due to delay in court hearings in other jurisdictions are some of the barriers or challenges faced by victims. We have introduced model provisions to assist vulnerable witnesses but what about protection orders at the judicial level? Tuvalu does not have any specialized court at the moment.”

Answer: In Fiji, a judicial process to recognize such an order is not required. One can simply present the order to the registrar of the family court and ask that it be sealed in the family court. The registrar will get certified copies of the order, administratively seal that order, and confirm that the order is valid and unchanged. It then becomes the order of that family court and remains effective. In the interest of fairness and due process, that order will then be served on the person whose rights are going to be affected, to give him or her an opportunity to challenge the order as if it was issued by the Fiji family court. For safety and protection reasons, and to avoid delays and complexities, the judicial litigation process is removed.

Justice Kohli confirmed the same is done in Indian courts. A mediation settlement can be initiated at any court level. Once the court accepts a mediation settlement, it becomes a decree for all effects and purposes and the executing court can execute it like any civil court decree. The court is mandated to ensure that the terms are set forth in letter and spirit and complied with by the involved parties.

A Fijian judge in the audience added that the principle of judicial comity requires that orders be recognized as protecting not only citizen women and children, but human beings across the board. By virtue of judicial comity, an order issued in a country to protect women and children should also be recognized in another country. There should be no issues of impropriety arising from recognizing these orders internationally, irrespective of reciprocal jurisdiction.

In closing, **Justice Nelson** commented that specialized actors like judges and prosecutors are critical and perhaps even more important than specialized facilities. For example, the Youth Court in Samoa started under a coconut tree. From this, the facilitator remarked that even with resource constraints, justice could be advanced and served if justice sector actors have the will to undertake reforms.



Justice Vui Clarence Nelson's Presentation

Asia-Pacific Conference on the Promotion of Gender-Responsive Judicial Systems: Strengthening Formal Justice Systems' Responses to Violence Against Women and Girls

COURTS OF SAMOA RESPONSE TO VIOLENCE AGAINST WOMEN AND GIRLS

FAMILY SAFETY ACT 2013

The protection of the Complainant or the Victim commences from when the Complaint is laid or when an Application for a protection order is filed.

- ▶ SECTION 4- Any person can file for a protection order on behalf of any other person.
- ▶ SECTION 15- DUTY OF THE POLICE TO ASSIST AND RENDER ANY ASSISTANCE TO THE COMPLAINANT.
- ▶ make arrangements for the complainant and the complainant's dependants to find a suitable shelter, to obtain medical treatment or counselling service where needed; (*Police will hold the Defendant in custody if there is no suitable arrangement for immediate temporary shelter and the safety of the victim is an issue*) and
- ▶ provide information, whether written or oral, or both explaining to the complainant in a language that he or she understands, the remedies at his or her disposal in terms of this Act and the right to lodge a criminal complaint where applicable; or
- ▶ where the complainant is a person under 18 years of age, to refer such person to a Child Welfare Officer.

D. Concurrent Breakout Session 3A (for Judges)

Duty of the Police to Prosecute

Section 16 of the FAMILY SAFETY ACT 2013

- ▶ Duty to Prosecute - (1) Subject to subsection (2), where a report of domestic violence involves any form of physical or sexual abuse, and provided that there is sufficient evidence for doing so, a Police Officer handling the matter shall: **(a) ensure and undertake to do all things necessary in order that a charge or information is laid with the Court in order to commence prosecution of the matter in Court; and (b) not endeavour to withdraw a charge or information laid under paragraph (a).**
- ▶ (2) Where a report of domestic violence involves any other form not being physical or sexual, the Police Officer may where the Police Officer considers it appropriate to do so and in accordance with applicable guidelines: (a) have the matter referred to an authorised counselling agency and from there monitor progress of such an arrangement; or (b) lay a charge or information to commence prosecution, particularly in cases of repeated offending of a similar nature.
- ▶ (3) Failure by a Police Officer to comply with an obligation imposed in terms of this Act constitutes misconduct for the purposes of the Police Service Act 2009

Protection Orders conditions

- ▶ The Court may, in issuing a protection order under section 5, 6 or 7 prohibit the respondent from:
- ▶ (a) committing any act of domestic violence or enlisting the help of another person to commit such act;
- ▶ (b) entering a residence, or part of such residence, shared by the complainant and the respondent;
- ▶ (c) entering the complainant's place of employment, or part of such place;
- ▶ (d) preventing the complainant who ordinarily lives or lived in a shared residence from entering or remaining in the shared residence; or
- ▶ (e) committing any other act, which the Court considers appropriate in the circumstances, in order to protect the complainant.

Protection Orders Additional Provisions

- ▶ The Court may impose any additional conditions which it deems reasonably necessary to protect and provide for the safety, health or wellbeing of the complainant, including an order:
- ▶ (a) to seize any arm or dangerous weapon in the possession or under the control of the respondent; and
- ▶ (b) A Police Officer to accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property and, where applicable, for the service of any protection orders made under this Act upon the relevant respondent;
- ▶ (c) that the respondent continues to make payments towards rent of shared accommodation or vehicle, or to make mortgage payments having regard to the financial needs and resources of the complainant and the respondent;
- ▶ (d) for the custody and maintenance of dependent children of both the complainant and the respondent pursuant to the provisions of the Infants Ordinance 1961 and the Maintenance and Affiliation Act 1967, respectively; or
- ▶ (e) that the respondent pay emergency monetary relief having regard to the financial needs and resources of the complainant and the respondent.
- ▶ (f) the Court must award interim custody of a child to the complainant where it is shown on the evidence before it that physical violence was applied, used or inflicted by the respondent upon the complainant or to any child involved in the domestic relationship between the complainant and the respondent
- ▶ (g) where the court is satisfied that it is in the best interests of any child, it may:
 - ▶ (a) refuse the respondent contact with such child; or
 - ▶ (b) order contact with such child on such conditions as it may consider appropriate.

ESTABLISHING A FAMILY VIOLENCE COURT



ESTABLISHMENT OF A FAMILY VIOLENCE COURT

- ▶ Division of the District Court
- ▶ Referral of all matters where the Defendants have a domestic relationship with the victims and complainants to the Family Violence Court. All acts committed become acts of domestic violence once the domestic relationship is established.
- ▶ Acts of domestic violence are charged under the Crimes Act 2013 and Police Offences Ordinance 1961 with offences attracting more than 7 years imprisonment referred to the Supreme Court.
- ▶ If Defendants plead guilty, they are referred to intensive programs with a duration of 6 weeks to 18 weeks. Bail conditions may be imposed on the Defendant and may include prohibition from contacting the victims and complainants, prohibition from their homes or villages and monitoring by Program Providers and Police.
- ▶ An average of 85% of Defendants who appear before the FVC plead guilty.

PROGRAMS

- ▶ Family Group Conference (“FGC”)
- ▶ Purpose of Programs- Provides Restorative Justice
- ▶ RRR Model
- ▶ Realisation- To bring perpetrators of Violence to the realization that acts of violence are unacceptable and are not condoned by the Court and society.
- ▶ For the victims, children and all family members involved and affected to take cognizance that violence is not the norm.
- ▶ Rehabilitation-To address and change the offending behavior.
- ▶ Reintegration-To reintegrate into his family and society a transformed person who is intolerant of violence.

ECONOMIC EMPOWERMENT OF WOMEN NOFOTANE PROJECT

- ▶ The most vulnerable women subjected to violence in the Family Violence Court were the Nofotane.
- ▶ Samoa Victim Group with the assistance of UN Women initiated the Economic Empowerment of Nofotane Project 2016 – 2018 of which more than 5,000 nofotane women were trained on livelihood skills and financial literacy.
- ▶ European Union continues to support this initiative with the beneficiaries of the Program selling their products both locally and overseas. The Nofotane brand signifies their victorious fight against violence.





CHALLENGES

- Reluctance of Women to proceed against husbands and partners.
- Capacity Building of the Domestic Violence Unit within the Ministry of Police and Police Outposts.
- Strengthening of multilayered support around the family unit.

Samoa has a very unique multilayered support system around the immediate family unit which is in the form of extended families, village groups and village community leaders. Outside that multilayered support system is the umbrella protection provided by the Police and if a complaint or a protection order application is filed, the Court. This multilayered support within the periphery of the family unit can potentially provide impenetrable walls of protection around victims of domestic violence and effectively hold perpetrators accountable for the commission of acts of violence by condemning and reporting acts of domestic violence. Violence can be curbed within the family unit when this multilayered support is effective. This multilayered support is most vital during lockdowns.

E. Concurrent Breakout Session 3B* (for Prosecutors)

* Closed session for prosecutors; the session was recorded for documentation purposes but was not livestreamed or made available to the public to allow for open exchanges.

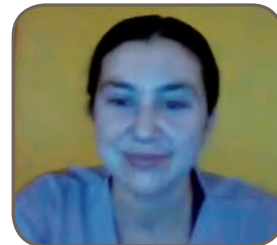
1. Breakout Session Discussion



In this breakout session for prosecutors, prosecutors from Asia and the Pacific discussed issues, challenges, and good practices in investigating and handling violence against women and girls (VAWG) cases.

Ms. Zarizana Abdul Aziz, gender and human rights lawyer and adjunct professor at George Washington University, moderated the breakout session, with **Ms. Lea Halberstein**, Juris Doctor candidate at the Northeastern

University School of Law, acting as facilitator. There were three distinguished panelists who contributed to the discussion.



His Excellency Dr. Alfonso Lopez is the prosecutor-general of Timor-Leste. He began by giving a general overview of the penal regime governing VAWG crimes. Dr. Lopez underscored that victims



of crimes of violence, especially women and girls, should be treated with careful consideration and informed of their rights to receive compensation, to have their privacy and security protected, and to present their perspective during the judicial process. As a state party to international legal instruments safeguarding these rights, Timor-Leste has adopted these principles in its constitution, which (i) stipulates respect for human dignity; (ii) enshrines fundamental rights; and (iii) establishes special obligations of the state to guarantee and promote

these fundamental rights and the protection of women and children against all forms of violence, sexual abuse, and exploitation.

Turning to statutory law, the general section of Timor-Leste's Penal Code reflects the fundamental principles of the constitution and modern theory regarding penal law. The Penal Code also has a special section that sets out specific crimes relating to the protection of women and children against various forms of violence.¹ At the same time, the Law against Domestic Violence, which became effective in 2010, established a special legal regime on violence committed in the family context.²

¹ Book II, Title II of the Penal Code sets out crimes against persons: crimes against life (e.g., homicide), against physical integrity (e.g., offenses against physical integrity; mistreatment of a spouse, the incapable, and minors), against personal freedom (e.g., threats, kidnapping, abduction, slavery, trafficking and sale of persons), assault, and sexual exploitation and abuse (e.g., prostitution and child pornography, sexual abuse of minors and the incapable).

² A copy of the Law against Domestic Violence, 2010 is on pp. 813–824 of the Post-Conference Booklet, Volume II: Accompanying Materials.

The Public Prosecution Service is responsible for implementing penal acts and conducting criminal investigations. Specifically, the National Police and the Police Forensic and Criminal Investigations Unit, which are functionally dependent on the Public Prosecution Service, perform these functions. In addition, the Public Prosecution Service provides support services to victims of violence—e.g. informing victims of their rights, referring victims to hospital services or specific places of protection such as shelters, and liaising between victims and the formal justice system.

The Public Prosecution Service, like judicial courts, is split into judicial districts that cover the entire national territory, with a district prosecution unit in each of the four judicial districts. The Dili District Prosecution Unit deals with the largest number of cases. In this prosecution unit, instructions and orders for inquiry and investigations of crimes of domestic violence and sexual abuse against children and women are allocated to two magistrates, who have been especially designated for this purpose by the Prosecutor General. The magistrates ensure that these crimes are tried to allow for coordinated, concentrated, and integrated management. They thus interface extensively with police criminal bodies that assist the Public Prosecution Service and other auxiliary institutions.

However, the Public Prosecution Service deals with a variety of legal and practical issues that often impede its functions. First, the prescribed time limit for conducting investigations depends on whether the defendant is subjected to coercive measures such as pre-trial detention. Investigations must be conducted more swiftly when coercive measures are in place. Second, presentation of evidence follows the conventional model and usually does not allow “statements for future use” under Article 230 of the Criminal Procedure Code, except when a sexual crime is involved.³ Third, specific coercive measures to secure the victim in cases of VAWG—i.e., removing the perpetrator from the place of residence and prohibiting him from contacting the victim—are rarely applied. In many cases, this places the victim in a situation of greater insecurity. Fourth, thirteen years after the adoption of the Law against Domestic Violence, the protection and safety committee provided in the law has not yet been established. Lastly, Articles 72.3 and 72.4 of the Criminal Procedure Code empower the Public Prosecution Service to include a request for civil compensation for victim-survivors.⁴ However, this request is not always made, often because it is difficult to gather the necessary evidence for this purpose. This failure naturally makes

³ The objective of the sexual crime exception is to avoid revictimization during the proceedings. Article 230 of the Criminal Procedure Code states:

1. Statements and confrontation of witnesses may take place beforehand where there are substantiated grounds for doing so, particularly in the case of a victim of a sexual crime, or in the case of an imminent overseas trip by a person who is to give testimony as a witness, victim, aggrieved person, expert, technical consultant or take part in a confrontation of witnesses that is likely to prevent him or her from appearing at the trial.
2. Early statements under the terms of sub-article 230.1 shall be taken by the territorially competent judge, following a request by the public prosecutor, the aggrieved person or the defendant, and committed to writing.
3. The procedural participants referred to in sub-article 230.2 may attend the hearing where the statements are made and may request the judge to ask any questions deemed necessary.
4. Statements for future use shall be freely assessed in trial.

⁴ Articles 72.3 and 72.4 of the Criminal Procedure Code state:

3. Where the aggrieved party becomes known before the investigation comes to a close, the public prosecutor shall, acting on behalf of the former, include in the indictment the elements required for determining civil liability.
4. The court may, on a discretionary basis or at request, refer the civil compensation case to a civil court for a decision where the issues raised therein render impossible a rigorous decision or are likely to generate incidents that would excessively delay the criminal proceeding.

E. Concurrent Breakout Session 3B (for Prosecutors)

victim-survivors even more vulnerable. Even when a request is made, the compensation is only paid occasionally.

From a judicial perspective, the biggest difficulty is the production of evidence. Crimes are sometimes committed over long periods, often in the privacy of the household. This explains why, in many instances, proceedings do not even reach the trial stage or else result in acquittals.

Further, evidence produced during inquiry is also required to be re-established during trial. In many situations, victims do not make a statement or may even deny during the trial that any violence occurred, which makes it difficult for the Public Prosecution Service to sustain the charges.⁵ Close family members too often do not want to make a statement, which is their prerogative as set out in Article 125 of the Criminal Procedure Code.⁶ Furthermore, potential non-family witnesses (e.g., neighbors) continue to treat violence between spouses as a private matter and insist on not interfering (not providing evidence). When the victim-survivor does not seek medical treatment, and there is no expert evidence, evidence is then limited to testimonial evidence. This is of course subject to the principle of free assessment of evidence by the court using the rules of logic and the court's past experience.

Difficulty in proving psychological violence—as against physical violence—is also a challenge, as it requires an expert examination that is often not available. There have likewise been instances where, during the trial, the charges concerning a crime of domestic violence are amended and reduced to an indictment for a semi-public crime (e.g., simple offenses against physical integrity, threats, and damages) to allow the court to drop the charges. It is therefore sometimes necessary for prosecutors to continue to request that courts “conclude the proceedings” even though the perpetrator has not posed a threat for a long time. Some trials are also not conducted within a reasonable timeline, especially when the suspects are not in pre-trial detention.

Dr. Lopez concluded by discussing some ideas for reform. He opined that the Criminal Procedure Code should be amended to

- (i) extend the ‘statements for future use’ so that this is used in all situations involving VAWG;
- (ii) establish a maximum deadline to undertake an inquiry and to have a trial concerning VAWG;

⁵ In such cases, the victim neither “has [the] intention of removing the perpetrator from his/her coexistence nor does [she] request that a more serious restraining measure be applied to him/her.” In such instances, except for the more serious cases, “what victims want is for the perpetrator to be warned, not his/her punishment,” “to get a solemn warning from the court to understand the seriousness of his/her behavior, so that he/she does not engage in the same behavior again.” The victims “do not want to collaborate in establishing the facts” and when “during the proceedings the spouses come together again, the victim loses interest in the proceedings and tries to avoid the sentencing of the perpetrator.”

⁶ Article 125 of the Criminal Procedure Code states:

Lawful refusal to give a deposition

1. The persons below may refuse to give a deposition as witnesses:
 - (a) progenitors, siblings, descendants, relatives up to the second degree, adopters, adoptees, and the spouse of the defendant;
 - (b) a person who has been married to the defendant or who cohabits, or has cohabited, with the latter in a relationship similar to that of spouses, in relation to facts that have occurred during marriage or cohabitation.
2. The authority competent to take the deposition shall, under penalty of nullity, advise the persons referred to in sub-article 125.1 that they are allowed to refuse to give a deposition.

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- (iii) encourage professional support (e.g., from psychologists) to assist Public Prosecution magistrates and judges in technical matters in the context of an interdisciplinary approach to the cases, and to promote a more effective judiciary;
- (iv) provide additional and specialist trainings to Public Prosecution and judicial magistrates, who can disseminate learnings to criminal investigation police officers and court clerks;
- (v) promote social change, because the culture in Timor-Leste still does not sufficiently promote the freedom of women, although it is enshrined in the constitution and laws;
- (vi) focus primarily on prevention, with awareness-raising campaigns in schools and universities;
- (vii) maximize the opportunity to intervene and effectively follow up with the perpetrator, as the perpetrator cannot be expected to change his ways overnight. There are no interventions and specific follow-up activities to address such situations, and the various services in the judicial system do not provide information on outcomes; and
- (viii) introduce technical means to manage specific coercive measures from a distance, to ensure that the perpetrator is forcibly kept away from the family's residence and is banned from contacting the victim.



Subsequently, **Ms. Shyamala Alagendra**—a Malaysian lawyer with over 24 years of experience as gender advisor of the United Nations Sri Lanka Accountability Team, former prosecution lawyer at the International Criminal Court (ICC), and former assistant director of Public Prosecutions in Fiji—spoke about good practices in securing evidence from victim-survivors. Having prosecuted many sexual and domestic violence cases at both the national and international levels, Ms. Alagendra has seen the challenges faced by victim-survivors as they go through the legal-judicial process.

She began her discussion on the importance of a survivor-centered approach, which places the rights, needs, and wishes of a victim-survivor at the core, and requires inclusivity and gender and cultural sensitivity. Victims of sexual violence are exceptionally vulnerable and often experience secondary assault or rape by a system that does not have sufficient or proper regard for their psychological well-being. Thus, they need to be provided the right support, and have their cases handled in a survivor-centered and trauma-informed way. This is not a favor but an obligation of prosecutors to victim-survivors—it is in fact a fundamental right of victim-survivors. Proper and sensitive treatment from initial contact, until completion of the trial, and all the way through appeal, bolsters their faith in the justice system and promotes the recovery process.

There are many aspects to a survivor-centered and trauma-informed approach that go beyond the provision of counseling and medical care:

- (i) being sensitive to signs and symptoms of trauma since all witnesses and victim-survivors of crime are traumatized, even as trauma manifests in different ways for different people;

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- (ii) showing witnesses and victim-survivors empathy (as opposed to sympathy), putting aside biases and assumptions and interacting with them in a gender and culturally sensitive way;
- (iii) allowing victim-survivors to tell their story in an uninterrupted manner and in a chronology and style that enables them to recall events as completely and as effectively as possible;
- (iv) labeling crimes appropriately and charging crimes accurately to reflect the gravity of conduct; and
- (v) empowering victim-survivors to make informed choices.

On this last point, victim-survivors must be kept informed even during the appeal process. A survivor-centered approach requires that witnesses and victim-survivors be given a voice when deciding in-court protective measures (such as the use of pseudonyms, support person, and screens), while likewise recognizing that these protections are not always needed. In other words, agency and control must be returned to victim-survivors.

In addition, Ms. Alagendra emphasized the importance of having all judicial actors (e.g., prosecutors, judges, defense lawyers) on the same page that embraces a survivor-centered and trauma-informed approach when prosecuting sexual crimes. She shared a recent judgement she had read where the rape victim was made to demonstrate in court how loudly she screamed during the alleged rape. In acquitting the accused, the judge reasoned that the victim's shout, as demonstrated in court, did not convince him that rape was committed—it was not the shout of a woman not consenting to sex. Further, some jurisdictions still resort to virginity testing, or the notorious two-finger test, to

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corroborate testimonies of sexual crime victims. The World Bank, among others, has labeled this practice as gender-based violence in and of itself. Prosecutors therefore need to ensure that their decisions are not tainted by these rape myths that make harmful assumptions.

Accurate assessment of credibility is also an important factor to consider in a survivor-centered approach. Assessing credibility in sexual violence cases is particularly challenging. Clinical psychologists and significant bodies of learning have established that some behaviors frequently associated with dishonesty may be the same behaviors that trauma survivors seem to exhibit because of their experience—e.g., evasive body language, failure to make eye contact, and long pauses or refusal to respond. As the Prosecutor General of Timor-Leste said, training is necessary to understand these manifestations. At the same time, prosecutors must be encouraged to use expert evidence to its fullest—not only to explain the psychological impact of sexual violence, but also to educate judges on how trauma can impact the way victims recount or retell their experiences.

Finally, a trauma-informed approach enables prosecutors to conduct their work in a way that helps protect themselves from secondary trauma.

Ms. Alagenda then addressed what prosecutors can do to obtain the best evidence from a vulnerable child victim-survivor or witness. Noting that children generally are not engaged in international trials, she stated that legal-judicial actors in the international criminal scene are eager to learn from national jurisdictions where even very young children testify during litigation. It is important to understand that children have a right to participate, but child victims and witnesses are not a homogenous group. As such, processes that adapt to the individual child must be in place. A child-by-child approach, whereby the age and other attributes of a specific child are considered, is key. With this approach, children can participate and testify safely in an environment that respects and trusts their ability to give credible testimony, minimizing risk of re-traumatization.

The following are other important matters for prosecutors to keep in mind when dealing with child witnesses:

- (i) Take a multidisciplinary approach—do not push out other actors.
- (ii) Once satisfied that a child is competent to testify, consider measures necessary to safeguard the well-being of the child and file the necessary application for those measures. These measures may include testifying from a separate location via video link, allowing a support person to accompany the child, and ensuring a child-friendly courtroom. In some jurisdictions, there are purpose-built child-friendly courtrooms. But even when there are no such courtrooms, measures may be taken to make the courtroom less daunting, such as (a) having the judges and parties dress less formally, (b) sitting at eye level of the child instead of requiring the child to be seated inside a witness box, and (c) being concise and age-appropriate when asking the child questions.
- (iii) Do not ask leading and compound questions, and change the approach to cross-examination. For example, the practice of “putting one’s case” or putting one’s version of events to the witness to undermine the opposing party’s evidence can be very misleading and unfair to a child, and must therefore be avoided.

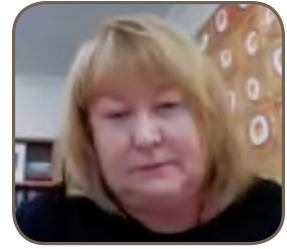
E. Concurrent Breakout Session 3B (for Prosecutors)

- (iv) Discuss objections to and arguments against the child's evidence in the absence of the child.
- (v) Take children's testimonies without delay. Be conscious of the impacts of delay on their memory and the damaging effects of a prolonged criminal justice process on their well-being. There are various ways of doing this:
 - (a) With proper training, police investigators can video record a child's initial police interview and prosecutors can seek to have this recording admitted in court in lieu of evidence in chief.
 - (b) There are procedures that allow the taking of testimonies of vulnerable victims and witnesses, like children, in advance of the trial. For instance, the ICC allows this when long delays are anticipated or there is a deterioration in the mental health of the victim. In Fiji, when the medical health and well-being of the child require it, child victims testify and are cross-examined in advance before the judge, and that proceeding then forms part of the trial record.
- (vi) Ensure that children are not pressured or influenced by family members. Be aware of the environment the child is in to safeguard his or her testimony against contamination or influence.
- (vii) Be careful when using props, dolls, and diagrams for children. For example, when using dolls to aid a child in the retelling of events leading up to and during rape (such as pointing to private parts), care must be taken so that the child does not associate dolls with rape. When the child goes home and plays with dolls, he or she must not be kept reminded of the rape incident.
- (viii) Provide parents and adult guardians with the necessary support to cope with the experience and trauma of their child. Parents and guardians can also be extremely traumatized, so they must be counseled, taught how to handle and live with a child victim, and made part of the child's healing process. Left unaddressed, the trauma experienced by parents and guardians can have grave consequences. Ms. Alagendra shared two examples from her professional experience:
 - (a) In Fiji, a mother murdered her child because she could not cope with the behavioral manifestations of the child's trauma from suffering rape.
 - (b) A mother murdered her 14-year-old daughter—the sister of the child witness. The father then asked his surviving daughter (the child witness) to write down, every other day, her account of what happened. When asked why he did this, he said that he did not want the child to forget the details as she was an eyewitness. He wanted to make sure that she would give perfect evidence when trial came around, which would probably be years later. To keep the daughter from having to relive the incident daily, Ms. Alagendra filed an application for the child's testimony to be taken in advance and sought counseling for the father.

In sum, a holistic and multidisciplinary approach must be taken when dealing with children. Prosecutors should also be proactive in their efforts to protect the welfare of children in the justice process.

Presentation Summaries

Hon. Justice Sandi McDonald of the Supreme Court of South Australia, formerly the acting director of the South Australian Office of the Director of Public Prosecutions, then spoke of the substantial reforms undertaken to strengthen the prosecution of domestic violence cases in South Australia. She contextualized her narrative by referencing the case that served as a catalyst for reforms—the case of Zialloh Abrahamzadeh. In March 2010, Zialloh stabbed his wife, Zahra, to death in the Adelaide Convention Centre at a Persian New Year function, in front of 300 people.



Zahra was from Iran, and Zialloh was from Afghanistan. From the beginning of their relationship, Zialloh felt that he was looked down upon by his wife’s family because of his nationality. Nonetheless, they wed in Iran in 1985. They had three children—Arman, Atena, and Anita. To the outside world, Zialloh was a religious-cultural leader and pillar of the community. But at home, he was a monster who terrorized his family. The family suffered horrific violence over the years, but because of their cultural background, they remained silent.

Matters only came to a head when, in February 2009, Zialloh threatened to kill his family and burn the house down, causing the family to flee. The family spent the next four months on the run, hiding, and living in domestic violence shelters. Zahra was terrified of him or his family finding her. Time and time again, they reached out to the police but were not properly attended to. The system did not treat their experience of domestic violence seriously enough and ended up letting them down. For example, Zahra managed to get a restraining order against her husband. However, he was able to convince the police that because he was a religious and cultural leader, there needed to be an exemption to allow him to be near her at religious and cultural festivals. Indeed, it was at a cultural and religious festival that he managed to get close to her and stab her to death.

The case went to trial. Initially, he pled not guilty—he claimed that he was hallucinating and saw “dark, ugly men” who were hurting his youngest daughter, Anita. However, he changed his plea to guilty halfway through cross-examination.

Nonetheless, Zialloh continued to blame Zahra for everything and even cast himself as a victim. When he was sentenced to 26 years of imprisonment, he sent his son a letter. He was purporting to seek forgiveness, but instead said this: “Do you think that I deserve to suffer so much punishment because I married an Iranian woman? I suffered 25 years of sarcasm, verbal abuse, belittlements, false accusations, and threats. Eventually, I was robbed of all the hard earnings of 35 years of work. This included being deprived of my family and my children. How much do you think the body and mind of a human being can tolerate? How long can a human being live with fear and anxiety with no security?”

Zialloh continued to be supported by his family despite the guilty plea. His brother, Masoud, criticized the trial process, which had allegedly failed to listen to his brother and account for the many sacrifices his brother had made for his family. He said the charge and sentence should have been downgraded to manslaughter, and he was not sorry for what had happened.

E. Concurrent Breakout Session 3B (for Prosecutors)

Justice McDonald worked very closely with the children in that case. At first, they would not open up and share. But with much work and after spending time together and getting to know them, the prosecutorial team managed to break down some barriers and elicit the children's support for the case.

The Zialloh Abrahamzadeh case served as precursor to several significant events.

First, a coroner's inquest was conducted into what went wrong for Zahra and her children. Given the importance of the findings, the coroner provided the recommendations directly to the premier of South Australia instead of handing them over to the attorney general, as is customary. The coroner recommended several courses of action, including:

- (i) All aspects of domestic violence policing must be characterized by keen curiosity, questioning, and listening. Risk assessment must be applied, instead of a mere recitation of matters.
- (ii) Certain units of the police must be staffed by properly trained officers, such as the criminal justice section that let down Zahra and the call center that did not appropriately respond to the children who rang seeking help.
- (iii) Any person who files a complaint of domestic violence must be put through to someone with expertise in that area.
- (iv) Specialized training for cadets or junior police must be introduced.
- (v) When domestic violence victims want to withdraw charges, they must go through a process that ensures they have been counseled, understand the decision they are making, and no one has influenced them in any way. The police are even advised against asking a domestic violence victim whether such person wishes to proceed with a complaint, unless there is valid reason for asking that question, because it can be perceived as discouraging a complainant from proceeding.
- (vi) If someone shows up at a police station complaining of domestic violence, there should be a private room available for them to speak with someone.

Second, this case brought domestic violence into sharp focus in South Australia in a way it had never been before. This was partly because of the role that the eldest son, Arman, took on. He decided he was going to make something out of his experience, and he was not going to let it define him in a negative way. Instead, he became a staunch advocate and, together with his sisters, established the Zahra Foundation in 2015. "The foundation aims to assist women who have been threatened and abused at the hands of their partners, and mothers who want to save their children from violent homes. The goal of the foundation is to empower these women to stand on their own feet. This foundation will also be a tribute to women who sadly lost their lives in search for hope of a better life for themselves and their children."⁷ The foundation funds a five-week financial literacy course, through domestic violence service providers, which covers topics such as saving, budgeting, managing debts and repayments, along with the basics of loans and credits. The course aims to enable women who find themselves in a domestic violence situation to be financially empowered to get out of it. Arman is a White Ribbon Ambassador of Australia and won the Young Australian of the Year for South Australia award in 2016.

⁷ Zahra Foundation Australia. [About Us: Our Purpose](#).

At the same time, Justice McDonald pointed out that to effectively uphold the law, one must understand cultural context and how this impacts the prosecution of a case. She gave the Aboriginal communities as an example. These communities are small—numbering a few hundred people—and live traditionally. They tend to settle in Central Australia and relatively remote parts of Australia, where there may not necessarily be full-time police presence. Accessing resources is therefore a huge issue, and the formal justice system is generally not fit for the needs and priorities of these communities.

For an Aboriginal Australian, time moves very quickly culturally. However, the justice system does not move quite as quickly. As such, when the trial finally begins, the complainant would already be over the experience (either having moved on or mended the relationship) and not want to be involved. To address this concern, the Office of the Director of Public Prosecutions consulted various stakeholders and came up with the following measures:

- (i) When detectives who work in and around these communities become aware of an allegation of serious domestic violence, a case conference among the relevant individuals—e.g., investigating police, prosecutor, doctor, the woman’s counsel, and/or social worker—would immediately be held within the same day.
- (ii) At the case conference, the participants would discuss ways to assist the woman and ensure she is safe, her needs are met, and the risk factors (e.g., arising from being surrounded by the perpetrator’s family or being at a regional center or hospital influenced by his family) are addressed. On the legal side, they would determine what needs to be done to prosecute the matter quickly—for example, if the offense was an assault using a broomstick now covered in blood, and the victim was at the scene bleeding, justice sector actors should assess whether a DNA test is needed (to confirm that the blood is in fact hers) or whether the test would unnecessarily slow down the legal process.
- (iii) After the case conference, the woman involved and her family would be contacted. Kinship/family is absolutely critical; in these communities, such relationships play a prominent role in a woman’s decision whether or not to go ahead with a prosecution or to give evidence. Justice McDonald recalled how she once flew to an Aboriginal community to spend time with a woman and her parents and children, and how by building a relationship and gaining the woman’s confidence, the latter chose to travel to court and give evidence.

Another aspect is looking at what happens when the victim-survivors come to give evidence. It is not advisable to ask Aboriginal people (or allow them to be asked) leading questions during cross-examination. Quite often, their nature of not wanting to be rude leads them to not contradict or challenge what they are asked.

A final aspect is ascertaining what would be considered a ‘good outcome.’ In the westernized justice system, a long time in jail generally equates with a positive outcome for victims. However, in Aboriginal communities, the perpetrator is likely to go back to the community. Also, if the family feels that the sentence is disproportionate, they could blame the victim. Justice McDonald then gave two examples of good outcomes:

- (i) In one example, if the perpetrator had been sentenced to imprisonment, he would have only served a few months then would be free to go back to the community. Since it

E. Concurrent Breakout Session 3B (for Prosecutors)

was important for the victim-survivor to be apart from the perpetrator, the judge gave a suspended sentence with the condition that the perpetrator not go back to the community for three years.

- (ii) In another example, it was important for people to know that the victim-survivor had been compassionate to the perpetrator and supported his not going to jail. The judge then delivered his sentencing remarks in a way that addressed this concern, and the victim-survivor was able to take a copy of that decision and put it up in the community hall.

2. Question-and-Answer Session

(1)

Question: Provocation is often raised as a defense in domestic violence cases. While such defense can be rebutted by showing evidence that (i) the violence is not time-bound, (ii) the injury is disproportionate, (iii) manifestations of control show intent, and (iv) the defendant was of clear mind as shown by his having calculated where to inflict violence/injury, are there other avenues to challenge this defense? Are there any jurisdictions that have guidance or case law around provocation in domestic violence criminal cases?

Answer: Justice McDonald flagged that in South Australia, provocation is only available as a defense for murder. If properly raised, it reduces murder charges to manslaughter. However, provocation is rarely relied upon. She is also not aware of other jurisdictions where it is more broadly available as a defense.

(2)

Question: How important is it for a victim-survivor to feel safe as she gives her evidence in court?

Answer: Dr. Lopez replied that this is extremely important. There are difficulties, especially in remote areas, where the cultural barrier is very strong—victims of domestic violence are threatened and/or are economically dependent on the perpetrators.

To illustrate, he discussed a case where a perpetrator raped his two daughters aged 13 and 10. With the support of police, one of the daughters was courageous enough to make a complaint and initiate an investigation. When Dr. Lopez started the investigation, he approached the victim-survivor calmly to allow her to feel secure, unafraid, and relaxed. This way, she could speak freely. She was traumatized from having suffered psychologically, but she managed to speak about what the perpetrator, her father, had done to her. As the first victim, she was raped 115 times. Then her younger sister was also raped 10 times. She gave details of when and where the assault took place, and how force was used. An expert from the hospital also gave evidence. In other words, there was strong evidence to formulate charges and the indictment was sent to the court.

When the trial ensued and the first victim-survivor was questioned by the court's panel of judges, she completely denied the charges. The court therefore could not give due course to the complaint. When it was time for the second daughter to speak, Dr. Lopez requested the court

Presentation Summaries

to remove the defendant from the room. With that, the second daughter testified that before coming to court, both their parents threatened to kill her and her older sister. In tears, she said the testimony she gave to the Public Prosecution Service was true, but she was afraid that they could die. They were economically dependent on their parents. Considering this, and with the assistance of Asisténsia Legál ba Feto no Labarik, the police took her to a shelter. Meanwhile, the defendant was placed in pre-trial detention. Eventually, the defendant was convicted, sentenced to 30 years in prison by the court of first instance for sexual abuse and aggravated sexual violence crime, and imprisoned beginning January 2017.

(3)

Question (to Ms. Alagendra): Can you elaborate on the example where you sought an order for the father of a child witness to undergo counseling?

Answer: Ms. Alagendra clarified that the move to seek counseling for the father was not through a court order. Instead, she took the initiative to speak to the father. After explaining how his own trauma was impacting the well-being of his child, she referred him to counseling services that were available.

Ms. Abdul Aziz added that in other jurisdictions, laws empower the court to order counseling, particularly in relation to domestic violence.

(4)

Question: How can the defense challenge the victim's evidence in cases where the latter video recorded her evidence, which in turn was admitted in lieu of the evidence in chief? Would cross examination still be possible? What happens if there are further questions that arise later during the main trial?

Answer: Ms. Alagendra said that in the situations she is aware of, video recording was resorted to only to save the victim the effort of having to testify in chief all over again, but she was still presented for cross examination. Similarly, the Fiji High Court employed the same approach when a previous written statement was admitted in lieu of an examination in chief.

(5)

Question: For courts dealing specifically with gender-based violence or violence against women cases, how soon is a case heard, or for a trial to occur, after an incident of rape takes place? How can this be fast tracked?

Answer: Justice McDonald answered that there are no such specialized courts in Australia. Instead, the scenario she referred to earlier was akin to a policy on how to deal with individual cases. Nevertheless, to her recollection, there was a time when it only took five months from the commission of the crime to sentencing.

For her part, **Ms. Alagendra** said that she has no experience with specialized courts. However, she has made applications for an expedited hearing on grounds such as the deteriorating mental health of the victim, supported by medical reports and necessary evidence.

F. Concurrent Breakout Session 3C (for Victim/Survivor Advocates and Civil Society Organizations)

In this session, participants exchanged experiences in adopting good practice measures applying gender perspectives, standards of practice, and guidelines in violence against women and girls cases. Specifically, participants looked at the role of victim-survivor advocates and trauma-informed approaches, including integrated services to support victim-survivors in the judicial system. **Ms. Kate Eastman AM SC**, a human rights lawyer, moderated the session, with



Ms. Nelania Sarmiento, communications and liaison officer (consultant) from the Asian Development Bank (ADB), and **Ms. Zhansaya Imanmadiyeva**, Master of Public Policy candidate at the University of Tokyo, acting as facilitators. There were five panel contributors from Australia, Fiji, India, and Timor-Leste.



The session began with **Ms. Nalini Singh**—feminist, social development specialist, and executive director of Fiji Women's Rights Movement (FWRM)—sharing her experience as a victim-survivor advocate in Fiji. The thrust of FWRM is evidence-based advocacy for legislative, policy, and institutional reform, with a special focus on access to justice. It devotes itself to reviewing legislation to ensure that the legal system works for women. Laws it has reviewed include Fiji's family law, domestic violence law, and employment laws that tackle

sexual harassment in the workplace.

In 2017, FWRM released *Balancing the Scales: Improving Fijian Women's Access to Justice*, a report that took a stocktake of the Fijian legal system several years after Parliament passed the Family Law Act 2003, the Domestic Violence Act 2009, and the Crimes Act 2009.¹

The report examined what access to justice barriers remained after these pieces of key legislation took effect, and how the quality of services delivered to women who interact with formal justice sector actors could be

Scan the QR code to watch
Concurrent Breakout Session 3C
(for Victims/Survivor Advocates
and Civil Society Organizations)
on YouTube.



¹ A copy of Fiji's Domestic Violence Act 2009 is on pp. 201–252 of the Post-Conference Booklet, Volume II: Accompanying Materials.

improved.² The research project used various methodologies, including analysis of police statistics and data from family courts; a review of hundreds of case decisions; a survey of legal practitioners; court visits; and interviews with women who accessed the formal justice system, to check whether the triangulation of findings was coming through.

The formal justice sector agencies took many of the report's recommendations. One significant finding was that Fijian women took an average of 868 days to seek help from the formal justice sector. Various factors accounted for this almost 2-year-and-a-half delay. The complexity of court processes intimidates a lot of women and prevents them from accessing the formal justice sector in a timely manner. Further, many women do not know how to reach lawyers and secure services available to them. Economic and practical ramifications—e.g., the cost of transport for multiple trips to be made and the unavailability of support to look after the woman's family while she is away—also discourage women from pursuing a formal complaint. Lastly, the hostile attitude of judicial actors (e.g., police officers, judges, and clerks in registries) is a significant access to justice barrier.

To address these concerns, particularly the issue of justice pathways, FWRM works with local community-based organizations to disseminate basic information on formal sector entry points—for example, who/which office to approach to report gender-based violence (GBV), what phone number to contact, where the nearest police stations and crisis centers are, and what kind of help could be provided. While this is painstaking work that requires massive resources and is almost invariably met with resistance, it nevertheless is bearing some fruit. For instance, about 98% of GBV cases remain unreported in Vanuatu; by contrast, in Fiji, the number of phone calls going to the national helpline has increased and victim-survivors are gradually more aware of where and how to avail of relevant services.

A few other improvements introduced in the formal justice sector include:

- (i) An online repository of cases and judgments at the University of South Pacific. However, family law judgments were not part of the analysis as these were not anonymized and identifying information had not been redacted. As such, ensuring that these judgements are (a) anonymized with no identifying information, (b) analyzed, and (c) uploaded online, is one key recommendation for which work is ongoing. Analysis of these judgments will help determine how long family law cases take to conclude and how the process could be streamlined and fast-tracked.
- (ii) Improvements for maritime areas. Underserved Fijian islands do not have their own land-based courts. To enhance access to justice, mobile court boats now visit from time to time. However, their intermittent nature forces the victim-survivor to stay with the perpetrator in the community. Worse, community attitudes are very patriarchal; victim blaming is rampant; and men usually interact with and possibly influence the traveling court officials (who are almost always men, too). FWRM has made some recommendations to address these issues, but Ms. Singh noted that uptake of these recommendations remains to be seen.

² FWRM. 2017. *Balancing the Scales: Improving Fijian Women's Access to Justice*. Suva.

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- (iii) Amendments to the Family Code relating to child victim-survivors. For example, there are now provisions for a special educator for children with ongoing cases. In addition, other child-friendly means are used when children give evidence, e.g., a child is not required to physically confront the perpetrator of sexual assault in the courtroom.

However, even with these improvements, additional gaps and holes have emerged:

- (i) During the coronavirus disease (COVID-19) pandemic, although the number of calls to helplines of crisis centers and other service providers increased astronomically, only a small fraction of complaints reached the courts. A study on the response of the judiciary and what happens to victim-survivors who do not reach the formal justice sector has not yet been undertaken.
- (ii) Trauma is magnified when cases are prolonged. Unfortunately, regulations on support services and compensation for victim-survivors have not yet been enforced.
- (iii) Data from rape cases show that the average imprisonment sentence given is 12 years. While this is relatively long compared with figures from a few decades ago, it seems inadequate when viewed vis-à-vis the type of crime committed against victim-survivors. Also, sentences of first-time offenders (e.g., famous people like rugby players) are sometimes mitigated by reason of previous good character, even when not necessarily warranted.
- (iv) Courts need to be gender-responsive, instead of simply gender-neutral. There are various initiatives in government and throughout Fiji to address gender inequality. However, when women muster enormous courage and support to step into formal justice sector pathways, they still find that even justice institutions are infested with patriarchal attitudes and behaviors. This is problematic as violence is about power over the other, and patriarchy feeds this imbalance. It is thus not enough that the law stands to be neutral. Given all-pervasive and centuries-deep patriarchal attitudes, gender-responsiveness—especially for crimes perpetrated against women and girls—is crucial.

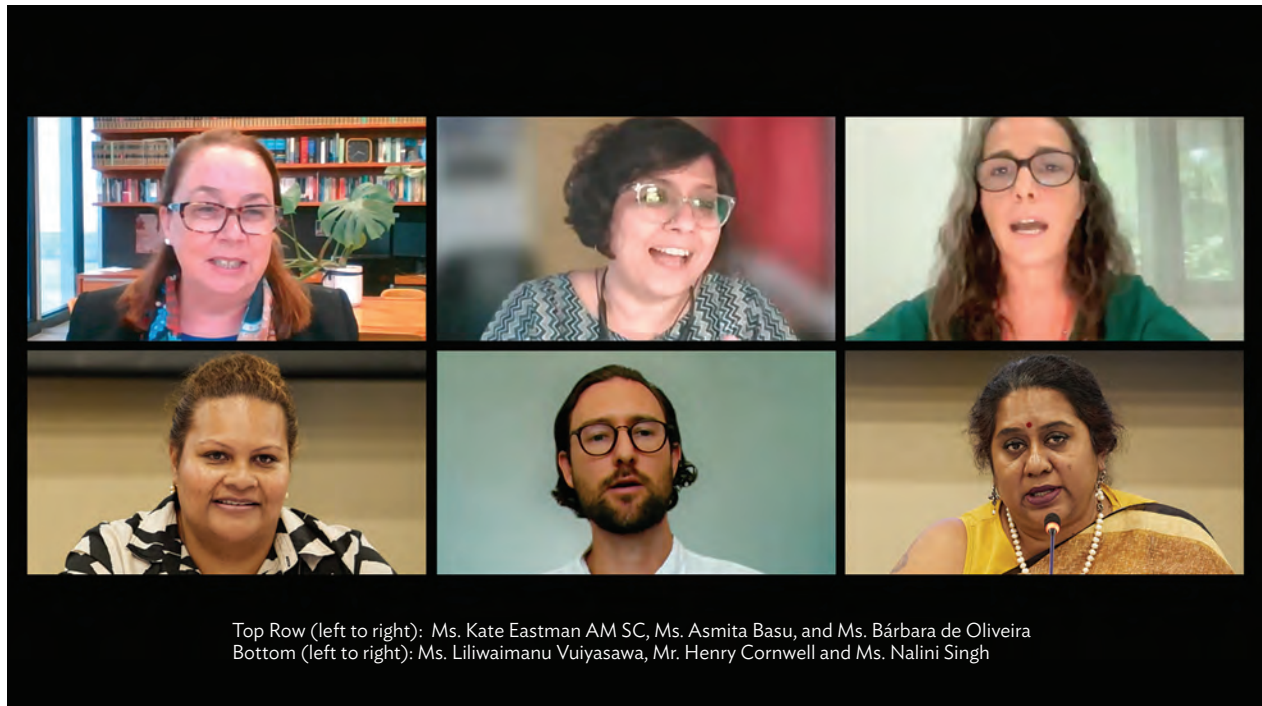


The second panelist was **Ms. Liliwaimanu Vuiyasawa**, a lawyer-activist, advocate for human rights, and gender and child care consultant for the Gender Economic Inclusion Group of the International Finance Corporation. Preliminarily, Ms. Vuiyasawa observed that Fijian women gained greater access to the formal justice system with the advent of the Family Law Act in 2003.³ However, perpetrators (whether husbands or male partners) have also increasingly manipulated legal proceedings to serve their ends. Not only do women still find it difficult to access

legal services (e.g., securing good legal representation or pro bono assistance), their spouses have also acquired the habit of filing multiple applications to further delay the legal process. For example, perpetrators apply for modifications to contact or access orders, or maintenance orders for financial support. Eventually, women give up because either the process has taken too long or become too costly.

³ Government of Fiji. [Family Law Act 2003](#).

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Ms. Vuiyasawa also flagged some other matters of concern. First, as earlier discussed by Justice Syed Mansoor Ali Shah during Plenary Session 1, notions around gender are often not considered in the formal justice system. This is particularly problematic given that a vast majority of domestic and sexual violence victims are women, while most perpetrators are men—demonstrating that society accepts and treats women as second-class citizens. This is a perspective that, if left unchecked, filters in or trickles into case litigation and adjudication. Partnerships among the bar, civil society organizations, and other actors are therefore crucial, as they all assist victim-survivors to ensure a more gender-responsive judicial system.

Second, the Domestic Violence Act 2009 and the Crimes Act 2009 should be applied in a parallel manner; otherwise, a miscarriage of justice occurs. For example, the Domestic Violence Act provides for a domestic violence restraining order to protect the victim-survivor, without necessarily criminalizing the act of the perpetrator; whereas if a stranger assaults another person, he would be brought before a criminal court under the Crimes Act. This misalignment allows an absurd situation where the perpetrator of intimate partner violence, which is also a criminal offense, escapes the criminal justice system.

Third, grooming does not figure into criminal proceedings in Fiji. However, it in fact can be considered an aggravating factor in relation to the age of a victim-survivor, particularly in sexual offense cases. Grooming occurs when a perpetrator deliberately makes an emotional connection with a child to prepare the latter, over time, for sexual abuse or activity. It is evident in a lot of sexual violence cases involving children, and has found its way in the jurisprudence of various countries, including Australia, South Africa, and the United States. Ms. Vuiyasawa noted that while there have been gains in the past decades—such as discarding the corroboration rule, consideration of past sexual history, and the proof of resistance requirement—much remains

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to be done in Fiji to strengthen the sentencing and penalty framework by, for example, taking grooming into account.

Lastly, while there are good laws to uphold gender equality and address GBV within Fijian courts, law enforcement and application remain a challenge. This makes finding willing plaintiffs a greater challenge. In fact, even after deciding to pursue a complaint, plaintiffs ordinarily would not want to proceed once a domestic violence restraining order is secured. They would rather put everything behind them than go back to court to retraumatize themselves by recounting their experience. In addition, lawyers for victim-survivors usually do not ask for compensation (e.g., for personal injury of the victim-survivor and damage to her property) even if the Domestic Violence Act 2009 allows it.



The third panelist was **Ms. Asmita Basu**, a law specialist with 20 years' experience in project management, research, advocacy, and gender and human rights. Ms. Basu worked on an International Development Law Organization (IDLO) paper on access to justice programming in fragile contexts.⁴ She also campaigned for and monitored implementation of India's first civil law on domestic violence for over 10 years. Drawing from this experience, she identified three pressing needs of victim survivors:

- (i) First, the current legal framework must be assessed to see whether it is gender-just and adequate.
 - (a) In India, and likely many other countries in the world, women continue to be in abusive or violent situations because of other discriminatory laws—whether in relation to access to matrimonial property or other property rights, custody rights in the context of domestic violence, or cases of sexual harassment due to unfair labor laws or job security concerns. To make prevention and protection of women from domestic violence (and any other form of violence) a reality, the entire legal system must address discriminatory laws and give effect to fundamental guarantees of equality under the constitution.
 - (b) The legal community usually steers clear of informal justice systems, on the principle that anything involving violence should not be resolved in an extralegal forum. However, the reality is that many victim-survivors access these informal systems, whether religious or customary. With their prevalence, as well as increasing acknowledgement that things are perhaps changing, legal and judicial stakeholders must contend with the following questions:
 - (1) Are these informal systems in compliance with basic human rights and guarantees of equality?
 - (2) Are there referral pathways by which a woman could cross over from the informal justice system to the formal justice system?
 - (3) Could the formal and informal justice systems be harmonized, or are these clearly delineated?

⁴ IDLO. 2022. *Survivor-Centred Justice for Gender-Based Violence in Complex Situations*. Summary. A copy of the report summary is on pp. 850–857 of the Post-Conference Booklet, Volume II: Accompanying Materials. Publication of the full report is forthcoming.

- (ii) Second, with respect to access to justice barriers, legal and judicial stakeholders have a two-fold responsibility: they must examine the hurdles that discourage women from accessing the law, and likewise find ways to facilitate access to the formal justice system. Women face multiple causes of marginalization—for example, caste, class, and rural or geographical inaccessibility. Women’s rights organizations and community-based organizations are crucial: their presence in the community itself is key, especially since violence often happens at night and the closest help is the women’s rights organization in the locality. The COVID-19 pandemic brought the role of grassroots women’s organizations even more to the fore. These organizations have developed and implemented incredibly creative and innovative practices to make sure that women are informed of their rights, rescued from situations of violence, and secure custody of their children.
 - (a) How can the practices of women’s rights organizations be institutionalized? These organizations must be given opportunities to develop best practices that would eventually inform law reform. Regrettably, as acknowledged even by international bodies, the rise of authoritarianism, militarization, and fundamentalism across Asia has delimited the space for women’s rights organizations to grow. In addition, funds for women’s organizations are shrinking—out of billions of dollars promised for gender work, only a very small portion of about 1% reaches autonomous women’s rights organizations. This is unfortunate as autonomous women’s rights organizations are often the incubators of extremely promising practices.
 - (b) How can the work of women’s rights organizations be recognized without diluting state accountability? In India, the Protection of Women from Domestic Violence Act, 2005 recognizes the grassroots methods pioneered by women’s rights organizations in three ways:
 - (1) The law provides for the appointment of a protection officer, the concept of which came from the case work of women’s rights organizations that found this instrumental in addressing issues of accompaniment, evidence gathering, and access to evidence.
 - (2) It also provides for registration of non-government organizations and service providers that offer medical, counseling, and shelter home services. Registration acknowledges their work of providing protection to women, without imposing this as a duty upon them.
 - (3) The law provides for notification of medical facilities and shelter homes, especially government-owned ones, so that victim-survivors of violence would not be denied services.
- (iii) Third, even good laws must be reviewed to determine how effective they are in practice. For example, the law provides that protection orders should be issued within 60 days to afford immediate relief to those in a situation of violence. However, realistically, this period is too long and could spell the difference between life and death. Further, securing alimony and maintenance from the other party is a challenge, especially for women who do not necessarily have earnings to sustain themselves during the adjudication process. Innovative practices should be explored, such as alimony funds

F. Concurrent Breakout Session 3C (for Victim/Survivor Advocates and CSO)

that the court could immediately provide the woman as economic compensation or relief to meet her needs, which would later be reimbursed by the perpetrator through court processes.



The fourth panelist was **Ms. Bárbara de Oliveira**, founder and partner at the Jurídico Social Consultoria (JU,S), a social enterprise in the legal sector in Timor-Leste. She began by noting that the challenges in Timor-Leste are similar to those in Fiji. Some progress in promoting gender-responsive judicial systems has occurred since the Law against Domestic Violence was promulgated in 2010. However, so much remains to be done. Demanding recognition of the rights of victim-survivors is still often met with strong resistance from court actors.

JU,S means “social right law consulting.” It provides consulting services in the areas of human rights, gender equality, and child protection, to fund pro bono legal representation. Because of the high prevalence of GBV in Timor-Leste, the legal representation of JU,S is strategically focused on gender-based and sexual violence.

JU,S has represented the victim-survivor in different kinds of cases. In one case, no indictment for sexual abuse was initially filed because the forensic medical examination showed no sign of abuse of the male child victim. JU,S has also helped victim-survivors in domestic violence cases where the husband or partner was a powerful man in the community, and where sexual abuse was committed by local healers under the fraudulent disguise of medical intervention. There have also been cases of systemic child sexual abuse, committed in a childcare institution, by members of the Catholic Church. Interestingly, JU,S has likewise represented women accused of crimes, who are often given harsher sentences because they are perceived as breaking away from the expected role of a mother in society.

The main challenge is carving out and promoting the role and powers of victim-survivors in legal practice and judicial interpretation, when there have been very little before. Ms. de Oliveira mentioned a specific example of the judge deciding to close the hearing—but instead of just closing it to the public, he also ordered the lawyers of the victim-survivors to leave the courtroom. Further, there have been instances where applications filed were never assessed or acted on. This does not necessarily mean the application was ignored on purpose. It could also be that the court was clueless about what to do, as many legal provisions have not yet been explored.

Balancing the legal aspects of a case, the fight against the prevailing system, and the aspirations and desires of the victim-survivors is not always easy. JU,S is mindful that because of the way society works in Timor-Leste, efforts to support victim-survivors through agency and empowerment would likely result in ostracization by the community. Advocates must therefore find a way to continue with their work in this kind of environment.

Ms. de Oliveira then shared six important lessons JU,S has learned from its experience:

- (i) Be ready to stand up and question judicial and prosecutorial practice, using strong legal arguments and strictly within applicable legal procedures.

Presentation Summaries

- (ii) Success is achieved through collective knowledge and decision-making. Cases must be handled not by a single lawyer, but through the collective effort and decision of several people with different perspectives and experiences that can inform the potential strategies to take.
- (iii) Pay attention to the social and psychological aspects of a case, which can influence its outcome.
- (iv) Expect the worst. Expect negative results from the court. Expect complainants to settle. Expect requests to be ignored or answered in the negative, even if the right to request is clear in the law. Have several contingency plans. Be realistic and consider the possibility of having to settle for something much less than ideal.
- (v) Accept that enemies will be made along the way due to the prevailing societal mindset and the view that violence against women is a normal practice. Court actors, local community personalities, politicians, men in position of power, and even own family members can become adversaries. On the other hand, representation of victim-survivors is not limited to case strategies, legal arguments, and writing petitions. It also requires establishing a trust relationship with clients which, however, must not cross the line of an ethically professional relationship. This is particularly difficult in a small country like Timor-Leste, where the fabric of society is based on personal relationships, but drawing the line is important.
- (vi) *Labele rende* or “never give up.” One must be ready to be in it for the long haul. Something that appears on paper to be a legally straightforward and quick case may turn out to be a long-term involvement.

The fifth panel contributor was **Mr. Henry Cornwell**, counsel at the Asian Development Bank (ADB). Mr. Cornwell is part of a team implementing projects to strengthen community policing and legal systems to protect and uplift survivors of GBV in Nepal and Fiji. He explained that at ADB, law reform work in relation to GBV is principally focused on judges, training them to better understand the ways in which GBV and related cases could affect the rights and well-being of victims, and doing what is necessary to improve survivors’ opportunities for gender justice and procedural fairness even under challenging circumstances. Moving forward, ADB can build on the work of the women’s rights organizations represented in the panel to bring empirical analysis into the question of how to treat GBV cases.



Picking up from what Mr. Cornwell said, each panelist was asked to share their view on how victim-survivors could have better access to justice.

Ms. de Oliveira emphasized the need to accept and recognize the victim not as an object of the system, but as part of the system where there is a symbiotic relationship among the public authorities, the victim-survivors, and those representing them.

Ms. Basu shared three suggestions. First, we must provide and enhance spaces for engagement with civil society and women’s rights organizations. Their direct involvement with women at the

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grassroots level has enriched them with knowledge and practices relevant to supporting women in the most comprehensive way possible, with various aspects considered (e.g., civil law, criminal law, and health considerations). Second, we must invest in judicial processes to make access to justice a reality, with a focus on creating supportive institutions and mechanisms that (i) help women, (ii) bridge the multiple stakeholders, and (iii) provide an integrated response. Third, we must explore innovative practices to bring justice closer to the home, such as mobile legal aid or services for women.

Mr. Cornwell then discussed some lessons learned on how to better integrate support for survivors:

- Police and practitioners in the judiciary must have gender sensitivity training.
- Legal and judicial stakeholders must be aware of leading cases and reforms around the region that have worked.
- At the same time, engagement with civil society, advocates, and lead institutions (like ADB) should be fully utilized to roll out locally, in culturally sensitive ways, what has worked elsewhere.

Mr. Cornwell underscored that men's sense of sexual entitlement is perhaps the biggest challenge. It is not easy convincing anybody that something viewed as an entitlement is not so. Further, if this is an issue throughout society, then it must be assumed that to some extent, it is also an issue for the judiciary and the police. As such, creative and culturally sensitive education programs that effectively engage key actors must be a priority. Since what is 'effective' varies across societies, research must be undertaken to understand how to achieve better results.

Ms. Vuiyasawa supported Mr. Cornwell's call for effective training and knowledge sharing, underscoring the importance of building awareness and capacity for advocacy in trauma-informed spaces and of ensuring that the first point of contact—i.e., the police—is increasingly trained to be better trauma-informed. For this purpose, it is essential to partner with women's organizations, such as the Fiji Women's Crisis Centre and the Fiji Women's Rights Movement, to provide the kind of awareness and gender sensitivity needed.

Ms. Vuiyasawa also remarked that an integrated approach is best served by involving the private sector, in addition to the civil societies and state agencies. To illustrate, labor force participation for female workers in Fiji is at 38.2%—access to support services would be significantly enhanced if these workers could access these services within their workplaces. Hence, Ms. Vuiyasawa recommended that the private sector develop respectful workplace programs that include policies and procedures to assist workers affected by domestic and sexual violence. These programs could serve as justice pathways leading to access of legal services, police protection, safe homes and shelters, and even the formal justice system.

Ms. Singh reinforced the points raised by the other panelists. The work of women's rights organizations must be recognized and responded to, which means funding research and acting on research recommendations that are not meant to simply create more work but to address identified issues. Education, which includes unlearning inherent or ingrained mindsets that stem

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from patriarchal attitudes, is also important; the formal justice sector must take a stocktake and respond to the question of why victim-survivors often feel more abused and traumatized when they come out of the system. Formal justice sector agencies must likewise ensure that their budgets allow them to be gender-responsive and establish (or fix) infrastructure for this purpose—e.g., it is inexcusable in this day and age to lack provisions (technological or otherwise) that would save children from sitting across from those that have abused them. The National Action Plan on Prevention of Violence against Women and Girls also has recommendations to transform ministries and make them more gender-responsive. Lastly, the role of data is extremely important. The more disaggregated the data—by location, age, and every other parameter—the better it is for analysis and as basis for recommendations and lessons learned.



In conclusion, **Ms. Christina Pak**, principal counsel and team leader of the Law and Policy Reform Program at ADB, expressed appreciation for the dedication and tireless efforts of the panelists and conference participants to promote gender-responsiveness in justice systems. Moreover, she offered ADB's technical assistance as a means to contribute towards this effort, in conjunction with other partners and key stakeholders.



Siblings at Talimoro's market, about 26km (17 miles) west of Dili, Timor-Leste (photo by Luis Enrique Ascui/ADB).



Commuters ride the train in Bangladesh (photo by M R Hasan/ADB).



6

CONFERENCE ON THE GROUND:

Photos from the
Grand Pacific Hotel
Suva, Fiji

Conference on the Ground



Mereseini Rakuita, Principal Strategic Lead of Pacific Women and Global Chairperson of the FP2030 Governing Board (left), with **Christina Pak**, Principal Counsel and Team Leader of the Law and Policy Reform Program of ADB (right) (photo by Angelo Jacinto/ADB).



Mereseini Rakuita presents her opening remarks (photo by Angelo Jacinto/ADB).



Christina Pak formally opens the conference (photo by Angelo Jacinto/ADB).

Conference on the Ground



Mereseini Rakuita presents her opening remarks, as **Christina Pak**, **Samantha Hung**, and **Abigail Erikson** look on. Ms. Hung is the Chief of the Gender Equality Thematic Group, Sustainable Development and Climate Change Department at ADB; Ms. Erikson is Senior Advisor on Ending Violence against Women and Girls at UN Women (photo by Angelo Jacinto/ADB).



Bruce Gosper, ADB Vice-President for Administration and Corporate Management, presents his opening remarks via Zoom (photo by Angelo Jacinto/ADB).

Conference on the Ground



Samantha Hung sets the scene by providing an overview of gender-based violence in the region (photo by Angelo Jacinto/ADB).



Abigail Erikson sets the scene by providing an overview of gender-based violence in the region (photo by Angelo Jacinto/ADB).

Conference on the Ground



• **Mana Maria Abrantes** (on screen), a survivor of gender-based violence in Timor-Leste, shares her experience with the criminal justice system in a short video presentation (photo by Angelo Jacinto/ADB).



• Conference participants watch a video on the experiences of a GBV survivor with the criminal justice system (photo by Angelo Jacinto/ADB).

Conference on the Ground



Miliana Tarai, Legal Services Manager at Fiji Women's Crisis Centre, speaks at the first plenary session moderated by **Zarizana Abdul Aziz**, gender and human rights lawyer and adjunct professor at George Washington University (photo by Angelo Jacinto/ADB).



P. Imrana Jalal, a member of the World Bank's Inspection Panel, looks on while listening to the discussions during the plenary sessions (photo by Angelo Jacinto/ADB).



A participant speaks during the first plenary session (photo by Angelo Jacinto/ADB).



Hon. Dr. Robyn Layton AO QC, former justice of the Supreme Court of South Australia and adjunct professor at the University of South Australia, moderates the second plenary session (photo by Angelo Jacinto/ADB).



Samar Minallah Khan, Communications and Behavior Change Specialist and an international award-winning filmmaker from Pakistan, reacts to a point made by a participant during the second plenary session (photo by Angelo Jacinto/ADB).

Conference on the Ground



Hon. Judge Shazib Saeed, District and Sessions Judge/ Director General of Case Management at the Lahore High Court and Visiting Faculty of the Punjab Judicial Academy in Pakistan (on screen right), speaks at the second plenary session moderated by **Hon. Dr. Robyn Layton AO QC** (on screen left and in person) (photo by Angelo Jacinto/ADB).

A participant from the Fijian judiciary looks on during the second plenary session (photo by Angelo Jacinto/ADB).



Conference participants discuss a presentation during the plenary sessions (photo by Angelo Jacinto/ADB).

Conference on the Ground

Hon. Chief Justice Kamal Kumar of the Supreme Court of Fiji (left) speaks during the concurrent breakout session for judges (photo by Angelo Jacinto/ADB).



Virtual and in-person panelists and participants during the concurrent breakout session for judges (photo by Angelo Jacinto/ADB).

Conference on the Ground

Members of the Fijian Judiciary during the concurrent breakout session for judges (photo by Angelo Jacinto/ADB).



Zarizana Abdul Aziz moderates the concurrent breakout session for prosecutors (photo by Angelo Jacinto/ADB).

Gladys Cabanilla-Sangalang, ADB Senior Legal Operations Assistant (left) and **Carmen Grace S. Ramos**, ADB LPR Program Knowledge Management Specialist resource person, listen to the discussion during the breakout session for prosecutors (photo by Angelo Jacinto/ADB).



Conference on the Ground



Kate Eastman, AM SC, human rights lawyer (on screen), opens the concurrent breakout session for victim/survivor advocates and civil society organizations, with **Nalini Singh**, Executive Director of the Fiji Women's Rights Movement (lower left), and **Liliwaimanu Viuyasawa**, gender and child care consultant of the Gender Economic Inclusion Group at the International Finance Corporation (lower right) (photo by Angelo Jacinto/ADB).



Conference participants during the concurrent breakout session for victim/survivor advocates and civil society organizations (photo by Angelo Jacinto/ADB).

Conference on the Ground



Zarizana Abdul Aziz with members of the Fijian judiciary. (photo by Angelo Jacinto/ADB).



Christina Pak, Principal Counsel at ADB (second from left), with conference participants (photo by Angelo Jacinto/ADB).

Conference on the Ground



Miliana Tarai, Legal Services Manager at Fiji Women's Crisis Centre (first from left) and **Christina Pak** of ADB (fourth from left) with conference participants (photo by Angelo Jacinto/ADB).



Imelda Alcala, ADB Senior Project Coordinator, with conference participants. (photo by Angelo Jacinto/ADB).

Onsite members of the conference secretariat/organizing team with **Ryah Millare Sanvicente**, ADB Legal Operations Administrator, and **Paulo Burro**, Conference Specialist resource person, of the Manila-based team on screen (photo by Rosy Managreve/Encore).



Conference on the Ground



Conference on the Ground



Virtual and in-person panelists, speakers, moderators, and ADB representatives with the conference participants (photo by Angelo Jacinto/ADB).



A groom holds his bride's hand during a wedding ceremony in Islamabad, Pakistan. International law guarantees that men and women have the same right to freely choose a spouse and to enter into marriage only with their free and full consent (photo by Iqra Zaib).



7

KEYNOTE SPEAKER

Keynote Speaker



JUSTICE ANTONIO HERMAN BENJAMIN

Justice, National High Court of Brazil

Justice Antonio Herman Benjamin is a senior member of the National High Court of Brazil (STJ). He was a professor at the Catholic University of Brasília and the University of Texas School of Law at Austin, and a former Dean of the Judicial Academy of Brazil (Enfam). He is also the President of the Brazilian Fulbright Alumni Association and Chair Emeritus of the World Commission on Environmental Law. Justin Benjamin's main areas of interest are environmental law, consumer law, human rights law and access to justice. He is a Knight of the Legion of Honor of France and a Commander of the King Leopold Order of Belgium.





Dancers at a cultural presentation in Rarotonga, Cook Islands (photo by Eric Sales/ADB).

Mother and child walk along an improved road under ADB's Third Road Upgrading Project in Fiji (photo by Eric Sales/ADB).





8

OPENING CEREMONY SPEAKERS

Opening Ceremony Speakers



MERESEINI RAKUITA

*Principal Strategic Lead, Pacific Women and Global Chairperson,
FP2030 Governing Board*

Mereseini Rakuita is a visionary champion of gender equality and women's rights in Fiji and the Asia-Pacific region. She is currently the Principal Strategic Lead for the Pacific Women program at the Pacific Community (SPC), driving SPC's work on gender equality and empowerment of women and girls within SPC and across the Pacific region. She holds a concurrent and complementary role as global chairperson for FP2030, a global movement dedicated to advancing the rights of people everywhere to access family planning services.

She was the youngest female politician to be elected to parliament in 2014 and was subsequently appointed as the first female Minister for Lands and Mineral Resources (2014–2016). She has previously served as Acting Permanent Secretary for Justice and Anti-corruption with oversight of operations in the Elections Office (2012–2013), a State Solicitor (2009–2013)—the highest ranked female legal advisor to the Government—and Chairperson of the Telecommunications Authority of Fiji (2008), the first and youngest Fijian woman in all these roles during tenure. As legal advisor to Government, she practiced extensively as a barrister and solicitor within the Fijian court system.

During her tenure as Minister for Women, Children and Poverty Alleviation, she introduced and rolled out a number of inclusive and gender-sensitive policy and legal reforms.

She was keen to go about these reforms with a whole of government, whole of population, evidence-based and transformative approach to drive forward achieving gender equality at the heart of the 2030 Agenda and Sustainable Development Goals (SDGs). Those include the roll out of a whole of population consultation for the development of Fiji's National Action Plan to Prevent Violence Against All Women and Girls, which is cited as a best exemplar globally; the introduction of Transformative Gender Mainstreaming Institutional Capacity Development across government with a focus on gender-responsive budgeting; and strategic investment in gender statistics.

In 2019, she was elected as Chair of the Asia-Pacific Ministerial Conference on the Beijing Platform for Action +25 review.

Ms. Rakuita holds a Postgraduate Diploma in Legal Practice from the Australian National University and a Bachelor of Laws from the University of Tasmania in Australia. She was admitted as a Barrister and Solicitor of the Supreme Court of the Australian Capital Territory in 1997 and Barrister and Solicitor of the High Court of Fiji and Commissioner for Oaths of the High Court of Fiji in 1998.

Ms. Rakuita was born on the island of Vanua Levu in Fiji and has three children.

Opening Ceremony Speakers

MUNKHTUYA ALTANGEREL

United Nations Development Programme Resident Representative



Ms. Altangerel is the Resident Representative of UNDP Timor-Leste since June 2019. Previously, Tuya served as the Deputy Resident Representative for Programmes and Operations in UNDP Georgia during 2018–2019, and as the Deputy Resident Representative in UNDP Kazakhstan (2014–2018). Tuya also served as a Policy Specialist/Advisor on MDGs, local development and south-south cooperation in the Bureau of Development Policy in UNDP New York (2007–2014), and as an international Assistant Resident Representative in UNDP Kyrgyzstan (2005–2007). Tuya has a rich development experience through working with the World Bank, CIVICUS-World Alliance for Citizen Participation, Environmental Resources Management (consulting company) and other international organizations. Tuya holds a Master of Science degree in Development Management/Development Economics from the London School of Economics, and a Bachelor of Arts in International Relations from the University of Pennsylvania. She speaks English and Russian.



BRUCE GOSPER

*Vice-President, Administration and Corporate Management,
Asian Development Bank (ADB)*

Mr. Bruce Gosper is the Vice-President for Administration and Corporate Management of the Asian Development Bank (ADB).

He assumed the position on 1 February 2021.

Mr. Gosper is responsible for the overall management of the operations of the Budget, People, and Management Systems Department; Corporate Services Department; Office of the General Counsel; Information Technology Department; Office of the Secretary; and Procurement, Portfolio and Financial Management Department.

Mr. Gosper has 40 years of experience working with multilateral and regional institutions dealing with trade and economic policy and running large public sector organizations. Before taking up a role at ADB, he was Australia's High Commissioner to Singapore. Prior to that he was Chief Executive Officer of the Australian Trade and Investment Commission – Australia's

Opening Ceremony Speakers

Bruce Gosper *(continued)*

trade promotion and investment facilitation agency. Previous roles include Deputy Secretary of the Australian Department of Foreign Affairs and Trade, responsible for Australia's trade policy and trade negotiations, and Ambassador to the World Trade Organization (WTO) in Geneva, where he led Australia's multilateral trade initiatives and chaired the WTO General Council and WTO Dispute Settlement Body. He held senior roles in the Australian Embassies in Washington and Tokyo, as well as served on the Board of the former Export Finance and Insurance Corporation. He is a member of Asia Society's Advisory Council.

Mr. Gosper is a graduate of Macquarie University and The University of New England.



A group of women attend a training class under ADB's Skills Development Program in Bangladesh (photo by M R Hasan/ADB).

Students raise their hands to participate in a class discussion in Nepal.
(photo by Samir Jung Thapa/ADB).





9

MASTER OF CEREMONIES AND MODERATORS

Master of Ceremonies and Moderators



CHRISTINA PAK

*Principal Counsel and Team Leader,
Law and Policy Reform Program, ADB*

Ms. Christina Pak specializes in international development finance, law and policy reform, dispute resolution and ESG standards and drives thought leadership on sustainable development issues. She is currently a Principal Counsel of the Asian Development Bank and manages the Office of General Counsel's Law and Policy Reform Program which designs and implements legal and judicial reform technical assistance projects across the Asia and the Pacific region. Christina oversees a diverse portfolio in the areas of environmental protection and climate change, gender equality, private sector development, public-private partnerships and digital economy. She also serves as ADB's Accountability Mechanism Policy Counsel advising the Board of Directors, the Office of the Compliance Review Panel and the Office of the Special Project Facilitator. In her previous role as a project counsel at ADB, Christina worked on complex multi-sector projects across the Central and West, Southeast and East Asia regions. She is a Steering Committee Member of the IUCN World Commission on Environmental Law and a Member of the Chartered Institute of Arbitrators. Christina is a US-qualified lawyer, admitted in the States of New York and New Jersey.



ZARIZANA ABDUL AZIZ

*Gender and Human Rights Lawyer and
Adjunct Professor, George Washington University*

Zarizana specializes in legal and policy reform on gender equality, family law and gender-based violence, focusing on intersections between international human rights, gender, culture, and national legal regimes.

Zarizana has drafted legislations as well as reviewed and revised laws on gender equality, violence against women and family law in several countries as well as trained legislative drafters, academics and scholars on legislative drafting. Zarizana has undertaken forty-country multi-year research on gender-based violence and based on the findings, developed the Due Diligence Framework on State Accountability for Eliminating Violence against Women. Most recently, she undertook multi-country researches into ICT/online gender-based violence in Asia and in the Middle East and North Africa as well as an 11-country research into Christian

Master of Ceremonies and Moderators

Zarizana Abdul Aziz *(continued)*

Personal Status Laws in Asia, the Middle East and North Africa from a gender and human rights perspective. She co-authored a research paper on COVID-19 and Violence Against Women: Unprecedented Impacts and Suggestions for Mitigation (Routledge, June 2021). She is also the editor of the *Court Companion on Gender-Based Violence Cases* (ADB, 2021).

From 2017-2020, as principal capacity development consultant for the Asian Development Bank, Zarizana conducted judicial training and capacity-building in Pakistan, training 600 judges and judicial trainers and in Afghanistan, training 200 judges, prosecutors and judicial trainers as well as provided technical assistance in the setting up of Pakistan's GBV Court.

Zarizana was Human Rights Fellow and visiting scholar at Columbia University, New York, USA. She was also adjunct professor and visiting scholar at Northeastern University School of Law, Boston, USA and is currently adjunct professor at George Washington University, Washington DC, USA.



HON. DR. ROBYN LAYTON AO QC

*Former Justice of the Supreme Court of South Australia and
Adjunct Professor, University of South Australia*

Robyn is a former Supreme Court Judge of South Australia. Prior to her Supreme Court appointment, she was a barrister and Queen's Counsel, and a judge in various jurisdictions. As a judge, Robyn developed and delivered judicial training courses on issues such as vulnerable witnesses including children and women giving evidence in court. She co-authored a Bench Book on Children as Witnesses, for all Australian judges. She is an accredited judicial educator and a Fellow of the Commonwealth Judicial Education Institute in Canada.

Robyn is an adjunct professor at Justice and Society, University of South Australia. She holds a Master of Laws and is a Doctor of the University of South Australia. She works independently as a judicial education and program development consultant. Since completion of her terms as a member and later the Chair of the Committee of Experts on Application of Conventions of International Labour Office (ILO), Geneva in 2008, as an ILO consultant she delivers training for judges and lawyers in labor law and human rights standards internationally.

As a consultant for the Asian Development Bank (ADB), she has undertaken a number of gender capacity building projects and technical assistance: a Gender Development Poverty Reduction Project for Women (Cambodia, Kazakhstan, and the Philippines); Strengthening Women's Resilience to Climate Change and Disasters (Fiji, Lao PDR, and Mongolia); Legal Literacy for Women (Afghanistan and Pakistan); and currently Promotion of Gender Responsive Systems (Timor-Leste and Fiji).

Master of Ceremonies and Moderators

Hon. Dr. Robyn Layton AO QC *(continued)*

During her work in Pakistan, in addition to the training of some 600 judges with other consultants, she set up Pakistan's first gender-based violence court. Her work included developing the practice directions providing for gender-sensitive approaches to women and children giving their evidence, court structural changes, and use of remote video facilities. She later co-authored the ADB knowledge product *Court Companion on Gender-Based Violence Cases*.

Robyn has received national awards for her work relating to law, human rights, women, children and indigenous peoples including Member of the Order of Australia (OA) (2012); The South Australian, Australian of the Year (2012) and Australian Woman Lawyer Award (2016).

KATE EASTMAN AM SC
Human Rights Lawyer



Kate Eastman AM SC is an Australian barrister working in the fields in human rights, discrimination, employment and public law. She holds an Honorary Doctor of Laws and a Master of Laws from the University of Technology Sydney (UTS), a Master of Laws (with Distinction) from the University College London and a Bachelor of Arts/Bachelor of Laws from the University of New South Wales. Over her 30 years practicing as a lawyer, Kate has been committed to human rights and equality, with a particular focus on the rights of women. She has taught human rights and international law at a number of Australia universities and in a number of international programs, most recently in Uganda. In 2019, she was awarded the Australian Human Rights Commission's Human Rights Award, Law Award. In 2021, she was appointed a Member of the Order of Australia for significant service to the law, to human rights, and to professional organizations. In 2022 she was awarded a Lifetime Achievement Award by Women Lawyers Association (NSW).



United Nations data show that all types of violence against women and girls intensified during the COVID-19 pandemic. There has been an uptick in calls to domestic violence hotlines, while resources to address gender-based violence were realigned to COVID-19 response (photo by Rahim Mirza/ADB).
Source: UN Women. *The Shadow Pandemic: Violence against Women during COVID-19*.



Ms. Selvaras Janaha from the Open University of Sri Lanka participates in an environmental law train-the-trainers program in Colombo, Sri Lanka. (photo by Angelo Jacinto/ADB).

A woman with glasses and a pink top is sitting at a round table covered with a white tablecloth. She is smiling and looking towards the camera. A laptop is open in front of her. In the background, there is a black speaker on a stand.

10

SPEAKERS

in alphabetical order, by surname



SHYAMALA ALAGENDRA

*Gender Advisor, United Nations Sri Lanka Accountability Team;
former Prosecution Trial Lawyer, International Criminal Court;
and former Assistant Director of Public Prosecutions, Fiji*

Dato' Shyamala Alagendra is a Malaysian lawyer with over 24 years' experience as a domestic and international criminal lawyer. She is presently the Gender Advisor to the newly established United Nations (UN) Sri Lanka accountability team and, prior to this, was the Gender and Child Rights Advisor to the United Nations Independent Investigative Mechanism for Myanmar.

She served as a prosecution trial lawyer in the International Criminal Court (ICC) on the Darfur cases, where her team investigated and indicted former President of Sudan Omar Al Bashir and senior members of his government. The case against Omar Al Bashir remains the only case at the ICC in which an accused has been charged for genocide. She also served as a prosecutor at the Special Court for Sierra Leone where she successfully prosecuted senior military and rebel commanders and former President of Liberia Charles Taylor for war crimes and crimes against humanity. Shyamala also served as a prosecution trial lawyer at the Special Panel for Serious Crimes in East Timor, leading investigations into and prosecutions of senior Timorese militia leaders and high ranking Indonesian military and police commanders for crimes against humanity related to the 1999 post-referendum violence.

She has represented persons accused before several international courts, including at the ICC, where she represented the Deputy President of Kenya, William Ruto, and Ambassador Francis Muthauram, the Head of the Civil Service of Kenya. She was counsel and subsequently lead counsel for Saif Al Islam Gadaffi of Libya.

She acted as legal adviser and counsel at the EULEX Court in Kosovo to the defense team that successfully represented Fatmir Limaj, then Deputy Prime Minister of Kosovo, on war crimes and corruption charges. Shyamala also appeared as counsel before the Special Tribunal for Lebanon, and has represented groups of victims of grave human rights violations in Sierra Leone, Kenya, and Albania.

Shyamala served as the Assistant Director of Public Prosecutions of Fiji between 2018 and 2019. During her tenure, she led the office's work on sexual violence prosecutions, with particular focus on child rape cases. She successfully argued before the Supreme Court of Fiji to increase the sentence tariff for child rape, and secured the first life imprisonment sentence ever to be imposed for child rape in the country.

Speakers

JARGALAN AVKHIA

Field Program Manager–Mongolia, International Development Law Organization



Jargalan Avkhia is a Mongolian lawyer with extensive experience on gender and access to justice. She joined the International Development Law Organization (IDLO) in September 2019 as the Field Program Manager assigned to its “Strengthening the Gender Based Violence Response in Mongolia” project. Prior to joining IDLO, she worked for the Open Society Institute as its Women’s Program Coordinator, Grants Administrator and the Senior Program Coordinator for a judicial project piloting community policing programs in Mongolia. She has also worked at the Asia Foundation where she managed a project combating trafficking in persons. A key outcome of this project was the passage of the Law on Combating Human Trafficking by the Parliament of Mongolia. Jargalan was instrumental in the passage of Mongolia’s first Law on Combating Domestic Violence in Mongolia in 2004.



ASMITA BASU

Law, Gender and Human Rights Specialist

Asmita Basu has over 20 years of experience in project management, research, campaigning, advocacy and capacity development in the fields of gender and human rights. Her major work has been in the area of drafting laws and reviewing law/policy implementation on violence against women and women’s equality rights in India, Bangladesh and Lao People’s Democratic Republic. She was involved in the drafting of India’s civil law on domestic violence and in implementing one of India’s largest violence against women prevention projects (“Safe Cities Initiative”), supported by the United Kingdom Department for International Development in Madhya Pradesh. She has been invited to UN organized expert group meetings on gender rights and was listed as a CEDAW expert for capacity development in the Asia-Pacific region. Her extensive experience also includes conducting program and project evaluations, as well as providing technical advice for designing and implementing development aid programs on issues such as refugee rights, crime prevention, child rights, labor rights, governance, and minority rights.

HON. JUSTICE ANANDA MOHAN BHATTARAI

Supreme Court of Nepal



Justice Dr Ananda Mohan Bhattarai is a justice at the Supreme Court of Nepal. He holds M.A (English & Pol. Sc.) from Tribhuvan University, and LL.M & JSD from National Law School of India University. He is also a recipient of the Hubert Humphrey Fellowship (2002-03) for research studies at MIT and Alexander von Humboldt Fellowship (2005-06) at Max Planck Institute of Comparative Public Law and International Law, Germany. Justice Bhattarai has authored 4 books and contributed several dozens of articles on legal issues in national and international journals. His book “Protection of Himalayan Biodiversity” (Sage, 2010) received wide reviews both home and abroad.

Justice Bhattarai has handed down many landmark decisions in matters relating to the Constitution, human rights, gender justice, criminal justice and environmental justice. Among them, his decisions on matters concerning LGBTQ+ rights, the killing of women on accusation of witchcraft, right to acquire citizenship in the name of mother are much acclaimed for ensuring gender justice.



REA ABADA CHIONGSON

Senior Legal Advisor on Gender, International Development Law Organization

Rea Abada Chiongson is the Senior Legal Advisor on Gender at the International Development Law Organization (IDLO). She leads IDLO’s work on justice for women and spearheads the integration of gender in the organization’s justice and rule of law programming.

Before joining IDLO in 2014, she was Gender and Justice Advisor at the World Bank’s Justice Reform Practice Group and the Gender, Conflict and Fragility program. In her earlier years, she worked with the Asian Development Bank, with a focus on supporting the development of the Gender Equality Law in Vietnam, as well as with UN Women on strengthening legal frameworks on gender equality in Southeast Asia. She also worked with the International Women’s Rights Action Watch-Asia Pacific strengthening global, regional and national capacities on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in at least 30 countries. From 1996–2001, she was a staff attorney at the Ateneo

Rea Abada Chiongson *(continued)*

Human Rights Center in the Philippines working on legal reform and providing legal aid and empowerment to marginalized segments of society. At the same time, she was also Deputy Secretary-General of the Working Group for an ASEAN Human Rights Mechanism, where she worked for the establishment of an ASEAN Inter-governmental Commission on Human Rights and the ASEAN Commission on Women and Children.

Among her publications are: [Do our laws promote gender equality: a handbook for CEDAW-based legal reviews](#) (2010); and [Justice Sector Delivery of Services in the Context of Fragility and Conflict: What Is Being Done to Address Sexual and Gender-Based Violence?](#), in the [World Bank Legal Review](#), (2015). Rea also led the development and dissemination of several IDLO publications including: [Climate Justice for Women and Girls: A Rule of Law Approach to Feminist Climate Action](#) (2022); [Women and Customary and Informal Justice Systems](#)(2020); [Justice for Women Amidst COVID-19](#) (2020); [Justice for Women](#) (2019); [Women Delivering Justice](#)(2018); and [Women, Food, Land: Exploring Rule of Law Linkages](#) (2017).

Rea earned her B.A. and J.D. degrees from Ateneo de Manila University in the Philippines and her LL.M. from Columbia University.

HENRY CORNWELL

Counsel, ADB



Henry is a lawyer in ADB's Office of General Counsel. Supporting the operations of ADB's Pacific and South Asia Regional Departments, Henry is implementing projects to strengthen community, policing and legal systems to protect and uplift survivors of gender-based violence in Nepal and Fiji.

Henry obtained his LLB (Hons) and BA from the University of New South Wales in 2016, and his Master of Public Policy from the London School of Economics in 2020. He was admitted as a solicitor in the Supreme Court of New South Wales and the High Court of Australia in 2016.

Prior to joining ADB, Henry worked as a commercial lawyer in Sydney, as Tipstaff (Judge's Associate) to the Hon. Justice Ruth McColl AO at the New South Wales Court of Appeal, and as an Indigenous rights lawyer in regional Australia. Henry has extensive professional experience throughout Asia and the Pacific, particularly in Australia, Timor-Leste and Papua New Guinea. During his time as a commercial lawyer, Henry successfully represented several survivors of gender based violence from Africa and the Pacific in their claims for asylum in Australia. A career highlight was establishing a prima facie assumption in relation to the risk of harm faced by transgender women in Papua New Guinea, at the Administrative Appeals Tribunal.

Speakers



ABIGAIL ERIKSON

Senior Advisor, Ending Violence Against Women and Girls, UN Women

Abigail Erikson is a clinical social worker who has dedicated her professional career towards improving the lives of women and girls. Abigail has 20 years of experience working on sexual and reproductive health and rights, counselling and psychosocial support in the health and social services sector, and global efforts to prevent violence against women and girls in complex settings.

For the past seven years Abigail has served as the head of UN Women's Ending Violence Against Women and Girls program for the Pacific region. She works closely alongside Pacific women's rights experts and government partners to prevent and respond to violence against women and girls.

Abigail is based in Suva, Fiji.



SAMANTHA HUNG

Chief of Gender Equality Thematic Group, Sustainable Development and Climate Change Department, ADB

Samantha Hung is the Chief of Gender Equality Thematic Group at the Asian Development Bank (ADB) where she provides leadership for advancing gender equality across all aspects of ADB operations and knowledge work. Samantha has over two decades of experience in gender equality at project, program and policy levels in the Asia Pacific. Before joining ADB in 2009, she held various gender advisor roles, including for the New Zealand Agency for International Development, Pacific Islands Forum Secretariat, UNICEF, Australian Government Office on the Status of Women and UK Institute of Development Studies attached to the University of Sussex.

Samantha is a dual Australian/UK citizen. She holds a Masters degree in International Development from RMIT University in Melbourne, Honors Law and Commerce degrees from the University of Melbourne, and a post-graduate qualification in Human Resources Management from CIPD, UK.



HON. JUSTICE HENRI JEAN PAUL B. INTING

Supreme Court of the Philippines

Justice Henri Jean Paul B. Inting has devoted his entire career to public service. In 1978, as a working law student, he started as a clerk in the Bureau of Lands and, a year later, as a legal researcher in the City Court of Davao City. After passing the 1982 bar examinations, he began his legal career as Senior Corporate Attorney in the National Housing Authority in 1983, and as Appellate Court Supervising Staff Assistant of the then Intermediate Appellate Court (now Court of Appeals) in 1984.

In 1986, Justice Inting entered the then Citizen's Legal Assistance Office, which later became known as the Public Attorney's Office, where he served for nine years or until 1995. Subsequently, he became a prosecutor for three years.

In 1998, he began his career in the judiciary when he was appointed as Presiding Judge of the Metropolitan Trial Court of Quezon City, Branch 33, where he served for six years until his promotion to Presiding Judge of the Regional Trial Court of Quezon City, Branch 95 in 2004. Eight years later or in September 2012, he was appointed as Associate Justice of the Court of Appeals joining his sister, Associate Justice Socorro B. Inting.

On 29 May 2019, he was appointed as an Associate Justice of the Supreme Court of the Philippines.

Justice Inting obtained his Bachelor of Laws degree, *cum laude*, from Ateneo de Davao University, and his Bachelor of Science Major in Psychology degree from the University of San Carlos Cebu.

Speakers



SAMAR MINALLAH KHAN

Communications and Behavior Change Specialist and International Filmmaker

Since obtaining her Master of Philosophy in Anthropology and Development from the University of Cambridge, United Kingdom, Samar has been challenging child marriages and various forms of culturally sanctioned forms of violence against women and girls. This she does by reaching out to different audiences through training programs and screenings of documentaries. She has been part of training programs at the National Judicial Academy, National Police Academy, and Civil Services Academy.

Referred to by the media as ‘The Savior of Soul,’ ‘Women who Rock the World,’ and ‘The Crusader with the Camera,’ she continues to advocate against child marriages.

In parts of Pakistan, girls are given away as compensation to settle disputes or to pay for crimes committed by men in their family or tribe. The family receiving the girl can make her a child bride, enslaving her for the rest of her life. Swara, as this custom is known, was practiced in parts of Pakistan for generations—until one woman, Samar Minallah Khan, used a camera to catalyze change.

In 2003, Samar created a documentary on Swara. Her goal was to raise awareness of the horrific custom and mobilize policymakers to abolish it. Thanks in part to her campaign, Swara was made illegal in Pakistan in 2004. Dozens of girls were rescued.

She did not stop there—she made sure that the law was implemented. She took the cause to Pakistanis of all backgrounds, even convincing truck drivers to paint anti-Swara slogans on their vehicles.

She sees her documentaries as a way to give voice to those who are seldom heard. Her films are made in regional languages and screened locally, so that people can relate and see themselves through her stories. She uses her lens to focus on unsung heroes within rural communities, such as Pakistani fathers who take enormous risks to stand up for their daughters. She believes in engaging men in order to end violence against women.

Samar has won several national and international awards: Commonwealth Secretary General’s Innovation for Sustainable Development Awards 2021, Vanguard Award 2015, DVF Award 2015, Women with Wings 2014, Vital Voices Global Leadership Award (2012), Asia Foundation’s Chang Lin Tein Fellowship (2010), Pakistan Women’s Day Award (2010), Roberto Rossellini Award (2009), Canon Premio Internazionale (2009), The Asia Society Young Leader (2007), and Asia Society’s Perdita Huston Award (2007). Her latest film, *Out Swing*, won the Best Foreign Language Short at the 2021 Moscow International Film Festival, the Best Sport Film at the 2021 Toronto Women Film Festival, and Best Short Documentary at the March 2021 Florence Film Awards. A previous campaign she led also won four awards at the 2019 Cannes International Festival of Creativity.



HON. JUSTICE HIMA KOHLI
Supreme Court of India

Justice Hima Kohli was a practicing Advocate mainly in the High Court of Delhi, India, until she was elevated as a Judge in the same Court in 2006. During her practice as a Standing Counsel and Legal Advisor to the New Delhi Municipal Council, as well as an Additional Standing Counsel, Government of Delhi [1999-2004], she appeared in a number of important public interest cases, including (i) the enforcement of fire safety norms in high rise buildings, (ii) cleaning river Yamuna and its embankment, (iii) removal of unauthorized construction in Delhi, (iv) redevelopment and maintenance of ancient monuments and sites in Delhi, (v) free flow of traffic in Delhi, and (vi) removal of encroachments on public land.

Justice Kohli was sworn in as the Chief Justice of the High Court for the State of Telangana at Hyderabad on 7 January 2021 and was appointed as the Chancellor of National Academy of Legal Studies and Research, Hyderabad. Thereafter, she was appointed as a Judge of the Supreme Court of India on 31 August 2021. She was appointed as a Member of the Gender Sensitization Internal Complaints Committee on 12 March 2022.

She is a member of the International Law Association (Regional Branch: India), the International Association of Women Judges (IAWJ), and the Indian Law Institute. She is the Founder Patron of “WILL”-Women in Law and Litigation, a society of women judges and lawyers based in Delhi. She is also the Founder Term Trustee of International Arbitration and Mediation Centre, Hyderabad, established in 2021.

Besides performing her official duties as a Judge, Justice Kohli takes keen interest in environmental jurisprudence, mediation as an alternative dispute resolution mechanism, family courts, and legislation relating to women. She has participated in and presented papers at several international and national symposiums and conferences on these subjects, including the 14th Biennial Conference of the IAWJ with the theme “Building Bridges between Women Judges of the World” at Buenos Aires, Argentina, in 2018, and the International (All Women) Webinar on “Post-COVID Mediation—Charting the Path of the Future (Mediation vs. Adjudication)”, organized by the Supreme Court Mediators and the Commonwealth Lawyers in Delhi, in 2020.

HON. CHIEF JUSTICE KAMAL KUMAR

Supreme Court of Fiji



Chief Justice Kamal Kumar acquired his Bachelor of Law from Queensland University of Technology, Australia back in 1999. Upon completion of Bar Practice Course in the year 2000, he was admitted as a Barrister to the High Court of Australia and the Supreme Court of Queensland. From 2000 to May 2013, he practiced as Barrister and Solicitor at Young & Associates, Solicitors, Lautoka, Fiji.

He was appointed as a Judge in the High Court of Fiji from May 2013 to 7 April 2019.

He became Acting Chief Justice on 8 April 2019.

In September 2018, he was appointed Chairperson of the Fiji Human Rights and Anti Discrimination Commission (FHRADC). His appointment as Chairperson of FHRADC was extended on 12 January 2021, for a further term of three years.

In terms of community service, from 2001 to 2006 and again from 2009 to 2012, he served as President of the Lautoka Branch of the Dakshina India Andhra Sangam of Fiji, a society that manages two colleges and five primary schools. He eventually became National President of the said organization in the year 2012 and continues in that position as at to date. He also held various positions in the Rotary Club of Lautoka, served as Assistant District Governor for District 9920 Rotary International, and in the Board of Visitors, Lautoka Hospital, Fiji.



H.E. DR. ALFONSO LOPEZ

Prosecutor General, Timor-Leste

Prosecutor General Alfonso Lopez was sworn in as the Prosecutor General of the Republic of Timor-Leste on 29 April 2021. He is a first-class public prosecutor who specializes in national and international criminal law. Prior to his current position, Prosecutor General Lopez spent a substantial part of his professional life at the Public Prosecutions Office as the Deputy Prosecutor General of the Republic, District Prosecutor, and Prosecutor in various parts of Timor-Leste. In those roles, his responsibilities spanned criminal, civil, and national security matters, as well as direct supervision of investigations and prosecutions of various and complex cases.

HON. JUSTICE SANDI MCDONALD

Supreme Court of South Australia and former Acting Director of Public Prosecutions



Justice Sandi McDonald was admitted as a legal practitioner in 1995 whereupon she took up a position as a prosecutor in the South Australian Office of the Director of Public Prosecutions. Justice McDonald prosecuted her first jury trial a week after her admission. She continued working as a prosecutor for the next 27 years rising through the ranks to become a senior prosecutor, Deputy Director and Acting Director of Public Prosecutions. In November 2021, Justice McDonald was appointed to the Supreme Court of South Australia.

Throughout her career as a prosecutor, Justice McDonald prosecuted some of the most significant trials in South Australian history. These included the “Bodies in the Barrels” murders, the abduction and murder of Louise Bell, and most recently the NCA bombing. Justice McDonald has also had a particular interest in improving the access to justice for domestic violence victims living on the APY Lands.



EMILY MORRISON

Consultant, Sustainable Solutions Timor-Leste, UNDP Timor-Leste

Emily has over 20 years of experience internationally and in Australia, specializing in supporting and strengthening institutions and grassroots organizations to adopt long term solutions and improving community engagement strategies. She is director of Sustainable Solutions Timor-Leste which focuses on gender, community and socially inclusive approaches; working with human rights and strengths based frameworks to foster significant, sustainable change at community and organizational levels.

HON. JUSTICE VUI CLARENCE NELSON

Supreme Court of Samoa and Member, United Nations Committee on the Rights of the Child (Convention on the Rights of the Child)



Justice Vui Clarence Nelson has more than 20 years of experience in the judiciary of Samoa. He currently serves as senior justice at the Supreme Court, and was previously with the Samoa Court of Appeal and Land and Titles Court (Appellate Division). He is also a current member and former vice-chairperson of the United Nations (UN) Committee on the Rights of the Child (Convention on the Rights of Child).

Justice Nelson is an advocate for children's rights, child participation, and protection of children, especially victims of sexual violence. Over the years, he has authored many child rights decisions, including the landmark case of *Police v Vailopa* [2009]. He served five years as member of the South Pacific Council of Youth and Children's Courts, and was involved in the creation and set-up of the Olomanu Juvenile Facility for Children and the Sex Offenders Register. He also trains and mentors Pacific judges and magistrates on child justice systems and principles.

Justice Nelson holds a Bachelor of Laws degree from the University of Canterbury in New Zealand.



BÁRBARA DE OLIVEIRA

Partner, JU,S, Jurídico Social Consultoria, Timor-Leste

Bárbara Oliveira is a human rights lawyer who has been working in (and for) Timor-Leste for close to 20 years. Ms. Oliveira has worked with State institutions, the United Nations and national non-governmental organizations in the area of access to justice, judicial reform and strengthening of rights-based legal framework in Timor-Leste since 2003. In 2018 with two other professionals, Ms. Oliveira established JU,S Jurídico Social, a social enterprise in the legal sector (www.jus.tl). JU,S Jurídico Social has been a driving force in the defense of gender-based violence survivors, working tirelessly and under threat and pressure to represent victims of sexual and domestic violence in high profile cases in Timor-Leste. JU,S Jurídico Social has also been pivotal in promoting increased capacity of State institutions on victim centered practices and is a trusted partner of international development partners working in access to justice in Timor-Leste.

Bárbara de Oliveira *(continued)*

Ms. Oliveira is a law lecturer at the *Universidade da Paz* in Timor-Leste and has authored a number of publications in her area of specialization.

Ms. Oliveira has also work experience in her specialized areas in Angola, South Africa, Mozambique, FYR Macedonia, Hungary and Switzerland (Geneva).

Ms. Oliveira is originally from Brazil and has studied towards her law degree at the University of Kwazulu-Natal in Durban, South Africa. Ms. Oliveira obtained her Master's Degree in Human Rights and Democratization at the European Inter-University Centre for Human Rights (today Global Campus on Human Rights). Ms. Oliveira has a fond interest in photography of rural settings in both her Brazilian natural country and her home country in Timor-Leste. Ms. Oliveira has married following Timor-Leste's Lospalos tradition and has two children (14 and 12 years old).

HON. JUDGE SHAZIB SAEED

*District & Sessions Judge/Director General, Case Management,
Lahore High Court/Visiting Faculty, Punjab Judicial Academy, Pakistan*



Mr. Saeed began practicing law in 1990. In 2009, he joined Pakistan's judicial service as an additional district and sessions judge in Punjab, serving different districts such as Chakwal and Dera Ghazi Khan. He also served in the Advisory Committee and at present is posted as the Director General for Case Management of the Lahore High Court.

Mr. Saeed is likewise part of the Visiting Faculty of the Punjab Judicial Academy, where he was the Director for Research and Administration prior to his current appointments. He has trained judges and judicial officers on murder, rape, and mock murder trials, as well as gender-based violence cases and other related matters.

He wrote various reported judgments on environmental issues and authored several books, including "Handbook on Murder Trials" and "Judgments of the Punjab Environmental Tribunal." He was a member of International Union of Conservation of Nature from 2017 to 2020.



HON. JUSTICE SYED MANSOOR ALI SHAH

Supreme Court of Pakistan

Justice Shah was elevated to the bench at the Lahore High Court in 2009 and, after serving as the Chief Justice of the Lahore High Court for almost two years, was elevated to the Supreme Court of Pakistan in early 2018. He did his schooling at Aitchison College, Lahore and obtained his law degree from the University of Cambridge, United Kingdom (UK), as well as the University of the Punjab, where he also obtained a degree in Masters in Economics. As a corporate litigator, he was a partner at AFRID, SHAH & MINALLAH¹ and took keen interest in public interest litigation with special focus on environmental issues and sustainable development. He had a passion for teaching and taught law for almost two decades at various institutions including Lahore University of Management Sciences (LUMS; Punjab Law College; Pakistan College of Law, Lahore; and the Civil Services Academy, Lahore. He was also part of the steering committee that established the law school at LUMS, now called Syed Ahmed Hassan School of Law & Policy (SAHSOL).

His areas of special interest are constitutional law, human rights, climate² and water justice, environmental sustainability, disability rights, criminology, digital surveillance, privacy and proportionality.

He believes in continuous judicial reforms. As the Chief Justice of the Lahore High Court, he spearheaded the formation of Alternate Dispute Resolution Centers (ADRC) in Punjab. This was to provide an alternative to litigation in order to reduce the chronic backlog and staggering pendency of cases. He also set up the first ever Gender-Based Violence (GBV) Court and a Child Court in Lahore, besides Criminal and Civil Model Courts, to create working coordination between stakeholders to speed up dispensation of justice. He introduced Case Management and Court Automation Systems in Punjab, both at the Lahore High Court and the District Courts. He also installed the Enterprise IT System with the help of Punjab Information Technology Board (PITB) to sustain the IT vision of the court for the next decade, and to make the judicial system open, transparent, smart and fully connected at all levels. To provide access to justice to an ordinary litigant and the lawyers, an online Call Centre, Judicial Mobile App and online *Sahulat* (care) Center were established.

He underlines the need for Information Technology, Artificial Intelligence, Video Linking, Human Resource Development and Restructuring of the District Judiciary as the effective engines of change for the future and would like them to be mainstreamed to achieve state of the art judicial governance. He lays great emphasis on empowering the District Judiciary by enhancing their capacity through international and domestic training, based on performance

¹ All the three partners were successively elevated to the Bench and the law firm was dissolved.

² He authored the *Asgar Leghari* and *D.G.Khan Cement* decisions.

Hon. Justice Syed Mansoor Ali Shah *(continued)*

indicators and by providing them a secure and conducive working environment, especially for the women judges. He feels that we need to increase judge per capita to improve the quality and speed of dispensation of justice in the country.

He helped restructure the curriculum at the Punjab Judicial Academy and brought it in line with the global best practices, building a sustainable platform for judicial capacity building of the members of the District Judiciary and the ministerial court staff. He laid special emphasis on research and played a foundational role in setting up the Lahore High Court Research Centre (LHCRC).

At the Supreme Court of Pakistan, he helped establish e-courts by video linking the Principal Seat of the Supreme Court with all the Provincial Registries of the Supreme Court, which has helped save travel cost to Islamabad from all over the country, bringing relief to the working schedule of lawyers who can attend to more cases and work more efficiently by avoiding adjournments. This was done prior to COVID-19 and has attained exceptional utility during the pandemic. The new SC Judicial Mobile Application helps lawyers and litigants navigate their way through the cause lists and court rosters and have enhanced their access to justice. Research and scholarship are the hallmarks of any apex court in the country, hence the Research Centre (SCRC) at the Supreme Court was established, manned by bright and promising Civil Judges from all across Pakistan. SCRC carries the vision to eventually provide and support research to all the courts in the country, thereby enriching Pakistani jurisprudence and the scholarship of judges.

Justice Shah is an accredited mediator from Centre for Effective Dispute Resolution (CEDR), London; an Honorary Bencher of Lincoln's Inn, UK; a judicial member of the Global Judicial Institute on Environment (GJIE) (Brazil); a member of Global Constitutionalism (Yale University, 2020-present) and a Member of the Rhodes Scholarship Committee for Pakistan (2019-present). He is an avid golfer, loves sports and enjoys cycling, reading, travelling and music.

TEVITA SERUILUMI

*Family and Sexual Violence and Gender Equality, Disability and Social Inclusion
Adviser, Justice Services for Stability and Development, Papua New Guinea*



Tevita, a lawyer, works as an adviser in Papua New Guinea to strengthen the investigation and prosecution of violence against women (VAW), working with the Family and Sexual Violence Units, Sexual Offences Squad, Criminal Investigation Division, and Police Prosecutors within the police in collaboration with Public Prosecutors, on violent offenses against women and children. His work with the police includes the development of (i) standard operating procedures (SOPs) for the police, and (ii) a police curriculum on investigating and prosecution of violence against women offenses.

Speakers

Tevita Seruilumi *(continued)*

Tevita also provides technical advice to the Department of Justice and Attorney General on the Family Protection Act, including training and implementation. He has extensive experience advising and training the judiciary in the Pacific on strengthening responses to VAW, including with the Pacific Judicial Strengthening Initiative (2016 – 2021). In his capacity as the Gender and Family Violence Adviser, he worked with the Judiciary to adopt strategies to improve responses to victims and strengthen approaches on perpetrator accountability. Tevita also developed and piloted a program for perpetrators of domestic violence which aligns with best practice, prioritizes women’s safety, and is contextual to the circumstances in the region.



NALINI SINGH

Executive Director, Fiji Women’s Rights Movement

Nalini Singh, from Fiji, is the Executive Director of the Fiji Women’s Rights Movement. She is a feminist and a social development specialist with over 20 years’ experience in design, implementation, management, monitoring, and evaluation of women’s rights and development programs in the Asia-Pacific. With her passion for women’s human rights and gender equality driving her work, her particular interests are in the issues of women’s sexual and reproductive health and rights (SRHR), decent work, and organizational capacity strengthening.

Prior to joining FWRM over four years ago, Nalini worked as the Program Manager-Advocacy and Capacity Building for the Asian Pacific Resource and Research Centre for Women (ARROW) based in Kuala Lumpur, Malaysia for 7 years. Before this she was a Program Officer at the Asia Pacific Forum on Women, Law and Development (APWLD) based in Chiang Mai, Thailand for 5 years. Nalini was also part of the Regional Rights Resource Team for 2 years. The diverse and unique experiences across the region have provided Nalini with invaluable skills, practical knowledge, learnings and understanding of contextual realities for the work that she does.

Nalini is a graduate of the University of the South Pacific.



MILIANA TARAI

Legal Services Manager, Fiji Women's Crisis Centre

Miliana is a Fijian barrister/solicitor with more than 10 years of experience. In 2017, Miliana's recognition of institutional tolerance of gender inequality and patriarchy left her feeling dissatisfied with the work she had been doing. This led to her joining the Fiji Women's Crisis Centre (FWCC), an organization that she felt was making a tremendous difference in the lives of women living with gender-based violence.

She joined the FWCC in 2017 as one of their in-house lawyers. She is now the Legal Services Manager of the Centre, appointed to the position in 2019. Aside from being part of the management team at FWCC, she also (i) assists survivors by providing legal advice and information to counsellors when required, (ii) drafts legal documents, and (iii) provides attestation services and emergency court representation. Miliana likewise heads the Legal Department, and supports the Coordinator in overseeing the Legal Department.

Miliana has taken part in various trainings and consultations, both internally and externally. She was a speaker in various conferences and workshops, covering topics such as the protection of vulnerable victims and witnesses and domestic violence during the COVID-19 pandemic. She is also involved in the consultation process reviewing the *I-Taukei Affairs Board I Ketekete ni Marama Training Manual*.

Miliana has vast experience in litigation, advocacy, and community awareness on family law, criminal law, and domestic violence law in Fiji courts.

She is a graduate of the University of the South Pacific.

GENOVEVA TISHEVA

Member, Committee on the Elimination of All Forms of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination against Women [CEDAW]); Managing Director, Bulgarian Gender Research Foundation; and Chairperson, Alliance for Protection from Gender-Based Violence



Genoveva Tisheva is a member of the Committee on the Elimination of All Forms of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination against Women [CEDAW]) for 2019–2022, as well as the Working Group on Communications under the Optional Protocol to CEDAW. She also chairs the Working Group on Gender-Based Violence against Women and Girls.

Speakers

Genoveva Tisheva *(continued)*

Likewise, Genoveva is the managing director of the Bulgarian Gender Research Foundation and chairperson of the Alliance for Protection from Gender-Based Violence (GBV). She also serves as director and lecturer at Women's Human Rights Training Institute, an international educational program in Bulgaria.

Genoveva is a lawyer, researcher, advocate and expert in the field of gender equality and women's rights. She has extensive experience in legal reform, having participated in the drafting of the Bulgarian law for protection against domestic violence and amendments to the Penal Code, as well as legislation on gender equality and anti-discrimination. She also represented female survivors of violence in international litigation—Bevacqua and S. v. Bulgaria, before the European Court of Human Rights in Strasbourg, and V.P.P. v. Bulgaria, under the Optional Protocol to CEDAW.

Genoveva is a member of the European Network of Independent Legal Experts in Gender Equality and Non-Discrimination to the European Commission, and former vice-chair of the European Women Lawyers' Association. She is a prolific author on gender equality, access to justice, and gender-based violence. In 2017, she received The Advocates' 2017 Special Human Rights Defenders Award.



HON. JUDGE ROBYN TUPMAN

*District Court of New South Wales, Australia and Secretary Treasurer,
The International Association of Women Judges*

Robyn Tupman has been a Judge of the District Court for 26 years, currently sitting as a criminal trial court Judge in Sydney. As a solicitor and barrister in private practice from 1978, she had a wide practice with recognized expertise in children's law and sexual assault cases. In the early 2000s, Judge Tupman was involved in advising government on the introduction of legislation to provide special procedures for evidence of complainants in sexual assault cases. In 2016, at the request of the New South Wales (NSW) Attorney General, she set up the Child Sexual Offence Evidence Pilot Scheme in the NSW District Court, which introduced full prerecording for children's evidence and intermediaries for children.

As a lawyer, she has been an advocate for women's rights and gender equality, including as a committee member of the Women Lawyers Association of NSW, of which she is a Life Member, assisting the NSW Women Barristers Forum with mentoring and the NSW Bar Association and for university and school groups.

She was President of the Australian Association of Women Judges (AAWJ) from 2014 to 2021, an Asia Pacific Board member of the International Association of Women Judges (IAWJ) from 2016, and is now the IAWJ Secretary Treasurer. The IAWJ promotes women's judicial leadership worldwide and advocates for gender equity and training programs in its

Hon. Judge Robyn Tupman *(continued)*

member jurisdictions, especially involving issues of domestic violence and human trafficking. Judge Tupman has had considerable contact with members of the Papua New Guinea Judicial Women's Association which has been at the vanguard of promoting programs to combat Gender Based Violence in that country and hopes to be able to provide IAWJ assistance in the future to continue that work.

LILIWAIMANU VUIYASAWA

*Gender and Child Care Consultant, Gender Economic Inclusion Group,
International Finance Corporation*



Liliwaimanu is a lawyer, activist and advocate for human rights and the elimination of gender-based violence (GBV). She recently joined the International Finance Corporation (IFC) World Bank Group as a Gender and Child Care Consultant in the Gender Economic Inclusion Group (GEIG).

Prior to joining IFC she worked as a Public Issues Lawyer with the law firm Munro Leys for over 5 years. As a public issues lawyer, she worked predominantly in the area of public issues law, criminal law and family law litigation. She also provides technical support to local and international NGOs on issues surrounding rights, gender-based violence, good governance, democracy and the rule of law.

Prior to joining Munro Leys, Liliwaimanu worked for four and a half years serving as in-house legal counsel for the Fiji Women's Crisis Centre (FWCC). She is committed to developing a cause-driven platform focused on advocating, educating and challenging laws, policies, attitudes and behaviors that tolerate gender inequalities and impede fundamental rights and freedoms.

She now works with IFC in the private sector space creating and fostering respectful workplace behaviors. Liliwaimanu is legal advisor to several charities on constitutional drafting, good governance practices, and legal compliance. Her background in activism offers a unique perspective and skill set, which include advocacy, lobbying, research, gender trainer and family law litigation.

Liliwaimanu is also a Recipient of Pacific Fellowship on Women's Human Rights from the American Bar Association Rule of Law Initiative, Washington, DC, USA.

Speakers



ANDY YENTRIYANI

*Chairperson, Indonesian National Commission on Violence Against Women
(Komisi Nasional Anti Kekerasan terhadap Perempuan/Komnas Perempuan)*

Andy Yentriyani is currently the chairperson of the Indonesian National Commission on Violence Against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan/Komnas Perempuan*). The commission is a national human rights institution (NHRIs) with a specific mandate to build a conducive environment to eliminate all forms of violence against women and to advance women's human rights. The commission is an independent body, set up via a Presidential Decree following public demand for the State's responsibility for sexual assaults committed during the May 1998 riot.

Ms. Yentriyani joined the commission in 2000 and served mostly to monitor and document cases of violence against women in various conflict situations and also in the context of regional autonomy. She was elected as commissioner for her first term in 2010–2014.

A trainer on women's human rights and on documenting gender-based violations against women, Yentriyani is also a lecturer at the University of Indonesia on gender and international relations. She initiated a local organization in her hometown of Pontianak focusing on preserving diversity and peace called *Suar Asa Khatulistiwa (SAKA)*. She also jointly formed *Rukun Bestari*, a national association for building knowledge on social transformation, as well as the *Asia Pacific Women's Alliance for Peace and Security (APWAPS)*.

Born in Pontianak, West Kalimantan, Yentriyani holds a BA in International Relations from the University of Indonesia, and an MA in Media and Communications from Goldsmiths College, University of London, United Kingdom.



A man paints the caption on a truck art in Multan, Punjab: "Vanni (compensation marriages) are illegal and un-Islamic." The placard the girl is holding says, "Education is light" (photo by Samar Minallah Khan).

A woman and her child arrive from an interisland boat trip at the Port of Honiara, Solomon Islands (photo by Luis Ascui/ADB).



11

FACILITATORS



Facilitators



LAURA ARBOLEDA GUTIÉRREZ

*Qualified Lawyer (Colombia) and Master of Public Policy candidate,
The London School of Economics and Political Science*

Laura is a qualified lawyer admitted to practice in Colombia. She focuses her practice in public interest litigation, working both in strategic litigation and international arbitration. Laura also has experience advising States on their delivery of justice policies, specifically on the design of dispute resolution mechanisms, as well as advising NGOs on international standards and good practices for access to justice, free legal aid, and women's sexual and reproductive rights.

Laura is currently a Master of Public Policy candidate at The London School of Economics and Political Science (LSE). As such, she started a policy project on Access to Justice for Gender-Based Violence in Fiji with the Asian Development Bank (ADB) Law and Policy Reform Program.



NIKITA SINGH

*Qualified Lawyer (Australia) and Master of Public Policy candidate,
The London School of Economics and Political Science*

Nikita is a qualified lawyer admitted to practice in Australia. She is an experienced commercial and legal practitioner advising on the strategic development and effective delivery of key government policies in Trade, Defense and Health. She began her career in Australian Government as a lawyer and later joined Deloitte as a Strategy Consultant. She has advised governments in both Australia and the United Kingdom on the engagement of the private sector in the delivery of public goods and services.

Nikita is currently a Master of Public Policy candidate at The London School of Economics and Political Science (LSE). Through her Master's degree she started a policy project on Access to Justice for Gender-Based Violence in Fiji with the Asian Development Bank (ADB) Law and Policy Reform Program.



MARIA CECILIA T. SICANGCO

Senior Legal Officer, Law and Policy Reform Program, ADB

Maria Cecilia T. Sicangco is currently a senior legal officer at the Asian Development Bank (ADB). She is involved in the design, processing, and implementation of the Law and Policy Reform Program portfolio, which covers key areas such as environment and climate change law, international arbitration, gender-based violence and access to justice, commercial law and private sector development, digital economy, and Islamic finance.

Cecille works with development partners across Asia and the Pacific to promote the rule of law and establish an enabling environment for sustainable development. She has in-country experience in Afghanistan, Bhutan, Cambodia, Fiji, India, Myanmar, Pakistan, the Philippines, and Samoa. Her work has been published in the *Yearbook of International Environmental Law* (Oxford University Press) and the *Human Rights Education in Asia-Pacific Journal*. She authored the *International Climate Change Legal Frameworks* volume of the *Climate Change, Coming Soon to a Court Near You* report series. She also co-authored the *National Climate Change Legal Frameworks* volume, which synthesized the climate legal and policy frameworks of 32 countries in the region and analyzed key legislative trends and climate-relevant constitutional rights. Under ADB's Legal Literacy for Women technical assistance, Cecille put together knowledge resources for judges and prosecutors handling gender-based violence cases in Pakistan and Afghanistan. She contributed to and was the secondary editor of the *Court Companion on Gender-Based Violence Cases*, which guides justice sector stakeholders in making justice more accessible to gender-based violence victims.

Cecille holds a Bachelor of Applied Economics and Accountancy double degree (cum laude) from De La Salle University and a Bachelor of Laws degree (cum laude, salutatorian) from the University of the Philippines. Thereafter, she pursued a Master of Laws in International Legal Studies degree at New York University, where she was the Starr Foundation Global Scholar, Hauser Scholar, and Thomas M. Franck Scholar in International Law. She holds a Certificate in Sustainable Finance from the University of Cambridge Institute for Sustainability Leadership, and is working towards an Associate Qualification in Islamic Finance at the Islamic Banking and Finance Institute Malaysia.

Cecille is a Philippine- and US-qualified lawyer (admitted to the bar in the State of New York), and a certified public accountant. She is a member of the World Commission on Environmental Law.

Facilitators



LEA HALBERSTEIN

Student, Northeastern University School of Law

Lea Halberstein is a rising second-year law student at the Northeastern University School of Law in Boston, Massachusetts. Lea was born and raised in Massachusetts and earned her Bachelor's degree in International Relations at Boston University. Since graduating from Boston University, she has taught English in Fort-de-France, Martinique and worked as a paralegal in both Providence, Rhode Island and Halifax, Nova Scotia.

Lea is passionate about social justice and gender equality, and would like to work in international human rights law. During law school, Lea has served as treasurer of the International Law Society and has gained practical experience in asylum and refugee law. She enjoys meeting new people and living in different cultures to better understand others' perspectives. This summer, she looks forward to participating in the Asia-Pacific Conference on the Promotion of Gender-Responsive Judicial Systems, and in particular researching the judicial system of Timor-Leste.

NELANIA SARMENTO

Communications and Liaison Officer (Consultant), ADB



Nelania holds a law degree from Universidade da Paz (UNPAZ). She assists and supports ADB TA activities by engaging with relevant key parties that are working to address gender-based violence issues in the country. She has prior experience dealing with many different stakeholders and arranging a variety of events in Timor-Leste. She co-founded several youth organizations in Timor-Leste and has been involved in various youth-led projects that promote gender equality, social entrepreneurship, innovation, youth empowerment, and the protection of women and girls from all forms of violence.



ZHANSAYA IMANMADIYEVA

*Master of Public Policy candidate,
Graduate School of Public Policy, University of Tokyo*

Zhansaya Imanmadiyeva is a master's student at The University of Tokyo's Graduate School of Public Policy. Born and raised in Kazakhstan, she obtained her BA in International Relations at King's College London. She wrote her bachelor's research thesis on the topic of gender mainstreaming in the military, with a specific focus on Japan. Based on this initial interest, Jan continues to explore the problems surrounding gender mainstreaming in various sectors, namely in the tech industry. She has been involved in addressing gender gap obstacles in the IT sector, and has co-organized a series of events with NPO "WomEnpowered Int."

Apart from academics, Jan enjoys water sports and loves traveling. These activities help her explore new places and cultures, stimulating curiosity, which she believes is an important aspect of addressing social problems.



A woman in the Ta Oi ethnic group of Viet Nam engages in the traditional craft of Zeng (brocade) weaving (photo by Tran Viet Tuan/ADB).

A close-up photograph of a person's hands holding a wooden staff. The person is wearing a dark garment with a vibrant, multi-colored patterned border. The background is blurred, showing vertical wooden poles.

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CONFERENCE SECRETARIAT



CHRISTINA PAK

*Principal Counsel and Team Leader,
Law and Policy Reform Program, ADB*

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PRABHJOT REHAN KHAN

*Social Development Specialist (Gender and Development),
Gender Equality Thematic Group (SDTC-GEN),
Sustainable Development and Climate Change Department, ADB*



Prabhjot Khan works in ADB's Gender Equality Thematic Group and provides support for the implementation, monitoring and reporting of the ADB Policy on Gender and Development and Strategy 2030's Gender Equality and Women's Empowerment Operational Plan, 2019-2024. For the past sixteen years she has been working in the field of gender and development, gender mainstreaming and social development. She is experienced in mainstreaming gender into programs and projects in infrastructure sectors such as urban, transport, energy as well as social sectors such as skills development, education, health, agriculture and natural resources management. Prabhjot joined ADB in 2012 as the gender focal person for the India Resident Mission and administered technical assistance projects and grants; supported implementation of project gender action plans and documented gender equality results in project completion reports. In projects, she has been also involved in the evaluation of practical and strategic gender benefits and has worked on intersectionality of gender with other vulnerabilities. Before ADB, she worked with UN Agencies as well as with national and international NGOs and supported programs on advancement of women. She holds a Ph.D. in Social Science from Nagpur University, India (2003).



VERONICA MENDIZABAL JOFFRE

*Senior Gender and Social Development Specialist,
Southeast Asia Department, ADB*

Veronica is a senior gender and social development specialist at the Asian Development Bank. She leads the gender equality program in Southeast Asia and has previously managed ADB's gender equality initiatives in the People's Republic of China (PRC) and Mongolia. Veronica is a strong advocate for sustainable development and a believer in the power of diversity to spark innovation. She has designed and led initiatives for addressing and preventing domestic violence in Mongolia, including through the use of new technologies. Veronica has written extensively on gender-based violence, women in labor markets, gender and sustainable production and consumption, and impacts of systemic crises on vulnerable populations. Veronica holds a Master's Degree in public policy and management from the University of London, School of Oriental and African Studies, and a Master's Degree in agricultural knowledge system from Wageningen University in the Netherlands.



MAIRI MACRAE

Senior Social Specialist (Gender and Development), Pacific Department, ADB

Mairi MacRae is a Gender Specialist in the Pacific Department of the Asian Development Bank (ADB). She supports gender mainstreaming in ADB projects and programs and leads on gender analysis and gender knowledge products in the Pacific. Mairi has over 15 years' experience working on gender and women's rights, including for national and international women's rights organizations, humanitarian NGOs and the UK Department for International Development. She has particular expertise in gender-based violence and recently led a consortium on developing an evidence base on preventing and responding to violence against women and girls in humanitarian crises. Mairi has a MSc in Development Studies from the University of London.

Conference Secretariat



MARIA CECILIA T. SICANGCO

Senior Legal Officer, Law and Policy Reform Program, ADB

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RYAH ZENDRA M. SANVICENTE

Legal Operations Administrator, ADB

Ms. Ryah Sanvicente has been a staff member of the Asian Development Bank since 2005. She worked with the Office of the General Counsel (OGC) as a Legal Operations Assistant from 2005-2009, and moved to the South Asia Department from 2009-2015 as a Senior Operations Assistant. In 2015, she returned to OGC as the Executive Assistant to the General Counsel. In 2019, she joined the Law and Policy Reform Team of OGC as the Legal Operations Administrator.

She graduated from the University of Sto. Tomas with a Bachelor's Degree in Communications Arts in 2000.



GLADYS CABANILLA-SANGALANG

Senior Legal Operations Assistant, ADB

Ms. Gladys Cabanilla-Sangalang has over 20 years of operations and administrative support experience. Before joining ADB, she worked as a paralegal in a full-service law firm that advises clients in the Banking & Finance, Corporate & Commercial, Dispute Resolution, Employment, Immigration, Intellectual Property, and Tax practice areas. Subsequently she became the Executive Administrator to the Global Chief Operating Officer of a multinational law firm and later a Global Talent Management Specialist, overseeing the performance management tool of the Firm and managing the election of local partnership to international partnership.

Gladys Cabanilla-Sangalang *(continued)*

She also worked as an Office Administrator and Purchasing Associate in a subsidiary of the largest media conglomerate in the Philippines that brought the first indoor family educational entertainment center to the Bonifacio Global City, Taguig.

She is currently a senior legal operations assistant in the Office of the General Counsel in ADB, supporting the Law and Policy Reform Program, the operations of ADB's Pacific and South Asia regional departments and private sector legal group.

She graduated from the University of the Philippines with a Bachelor of Arts degree in Political Science (with minor in Economics and Psychology) and earned her Certificate as a Paralegal from the University of the Philippines Law Center. She also holds a diploma on Events Specialist that she earned from the School of Professional and Continuing Education of the De La Salle-College of Saint Benilde.

ANGELO JACINTO

IT and Multimedia Specialist (Consultant), ADB



Mr. Angelo Jacinto is a multimedia specialist and web developer who previously worked with the Asian Development Bank's (ADB) Office of the General Counsel (OGC) in producing the Developing Environmental Law Champions (<https://www.teachenvirolaw.asia>) and the Asian Judges Network on Environment (AJNE) (<https://www.ajne.org>) websites. He also documented events as a photo/videographer and produced video presentations for the Developing Environmental Law Champions Project.

He has been a multimedia and web development consultant with ADB since 2013, having worked mostly with the ADB's Department of Communications (DOC) on the redesign and maintenance of ADB.org (<https://www.adb.org>) and the creation of the ADB Data Library (<https://data.adb.org>). He also developed the Asia-Pacific Road Safety Observatory Website (<https://www.aprso.org>) with the ADB's Sustainable Development and Climate Change Department (SDCC), and the web version of the Office of Anticorruption and Integrity's (OAI) 2019 Annual Report (<https://www.adb.org/multimedia/oai-2019/index.html>). He also produced multimedia feature stories such as Green Cities (<https://www.adb.org/green-cities/index.html>) and Environmental Law Champions for Asia and the Pacific (<https://www.teachenvirolaw.asia/story/index.html>).

Prior to consulting with the ADB, he worked with multilateral organizations such as UNAIDS, UNICEF, the ASEAN Centre for Biodiversity, the ASEAN Wildlife Enforcement Network, the Green Climate Fund (GCF) and the International Organization for Migration (IOM).

Conference Secretariat



IMELDA T. ALCALA

Senior Project Coordinator (Consultant), ADB

Ms. Imelda T. Alcala has a Bachelor of Science in Business Administration (major in Management) degree. She has been with the Asian Development Bank as a consultant for various projects since 1996. Her 26 years in the bank have seen her handle projects in environmental law, energy and water regulation, climate change, food fortification and health policy, regional cooperation in law, justice and development, finance and risk mitigation, and commercial law reform. At present, Ms. Alcala is the Senior Project Coordinator for three technical assistant projects under the Office of the General Counsel's Law and Policy Reform Program: (i) on promotion of gender-responsive judicial systems; (ii) on developing environmental law champions in the Asia-Pacific academe; and (iii) on judicial building in commercial law and climate change law. She is responsible for overseeing and managing the roll-over of project logistics, coordination and administration.

RIZALYN RUTH AGUANTIA

*Senior Events and Communications Officer (Resource Person),
Promotion of Gender-Responsive Judicial Systems Technical Assistance,
Law and Policy Reform Program, ADB*



Ruth Aguantia is a part-time newswriter at Christianity Daily, a media outlet based in Los Angeles. She formerly worked at ABS-CBN Corporation as an executive secretary to the Chief Operating Officer of Broadcast for more than two years, and briefly with the Philippine Red Cross as an executive assistant to the Chairman. She also worked at the Asian Development Bank as a contractor for more than two years, serving at the Events Management Unit. She began her career in Philippine Airlines, handling clerical functions for almost four years.

Ms. Aguantia holds a Bachelor's degree in Information Technology from the Polytechnic University of the Philippines, and completed the academic requirements for a Master of Education in Aeronautical Management degree at Philippine State College of Aeronautics.



PAULO ANTONIO C. BURRO

*Conference Specialist (Service Provider/Resource Person),
Promotion of Gender-Responsive Judicial Systems Technical Assistance,
Law and Policy Reform Program, ADB*

Paulo Antonio C. Burro is a law graduate of the San Beda College Alabang School of Law. He has over 9 years of experience in environmental law and its nexus with various other fields, such as transportation, education, agriculture, conservation, waste management, climate change, and gender and human rights. He is the Partnership Manager for the Asian Research Institute for Environmental Law and a consultant for international organizations and social enterprises. He was previously a consultant for the Philippine government.

In 2016, Paulo was a recipient of the *Bayanihan Sa Daan* Awards given by the Philippine national government in Malacanan Palace. He also received the People's Gratitude Award from the United Nations Environment Programme (UNEP) Bangkok office in 2018.

Paulo is a member of the Young Southeast Asian Leaders Initiative of the US Embassy and the Climate Reality Project.

A girl rides a bicycle in Bojong village, Indonesia (photo by Ariel Javellana/ADB).





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CONFERENCE RAPPORTEURS

Conference Rapporteurs



MARIA CECILIA T. SICANGCO

Senior Legal Officer, Law and Policy Reform Program, ADB

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CARMEN GRACE S. RAMOS

*Knowledge Management Specialist (Resource Person),
Promotion of Gender-Responsive Judicial Systems Technical Assistance,
Law and Policy Reform Program, ADB*

Carmen Grace S. Ramos is a resource person for the *Promotion of Gender-Responsive Judicial Systems* technical assistance, under the Law and Policy Reform Program of the Asian Development Bank.

She has over a decade of experience as a regulatory lawyer in one of the largest utility companies in the Philippines. In such role, she has handled cases on tariff regulation, negotiated power-related contracts, managed compliances, and been heavily involved in policy research and advocacy on various regulatory matters. She has since become Assistant Vice President, heading the regulatory contract management group, in the same company.

Previous to that, she was involved in a legal resource non-government organization doing developmental work for marginalized sectors in the country, with thrusts on workers' rights, gender equality, and children's rights, among others.

Carmen Grace holds a Bachelor of Arts in Psychology degree and a Bachelor of Laws degree from the University of the Philippines.



High school students in Dili, Timor-Leste (photo by Luis Enrique Ascui/ADB).

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a) tentukan pH. mula? masing? :

b) tentukan pH campuran.

$$K_a = 1 \cdot 10^{-5}$$

$$\sqrt{K_a \cdot M}$$

$$\sqrt{10^{-5} \cdot 0,1}$$

$$= \sqrt{10^{-6}}$$

$$10^{-3}$$



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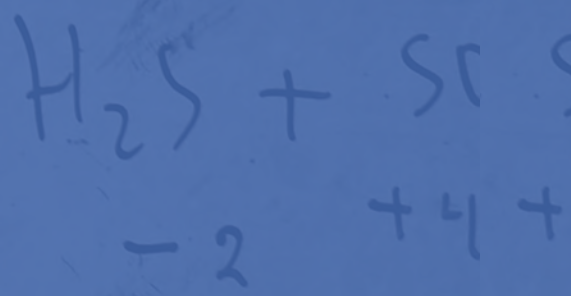
LIST OF DELEGATES

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List of Delegates

IN-PERSON PARTICIPANTS

COUNTRY	NAME	TITLE	ORGANIZATION
Fiji	Ana Janet Sunga	Child Protection Specialist - Justice	United Nations International Children's Emergency Fund
Fiji	Anjala Wati	Justice	High Court of Fiji Islands
Fiji	Beatrice Olsson	Senior Country Coordination Officer (Pacific Subregional Office)	Asian Development Bank
Fiji	Bernice Lata	Legal Rights Officer	Fiji Women's Rights Movement
Fiji	Daniel Goundar	Justice	Suva High Court
Fiji	Elina Cagilaba	Counsellor Advocate	Fiji Women's Rights Movement
Fiji	Jacqui Berrell	no information available	no information available
Fiji	Jeremaia Savou	Resident Magistrate	Judicial Department
Fiji	Kristel Whippy	Consultant and Director	Ecostream Consulting Pte Ltd
Fiji	Laisa Bulatale	Lawyer	Fiji Women's Rights Movement
Fiji	Lavenia Raisua	Legal Officer	Fiji Women's Crisis Center
Fiji	Lilika Fusimalohi	Program Coordinator	International Finance Corporation (IFC) Gender and Economic Inclusion Group
Fiji	Linda Sanday	Legal and Research Officer	Fiji Women's Crisis Centre
Fiji	Maraia Vavatea	no information available	no information available
Fiji	Miliana Tarai	Legal Services Manager	Fiji Women's Crisis Centre
Fiji	Nanise Sowani	Community Advocate	no information available
Fiji	Nirosha Kannangara	Resident Magistrate	Judicial Department
Fiji	Noelene Nabulivou	Executive Director	Diverse Voices and Action (DIVA) for Equality
Fiji	Peri Soann	no information available	no information available
Fiji	Revai Aalbaek	Team Leader- Governance	United Nations Development Programme
Fiji	Ronika Deo	Counsellor Advocate	Fiji Women's Rights Movement
Fiji	Salote Kaimacuata	Child Protection Specialist - Fiji	United Nations International Children's Emergency Fund
Fiji	Salote Nasedra	Resident Magistrate	Fijian Judiciary
Fiji	Seinitiki Bilitaki	Intern	Fiji Women's Crisis Centre
Fiji	Shaireen Mohammed	Counsellor Advocate/Community Educator	Fiji Women's Rights Movement
Fiji	Shayal Nand	Lawyer	Fiji Women's Rights Movement
Fiji	Stephanie Dunn	Legal and Advocacy Officer	Fiji Women's Crisis Centre
Fiji	Teresia Raqitawa	Project Officer	Fiji Women's Rights Movement
Fiji	Theresa Gigov	Senior Sustainability Advisor - Social Impact	Matanataki
Fiji	Ulitia Nailatikau	no information available	no information available

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In-Person Participants *continued*

COUNTRY	NAME	TITLE	ORGANIZATION
Fiji	Vane Catanasiga	no information available	no information available
Fiji	Waleen Maria George	Acting Chief Magistrate	Judicial Department
Fiji	Yo Kunieda	Disaster Risk Reduction Officer	United Nations Office for Disaster Risk Reduction (UNDRR)
Fiji	Zeba Khan	Legal Intern	Fiji Women's Rights Movement

VIRTUAL PARTICIPANTS

COUNTRY	NAME	TITLE	ORGANIZATION
Armenia	Liana Tovmasyan	Adviser to the Ministry	Ministry of Justice
Australia	Chase Whitfield	Senior Government Lawyer	Attorney-General's Department, Australia
Australia	Leisha Lister	Legal Adviser	Law & Development Partners
Australia	Natalie Elliott	Advisor to the Public Solicitor	Palladium
Australia	Nikki Wright	Assistant Director	Department of Foreign Affairs and Trade
Australia	Sara Lane	Advisor	Vanuatu Australia Policing and Justice Project
Australia	Terry Reid	Consultant	Asian Development Bank
Australia	Yara Cambinda	Legal Consultant	Da Silva Teixeira & Associados
Bhutan	Gaki Yangzom	Prosecution and Litigation Division Officer	Office of the Attorney General
Bhutan	Pasang Wangmo	Justice	High Court of Thimpu, Bhutan
Brunei Darussalam	Hajah Rozaimah Haji ABD Rahman	Deputy Senior Counsel	Attorney General's Chambers
Brunei Darussalam	Nurul Fitri Kiprawi	Counsel	Attorney General's Chambers
Brunei Darussalam	Raihan Ghazali	Counsel and Director of Public Prosecutions	Attorney General's Chambers
Cambodia	Bunna Phoeun	Clinical Psychologist	Eye Movement Desensitization and Reprocessing (EMDR) Association Cambodia
Cambodia	Chan Soklita	Deputy of Director	Ministry of Justice
Cambodia	Sarorn Thoeun	Program Officer Consultant	Landesa
Cambodia	Soklita Chan	Deputy Director	Ministry of Justice
Canada	Adele Kent	Chief Judicial Officer Emerita	National Judicial Institute
Cook Islands	Catherine Evans	Lawyer	Catherine Evans Lawyer PC
Federated States of Micronesia	Josephine Joseph	Assistant Attorney General	Department of Justice
Fiji	Armish Pal	Managing Partner	AP Legal

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Virtual Participants *continued*

COUNTRY	NAME	TITLE	ORGANIZATION
Fiji	Asheesh Prasad	Lawyer	AP Legal
Fiji	Christina Kumar	Project Officer	Fijian Competition & Consumer Commission
Fiji	Maria-Goreti Muavesi	Senior Environmental Legal Officer	The International Union for Conservation of Nature (IUCN) Oceania Regional Office
Fiji	Mele Rakai	Council Member	Fiji Law Society
Fiji	Rosemary	Barrister & Solicitor	no information available
Fiji	Seruwaia Nayacalevu	Council Member	Fiji Law Society
Fiji	Stephanie Dunn	Legal and Advocacy Officer	Fiji Women's Crisis Centre
India	Biswajit Mohapatra	Associate Professor	North-Eastern Hill University
India	Neeti Katoch	Gender Specialist	Asian Development Bank
India	Prabhjot Khan	Social Development Specialist (Gender and Development)	Asian Development Bank
Indonesia	Albert Sibuea	Civil Servant	Ministry of Law and Human Rights of Indonesia
Indonesia	Bambang Mulyono	The Head of Judicial Training Center	The Supreme Court of Indonesia
Indonesia	Frensita Kesuma Twinsani	Judge	Judicial Training Centre
Indonesia	Sriti Hesti Astiti	Judge	Judicial Training Center
Japan	Jin Tanaka	Branch Manager	UNISC International
Kazakhstan	Aigul Asylbekova	Coordinator	Academy of Justice under the Supreme Court of the Republic of Kazakhstan
Kazakhstan	Aliya Arinova	English-Russian Interpreter	Support Services
Kazakhstan	Raushan Dzhusupova	Associate Professor	Academy of Justice under the Supreme Court of the Republic of Kazakhstan
Kazakhstan	Ruslan Sultanov	Associate Professor	Academy of Justice under the Supreme Court of the Republic of Kazakhstan
Kazakhstan	Sofya Zigangirova	Interpreter	no information available
Kazakhstan	Yerzhan Egemberdiev	Director of the Scientific and Educational Center of Civil Law Disciplines	Academy of Justice under the Supreme Court of the Republic of Kazakhstan
Kazakhstan	Ардак Биебаева	no information available	no information available
Kiribati	Hon. Sir William "Bill" Hastings	Chief Justice	High Court of Kiribati
Lao PDR	Ketsana Phommachane	Vice-Minister	Ministry of Justice

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Virtual Participants *continued*

COUNTRY	NAME	TITLE	ORGANIZATION
Lao PDR	Laos PSC	no information available	Lao People's Democratic Republic
Malaysia	Dato' Sri Hasnah Binti Dato' Mohammed Hashim	Justice	Federal Court of Malaysia
Malaysia	Rhodzariah Bujang	Judge	Office of the Chief Registrar, Federal Court of Malaysia
Marshall Islands	Cutty Wase	Chief Prosecutor	Office of the Attorney General
Mongolia	Agizul Sumber	Communications Expert	International Development Law Organization (IDLO)
Mongolia	Erdenebalsuren Damdin	Justice	The Supreme Court of Mongolia
Mongolia	Khosbayar Chagdaa	Presiding Judge, Chamber for Criminal Cases	The Supreme Court of Mongolia
Mongolia	Stephen Kent	Country Manager	International Development Law Organization
Nepal	Ashish Shrestha	Advocate	Moneta Enterprises Pvt Ltd
Nepal	Birbansh Baitha	Headmaster	Shree Adhunik Rastriya Secondary School Hetauda Nepal
Nepal	Laxmi Bakhadyo	Assistant Professor	Kathmandu School of Law
Nepal	Merina Shah	Project Officer	Inter-Generational Feminist Forum
Nepal	Prakash Panday	GESI and Social Development Expert	Freelance
Nepal	Rajita Thapa	Lawyer	Elite Legal Service and Research Centre
Nepal	Sajeen Maharjan	Excutive Director	Environment Nepal
Nepal	Shreya Sanjel	Judicial Officer	Supreme Court of Nepal
Netherlands	Raluca Popa	Gender and Law Specialist	International Development Law Organization (IDLO)
Norway	Srirak Plipat	Regional Director for Asia Pacific	World Justice Project
Pakistan	Anwaarul Haq Pannun	Judge	Lahore High Court
Pakistan	Asim Hafeez	Judge	Lahore High Court
Pakistan	Ch. Ameer Muhammad Khan	District & Sessions Judge	Judiciary
Pakistan	Hidayat Ullah Shah	Senior Civil Judge (Family Division) Mianwali	District and Session Court MIANWALI
Pakistan	Jawad Hassan	Judge	Lahore High Court
Pakistan	Misbah Khan	Additional District and Session Judge	Lahore High Court Lahore
Pakistan	Muhammad Akmal Khan	District & Sessions Judge, Multan	Lahore High Court Lahore

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List of Delegates

Virtual Participants *continued*

COUNTRY	NAME	TITLE	ORGANIZATION
Pakistan	Muhammad Jawad Alam Qureshi	Civil Judge	Lahore High Court Lahore
Pakistan	Muzamil Akhtar Shabir	Judge	Lahore High Court Lahore
Pakistan	Nazar Abbas Gondal	Civil Judge	Judiciary
Pakistan	Nusrat Ali Siddiqui	Senior Civil Judge	Lahore High Court
Pakistan	Shahid Jamil Khan	Judge	Lahore High Court
Pakistan	Usama Malik	Dy Legislative Advisor	Ministry of Law and Justice, Pakistan
Papua New Guinea	Les Gavara-Nanu	Judge	National Judicial Staff Services
Papua New Guinea	Marlene Delis	Assistant Program Manager - Law & Justice Section	Australian High Commission
People's Republic of China	Cathy Li	Interpreter	Language Arts Consultancy
People's Republic of China	Chen Jianping	Judge	First Criminal Division of the Supreme People's Court of the People's Republic of China
People's Republic of China	Cong Shang	Interpreter	Beijing Lexington Education Co., Ltd
People's Republic of China	Gavin He	no information available	no information available
People's Republic of China	S. Minga	SD	DH
People's Republic of China	Wang Dan	Judge	First Civil Division of the Supreme People's Court of the People's Republic of China
People's Republic of China	Weng Tongyan	Judge	First Criminal Division of the Supreme People's Court of the People's Republic of China
People's Republic of China	Zhong Li	Judge	First Criminal Division of the Supreme People's Court of the People's Republic of China
People's Republic of China	熙琳蔣	no information available	no information available
Philippines	Analyn Bravo	Operations Analyst	Asian Development Bank
Philippines	Anne Jeaneth Casalme	Gender and Development Specialist	Philippine Commission on Women
Philippines	Blaise Marie Alaras	Attorney V	Sandiganbayan
Philippines	Claire Luczon	Gender Consultant	Asian Development Bank
Philippines	Coleen Salamat	Campaigner	Ecowaste Coalition
Philippines	Damien Eastman	Deputy General Counsel	Asian Development Bank
Philippines	Dan Mark Del Rosario	Provincial President / Community	POINTY Inc. / OSYAF

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List of Delegates

Virtual Participants *continued*

COUNTRY	NAME	TITLE	ORGANIZATION
Philippines	Dulce Blanca Punzalan	Mentor	WomenBizPH, ASEAN Women Strong Network, UNWomen, UP WILOCI, ISO, WorldBamboo, UNGC., MAPAgrlbiz, ClimateReality, Crea8Innov8Mktg
Philippines	Edelyn Zaragoza-Ventura	Lawyer	Ventura Law Office
Philippines	Edgar Allan Reyes II	Juris Doctor Student	University of the East
Philippines	Henri Jean Paul Inting	Associate Justice	Supreme Court of the Philippines
Philippines	Irene Alogoc	Executive Director	Office for Alternative Dispute Resolution - Department of Justice
Philippines	Jorell Kent Sto. Domingo	Head of Legal	Legal Education Board
Philippines	Kenneth James Carlo Hizon	Court Attorney	Supreme Court
Philippines	Kimberly Nayre-Santiago	Court Attorney V	Office of the Court Administrator, Supreme Court of the Philippines
Philippines	Kristy Jane Balino	Law Professor	Arellano University
Philippines	Leandro Martin Mendigorin	no information available	no information available
Philippines	Lisette Lao	Freelancer	no information available
Philippines	Lloyd Nicholas Vergara	Court Attorney VI	Supreme Court of the Philippines
Philippines	Louise Horca	Faculty	Academic
Philippines	Mairi Macrae	Senior Social Specialist (Gender and Development), Pacific Department,	Asian Development Bank
Philippines	Maria Theresa Arcega	Associate Justice	Sandiganbayan
Philippines	Marichriz Dumlal	Court Attorney	Sandiganbayan
Philippines	Mark Alain Villocero	Legal Operations Officer	Asian Development Bank
Philippines	Melissa Fina Maristela	Junior Associate	CMMM Law
Philippines	Pauline Fatima Tan	Administrative Aide	Local Government Unit
Philippines	Pia Cristina Bersamin-Emuscado	Regional Trial Court Judge	Judiciary
Philippines	Pooja Murjani	Lawyer	no information available
Philippines	Raiza Mae Togado	Vice President	Gawad Laguna Inc.
Philippines	Reizel Kaye R. Coco	Student	Student Council of Honorato C. Perez Sr. Memorial Science High School

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COUNTRY	NAME	TITLE	ORGANIZATION
Philippines	Reynaldo Soriano	Communications Specialist	Bangsamoro Autonomous Region in Muslim Mindanao Health
Philippines	Reynaline Tan-Francisco	Chief Judicial Reform Program Officer-Program Management Office	Supreme Court of the Philippines
Philippines	Rio Mario Saptaniar	Graduate Student	Universitas Padjadjaran
Philippines	Sarah Cruz	no information available	no information available
Philippines	Sheila Sombillo	Consultant	Asian Development Bank
Philippines	Thomas Clark	General Counsel	Asian Development Bank
Philippines	Veronica A. Jimenez	Project Development Officer IV	Supreme Court of the Philippines
Russia	Janna Ustemirova	Interpreter	no information available
Singapore	Mia Hyun	Policy Consultant (Violence Against Women)	United Nations Development Programme Lao
Singapore	Shawn Kua	Assistant Director	Ministry of Law
Singapore	Yanying Tan	Deputy Public Prosecutor	Attorney-General's Chambers
Solomon Islands	Dalcy Belapitu Oligari	Principal Legal Officer	Office of the Director of Public Prosecutions
Solomon Islands	Lorah Kwanairara	Assistant Legal Officer	Family Support Centre
Solomon Islands	Olivia Ratu Manu	Principal Legal Officer	Office of the Director of Public Prosecutions
Solomon Islands	Patricia Tabepuda	Principal Legal Officer	Office of the Director of Public Prosecutions
Solomon Islands	Primrose Lagafoli	Senior Legal Policy Officer	Ministry of Justice and Legal affairs
Solomon Islands	Rachel Olutimayin	Director	Office of the Public Prosecution
Sri Lanka	Geethika Mannaperuma	Project Manager	Selyn
Tajikistan	Jurazoda Nasiba Yormad	Judge	Supreme Court of Tajikistan
Tajikistan	Kenjazoda Muhammad Jaloliddin Tosh	Judge	Supreme Court of Tajikistan
Tajikistan	Manzura Barzudi	Chief Specialist in Business Management	State Committee on Investments and State Property Management (SCISPM)
Tajikistan	Naimzoda Marhabo Naim	Judge	Supreme Court of Tajikistan
Thailand	Angkana Sinkaseam	Judge in the Research Justice Division of the Supreme Court	The Supreme Court of Thailand
Thailand	Jarimjit Pantawee	Judge of the Office of the President of the Supreme Court	The Court of Justice of Thailand
Thailand	Patsharamon Manathat	Counsel	Asian Development Bank

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COUNTRY	NAME	TITLE	ORGANIZATION
Thailand	Suntariya Muanpawong	Vice Chief Justice	Court of Justice Region 5
Thailand	Sutatip Wiwattanangkoon	Presiding Judge of the Samut Prakan Provincial Court; Acting Judge of the Office of the President of the Supreme Court	Court of Justice of Thailand
Thailand	Weerapatr Chairatt	Judge	Court of Justice
Timor-Leste	Ana Hula Muda	Law Firm Personnel	no information available
Timor-Leste	Angelo Menezes	Consultant	United Nations Development Programme
Timor-Leste	Araujo Americo	Director	Mane Ho Vizaun Foun/Men With New Vision
Timor-Leste	Atanasio Xavier	Legal Analyst - Paralegal	Da Silva Teixeira & Associados - Law Firm
Timor-Leste	Bonifacio Lopes	Translator	Independent Translator
Timor-Leste	Dircia Belo	Interpreter	no information available
Timor-Leste	Douglas Benevides	Student	no information available
Timor-Leste	Elsty Davidz Morato	Social Development Officer (Gender)	Asian Development Bank
Timor-Leste	Emily Morrison	Sustainable Solutions for Timor-Leste, Consultant	United Nations Development Programme, Timor-Leste
Timor-Leste	Eugenia Brandao	Lecturer	AJFTL
Timor-Leste	Francisca Cabral	Judge	Dali District Court
Timor-Leste	H.E. Dr. Cândia Xavier	Public Defender General	Public Defenders Office
Timor-Leste	Jacinta Correia da Costa	Judge	Court of Appeal
Timor-Leste	Jo Monteiro	HDGU	United Nations Development Programme, Timor-Leste
Timor-Leste	Joao Tapel	Translator	Independent Translator
Timor-Leste	Lizerio Dias	Interpreter	Alumni Parlamentu Foinsa'e Timor-Leste
Timor-Leste	Maria Agnes Bere	Partner	Jurídico Social Consultoria (JU,S)
Timor-Leste	Neolanda Fernandes	Executive Secretary	Ministry of Tourism, Commerce and Industry
Timor-Leste	Nonoy Alfaro Araujo	Member	Assosiasaun Feto Jurista Timor-Leste
Timor-Leste	Pascoal Dos Santos	Volunteer	Kadalak
Timor-Leste	Sora Chung	Project Coordinator	United Nations Development Programme
Timor-Leste	Yudi Pamukas	Judge	Oecussi District Court
Tonga	Halaevalu Aleamotu'a	Crown Prosecutor	Attorney General's Office
Tuvalu	Corinna Ituaso Laafai	Senior Magistrate	Office of the Judiciary

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COUNTRY	NAME	TITLE	ORGANIZATION
United Kingdom	Arundhati Hazarika	Student	The London School of Economics and Political Science - LSE
United Kingdom	Daniela Velit	MPP Degree Student	The London School of Economics and Political Science - LSE
United States	Ingrid FitzGerald	Senior Gender and Social Development Officer, PLCO	Asian Development Bank
United States	Janine Moussa	Board Member	Due Diligence Project
United States	Marisa Carla A.S. Carvalho	Volunteer	AJFTL
United States	Matteo Barduagni	Monitoring and Evaluation Officer	United Nations Development Programme
United States	Pallavi Mande	Founding Director	Tamraparni.org
United States	Rosa Martins Rosa	Gender Inclusion Officer	Sustainable Solutions Timor Leste (SSTL)
Vanuatu	Jennifer Kausei	Chairperson	Vanuatu Civil Society Reference Group
Vanuatu	Kim Robertson	Adviser	The Pacific Community (SPC)
Vanuatu	Krista Lee-Jones	Legal Policy and Legislation Adviser	Palladium
Viet Nam	Cham Nguyen	Official	Supreme People's Court of Vietnam
Viet Nam	Nguyen Nguyen	Officer	International Cooperation Department, Ministry of Justice
Viet Nam	Nhung Tran Hong	Judicial Officer	Supreme Court of Vietnam

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