

**Convention on the Elimination of All Forms of Discrimination against Women:
The roles of judges and parliamentarians in implementation**

Amman, Jordan
17-19 October 2007

PROGRAMME OF WORK

Wednesday 17 October 2007

8.00 – 9.00 am

Registration

9.00 – 9.30 am

Opening statements

*Ms. Suheir Azzouni
ESCWA*

*Ms. Saras Jagwanth
Division for the Advancement of Women*

9.30 – 10.00 am

**Context of the workshop and objectives;
Introductions and expectations**

*Ms. Yasmeeen Hassan
Division for the Advancement of Women*

10.00-10.15 am

Tea/coffee

10.15 am – 12.30 pm

**The Convention on the Elimination of All Forms of
Discrimination against Women: an overview**

- The Convention and general recommendations of the Committee (with some emphasis on general recommendation 19 on violence against women)
- Impact of reservations on the implementation of the Convention and the Committee's stance on reservations
- A brief overview of the reporting process, the Committee's concluding comments and implementation of concluding comments
- The roles of different stakeholders, in particular judges and parliamentarians, in implementation of the Convention

*Ms. Meriem Belmihoub-Zerdani
Member of CEDAW Committee*

12.30 – 2.00 pm

Lunch

2.00 – 4.30 pm

The Convention on the Elimination of All Forms of Discrimination against Women and Islamic *fiqh*

- Harmonization of the Convention and *fiqh*, especially in matters relating to family law and personal status
- Obstacles to harmonization and related law reform and ways to overcome such obstacles
- Examination of case studies from Islamic countries that have harmonized the Convention and *fiqh* and reformed family and personal status laws
- Role of judges and parliamentarians in facilitating such harmonization and law reform

Ms. Farida Bennani

Expert on Islamic jurisprudence

Thursday 18 October

8.45 – 9.00 am

Introduction and establishment of working groups

9.00 – 12.00 am

***Parallel working groups for judges and parliamentarians on family and personal status laws**

Judges and parliamentarians will meet in two separate working groups, and each will deal with family and personal status laws. Based on their own country-specific experience, participants will seek to identify (i) obstacles to harmonizing family and personal status laws with provisions of the Convention; (ii) strategies to overcome such obstacles; and (iii) progress made in these areas. Participants will also analyze the impact of reservations to articles 2, 9, 15 and 16 of the Convention, and deliberate on possibilities of narrowing the scope of these reservations and ultimately removing them.

Participants will be invited to make short presentations of their papers relating to this topic. These presentations will form the basis of discussions. Questions to guide discussions in the working group are attached hereto as Annex I. Each working group will appoint a rapporteur to report back to plenary.

12.00 – 1.30 pm

Lunch

1.30 – 3.30 pm

Report back from working groups on family and personal status laws

The rapporteur of each working group will report back on conclusions reached by the working group. Participants will discuss how judges and parliamentarians can complement and enhance their respective initiatives and roles in reforming family and personal status laws, monitoring the application and impact of such laws, and implementing the Convention.

3.30 – 4.30 pm

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

- History of the Optional Protocol and its role in enhancing women's rights
- The complaints procedure
- The inquiry procedure
- The role of different stakeholders towards ratification of the Optional Protocol

*Ms. Saras Jagwanth and Ms. Yasmeen Hassan
Division for the Advancement of Women*

Friday 19 October

8.45 – 9.00 am

Introduction and announcements

9.00 – 9.30 am

The Secretary-General's in-depth study on violence against women and the General Assembly resolution on "Intensification of efforts to eliminate all forms of violence against women"

- Overview of the study, including state responsibility for addressing violence against women
- Follow-up action to implement the General Assembly resolution

*Ms. Yasmeen Hassan
Division for the Advancement of Women*

9.30 am -12.30 pm

***Parallel working groups on violence against women**

Judges and parliamentarians will meet in two separate working groups to discuss issues related to violence against women, based on their country-specific experience – including (i) prevalent forms of violence against women in the region; (ii) measures that have been established to address such violence; and (iii) gaps and challenges in this

regard. Participants will be invited to make short presentations of their papers. Questions to guide discussions in the working group are attached hereto as Annex II. Each working group will appoint a rapporteur to report back to plenary.

12.30 – 2.00 pm

Lunch

2.00 – 4.00 pm

Report back from working groups on violence against women

The rapporteur of each working group will report back on conclusions reached by the working group. Participants will discuss how judges and parliamentarians can complement and enhance their respective initiatives and roles in facilitating the establishment of comprehensive measures and a conducive environment to prevent and address all forms of violence against women.

4.00 – 4.30 pm

Concluding remarks and evaluation

* Note: All sessions will be held in plenary, with the exception of the parallel working-group discussions marked with an asterisk.

Annex I

Questions to guide the parallel working group on family and personal status laws

Parliamentarians and judges may use the following respective lists of questions to guide their discussion, but need not limit their discussion to these.

Parliamentarians:

- What is the level of awareness of the Convention among parliamentarians in your country and among your constituencies and how can such awareness be enhanced?
- What discriminatory family and personal status laws -- such as existing legal provisions on male guardianship over women; rights of women in marriage, divorce, and custody of children; sharing of marital property; marriage age; polygamy; rights of women to pass their nationality to their children; and women's freedom of movement – exist in your country? What is the rationale and/or justification of such laws? What is impact of such laws?
- What obstacles may be encountered in reforming such laws and how can such obstacles be overcome? What is the role of parliamentarians in such reform efforts?
- How can the Convention be used most effectively to guide such law reform?
- What is the practical impact of reservations to the Convention on women's enjoyment of their human rights?
- What role can parliamentarians play in reviewing, limiting and ultimately removing reservations to the Convention?

Judges:

- How is international law applicable to the work of domestic courts in your country?
- What is the level of awareness of the Convention amongst judges in your country and how can such awareness be enhanced?
- What role do judges play in gender-sensitive interpretation of family and personal status laws and how can their interpretation of discriminatory laws limit the adverse impact of such laws on women?
- How can the Convention be used most effectively in interpreting and applying family and personal status laws? Are you aware of legal decisions where the Convention or other international human rights instruments have been used to protect women's rights? In your country/region/elsewhere?
- What obstacles exist to your using the Convention to interpret and apply family and personal status laws and how can such obstacles be overcome?

Annex II

Questions to guide the parallel working group on violence against women

Parliamentarians and judges may use the following respective lists of questions to guide their discussion, but need not limit their discussion to these.

Parliamentarians:

- What is the level of awareness of parliamentarians of issues related to violence against women and how can such awareness be enhanced?
- How can parliamentarians create awareness and promote discussion in their constituencies on issues related to violence against women?
- What laws exist in your country to address violence against women and what are the shortcomings in such laws?
- What are the obstacles to enacting comprehensive laws on violence against women and how can such obstacles be overcome?
- What use can be made of the Convention (especially, the Committee's general recommendation 19) and the Secretary-General's study on violence against women to guide law reform on violence against women?
- What role can parliamentarians play in the allocation of adequate resources in the national budget to deal effectively with violence against women?
- What role can parliamentarians play in the development of policy (such as national plans of action on violence against women) in line with countries' international obligations on violence against women?

Judges:

- What is the level of awareness of judges of issues related to violence against women and of international obligations in this regard? How can such awareness be enhanced?
- What challenges -- such as lack of appropriate laws or procedures, existence of discriminatory laws and procedures, non-application of existing laws, non-existence of precedent in courts dealing with violence against women, and prevalence of stereotypes -- do judges face in addressing cases of violence against women?
- What role can judges play in gender-sensitive interpretation of existing laws, rules and procedures for the benefit of women victims of violence?
- What possibilities exist to use international law, especially the Convention, in cases of violence against women, especially where national law is inadequate?
- What measures can judges take to ensure that perpetrators of violence against women are appropriately punished?