**Working Group on the issue of discrimination against women in law and practice**

**Good Practices Thematic Report** [**(A/HRC/35/29)**](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/29) **Appendix: Good Practices Case Studies[[1]](#footnote-1)**

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**A. Introduction**

This appendix serves to expand upon the good practices case studies highlighted in the 2017 thematic report of the UN Working Group on discrimination against women in law and practice: *Compendium of good practices in the elimination of discrimination against women* ([A/HRC/35/29](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/29)). The case studies were prepared in abbreviated format for the purposes of the official report, and are provided here in lengthier renderings with references. The information in the appendix was prepared by the Women’s Human Rights Education Institute, who undertook a research project together with a wide range of collaborators in order to document these case studies for the Working Group.

**B. Good Practices Case Studies**

**1. Political and Public Life**

*Case Study: Quotas and Supportive Measures to promote Women’s Right to Political Participation: Panchayat Reservations in India*

The 1950 post-independence constitution of India enshrines “equal status of opportunity” to all its citizens, and non-discrimination on the grounds of religion, race, caste, sex, or place of birth. Despite these guarantees, and a long history of women’s organizing and vibrant civil society movements in India, patriarchal structures and attitudes, as well as caste-based discrimination, continue to be entrenched throughout society, resulting in discrimination against women in all fields, including exclusion from political and public life, particularly in rural areas. One of the practices employed to support the elimination of discrimination against women and the promotion of women’s empowerment in rural India includes political reservations for women in local government, the Panchayat Raj Institutions (PRI).

In the 1970s, concurrent with the rapid expansion of autonomous women’s movements both inside of India and transnationally[[2]](#footnote-2), a government-appointed Commission on the Status of Women undertook a major study of the status of women throughout the country. Taking into account the diversity of regions, religions, and the impact of colonial and independence period movements, they painted a detailed picture of the situation for women in key areas of rights and made specific recommendations.[[3]](#footnote-3) In the area of political participation, they made a key recommendation to support women’s active participation in local governance: the creation of Women’s Panchayats within the existing Panchayat structure, in order to overcome the many structural barriers faced by women and ensure their active participation in political life.[[4]](#footnote-4) This recommendation was not acted upon at the time by the central government, although over ensuing years, some states within India adopted quotas. Then, in 1993, the year the government ratified the CEDAW Convention, the 73rd Constitutional Amendment was passed which reserved one-third of all elected seats for women in PRIs around the country, including an intersectional perspective that mandated inclusion of women belonging to Scheduled castes and tribes.[[5]](#footnote-5) As a result of this act, the historical 1994 Panchayat elections across the country brought nearly one million elected women representatives into local government.[[6]](#footnote-6)

In terms of quantitative indicators, this had a huge impact on political opportunities for women, transforming the face of local governance. However, as the law was put in place very quickly, in a very large country with profound regional diversity and deeply entrenched intersectional discrimination, many challenges arose for women’s meaningful participation. Qualitative indicators show profound challenges, particularly in the first round of elections, including: the placing of women as proxy candidates for male politicians, often family members who continued to exercise power in place of the elected female; patriarchal and caste divisions which led to active exclusion of elected women panchayats; lack of appropriate support and skills development to address widespread illiteracy amongst rural women, and a democratic deficit due to the history of exclusion from public life; women’s lack of self-esteem and self-perception as leaders; and at times the high social and personal cost of participation: backlash, including harassment, social exclusion and even violence.[[7]](#footnote-7)

After the first couple electoral rounds, it was also found that many elected women representatives were unlikely to contest elections more than once.[[8]](#footnote-8) Recognizing that the legal framework alone was not enough to support the meaningful participation of women in local governance, CSOs, government and international agencies began to introduce initiatives to support and strengthen women’s participation, which are ongoing. Pre-election Voter Awareness Campaigns were undertaken to let women know they could contest any and all seats, to counteract the widely held perception that the one-third reservation signified the maximum number of seats available for women.[[9]](#footnote-9) The legal framework was also fortified through state level laws entrenching and in some states boosting the quota from one-third to fifty percent.[[10]](#footnote-10) Taking the lead from some 16 states that had passed full parity laws, in 2009, the 110th Constitutional Amendment was introduced which sought to raise the requirement to parity both within all elected positions as well as Panchayat leadership positions across the whole country, but the bill lapsed and had not yet been finalized as of early 2017.[[11]](#footnote-11)

Many programs to provide capacity building and support for women have been undertaken, with varying degrees of impact and success. Less impactful examples include massive trainings for panchayat representatives with 500-600 people at once.[[12]](#footnote-12) Other more sustained initiatives show concrete outcomes, including capacity building training with elected women representatives and advocacy support from women’s organizations. One example of many was a CSO led project in which women representatives across 12 states were offered ongoing training to strengthen their leadership skills. The training included knowledge-building on their roles and responsibilities as elected representatives, and capacity-building on how to work collectively, conduct meetings, and how to take issues up at the village level. This program also addressed key issues of concern to women such as hunger, malnourishment and health of women, as well as female feticide, to better enable elected women leaders to address those issues of concern.[[13]](#footnote-13)

Women have also been mobilized and supported with the establishment of the *Mahila Gram Sabha*, a women’s meeting platform for elected female representatives from the village level to discuss issues of concern and to prepare for making policy recommendations at the main village panchayat meetings. These collaborative support groups were initiated through a UN supported program that shows success in helping improve communication skills and self-confidence, and thus active panchayat participation, of elected women representatives. As a result, the Mahila Gram Sabhas were legally institutionalized in 2012 under the Panchayati Raj Act, requiring all local governments to hold such meetings in advance of their general village meetings.[[14]](#footnote-14)

An initiative of this size has spawned a great deal of research and analysis of both practical and strategic gendered outcomes of the reservations. India is a vast and diverse country, and the outcomes and challenges differ from state to state, influenced positively in some regions by factors such as the pre-existence of strong autonomous women’s organizing and challenged by the particularities of deeply entrenched discriminations that vary from context to context. That said, research overwhelmingly indicates that the presence of women in panchayats has positive impacts on key, practical community and gendered concerns, such as improvement of health care services, water and sanitation facilities, and micro-credit schemes for women.[[15]](#footnote-15) Issues related to discrimination against women, such as prevalence of female feticide in some regions, have also been taken up by women panchayat members.[[16]](#footnote-16)

Additional research shows impact on strategic gender considerations, that is, the promotion of attitudinal changes and progress in the elimination of gender stereotypes. Overall, success stories indicate that women’s reservations have enforced their right to political participation, and in the process, gradually challenge patriarchal hierarchies in both private and public affairs. Research shows that the organization of labour in the home is being impacted, with elected women representatives indicating that their time devoted to household chores has decreased. One 2015 study of Panchayat representatives in Karnataka state show the majority of women surveyed (70-80%) reporting an increase in respect from family and society, increased family cooperation, increased self-confidence as well as confidence to participate in further elections.[[17]](#footnote-17) Research conducted in West Bengal also shows that in villages with female Panchayat leaders, there is a positive correlation with attitudinal shifts towards girls’ education and future aspirations in families.[[18]](#footnote-18) The same study shows, in villages where female Chairs are elected a second time, the impact is even greater: the gender gap in educational outcomes is erased, and girls spend less time on household activities.[[19]](#footnote-19) While this good practice continues to enhance impact at the local level, having enabled the participation of more than 10 million rural women[[20]](#footnote-20) in local politics, the central government has failed time and again to adopt reservations for women’s participation at higher levels of power.

*References*:

Ahlawat, S. (2013). Impact of the 73rd Amendment of the Indian Constitution on Women Empowerment: An Analytical Study. *International Journal of Enhanced Research in Educational Development, Vol. 1, Issue 3*, 17-22.

Banerjee, M. (1998). Women in Local Governance: Macro Myths, Micro Realities. *Social Change*, 87-100.

Beaman, L., Duflo, E., Pande, R., & Topalova, P. (2012). *Female Leadership Raises Aspirations and Educational Attainment for Girls: A Policy Experiment in India.* Sciencexpress.

*Constitutional Amendments: The Constitution (One Hundred and Tenth Amendment) Bill, 2009.* (2009). Retrieved from PRS Legislative Research: http://www.prsindia.org/billtrack/the-constitution-110th-amendment-bill-2009-953/

Government of India. (1974). *Towards Equality: Report of the Committee on Status of Women in India .* Retrieved from Feminist Law Archives: http://feministlawarchives.pldindia.org/category/towards-equality/towards-equality-towards-equality/

Jayal, N. G. (2006). Engendering Local Democracy: The Impact of Quotas for Women in India’s Panchayats. *Democratization*, 15-35.

Kaushal, R. (2010). Decentralized Governance and Empowerment of Women: A case study of India. *OIDA Internationa Journal of Sustainable Development*, 89-92.

Kavya, N. C., & Manjunatha, S. (2015). A Sociological Study on the Role of Gram Panchayats in Women Empowerment in Karnataka State. *International Journal of Current Research and Review*, 54-58.

MoPR. (2008). *Study on EWRs in Panchayati Raj Institutions.* Government of India: Ministry of Panchayati Raj.

Nanivadekar, M. (2005). *Indian Experience of Women’s Quota in Local Government: Implications for future strategies.* UN DESA, EGM/EPWD/2005/EP.8 .

Raman, L. (2016, November 15). 73rd Amendment: Women’s representation and participation in local governance. (O. Dashzeveg, Interviewer)

Raman, L. (2016, December). Women in Rural Panchayats India. (B. Joshi, Interviewer)

Redlund, J. (2004). *Women in the Panchayats: A study of gender structures and the impact of the 73rd.* Lund University Department of Political Science.

Sen, A. (2000). *Development as Freedom.* New Delhi: Oxford University Press.

**2. Economic and Social Life**

*Case Study: Gender Sensitive Approaches to Economic Crisis*

This case study originates in Iceland, a country with a long history of commitment to gender equality in law and practice. This is in large part due to a strong history of women’s organizing that has contributed to a wide acceptance of feminism in society, shaping progressive government policies that address gender discrimination and promote women’s human rights. Indicators of inequality persist, including the maintenance of the gender wage gap[[21]](#footnote-21), high gender segregation of the labour market and prevalent gender-based violence. There is also a disproportionate share of women working in the public sector and low levels of leadership in the private sector.

Nonetheless, social awareness of women’s issues in this country is uniquely strong and has created an ameliorating environment for mobilization around feminist analyses of social, political and economic matters of concern. This was evidenced in 2008 when the complete collapse of Iceland’s banking system led to a major financial crisis. In the wake of this crisis, widespread protests precipitated a change in government and led to the election of a feminist government headed by a woman, Jóhanna Sigurðardóttir, and with a majority of women cabinet members, including in the economic and finance ministries. The new administration, which was elected on a feminist platform that supported the Nordic welfare model, commissioned an analysis of the banking crisis to build upon already established feminist critiques of the masculinist financial culture of unfettered risk and neoliberal policies as major causative factors. The research confirmed these critiques and highlighted the increasing privatization of political power amongst predominantly male, private-sector elites whose actions precipitated the crisis.[[22]](#footnote-22)

This somewhat unconventional approach to economic crisis was thus grounded in a gender analysis and centred efforts to maintain gains in gender equality in the economic recovery process. It combined temporary policy and executive decisions aimed at preventing disproportionate effects on women and vulnerable sectors of the population with mechanisms and measures for ongoing monitoring and data collection to ascertain impact. Simultaneously, the government prioritized the implementation of long-term legal and policy measures to strengthen gender equality.

Between 2009-2013, the Government of Iceland introduced temporary measures that sought to counter the shifting effects of the crisis on women and men. Under the pressure of covering the foreign debt accumulated by national banks and repaying an IMF loan granted under a two-year Stand-by Agreement, the government had to make cuts in infrastructure such as health care and primary education, as well as in family and children’s benefits such as parental leave. However, the resulting funds were strategically used to provide nominal increases in basic unemployment benefits, social protection allowances, and disability pensions in order to shelter individuals most affected by the resource cuts. Elderly women and women with disabilities were the major beneficiaries of these increases. Women were also almost two-thirds of claimants of unemployment benefits. Additionally, measures to tackle household debt by sheltering low-income and single-parent households from losing their disposable earnings benefitted women, as they are likely to feature more prominently in both categories.

Concurrently, the government maintained a focus on long-term measures to promote gender equality. Some of these measures included the introduction of gender-responsive budgeting, the appointment of gender equality experts within different ministries, the adoption of gender quotas on the boards of corporations, and the approval of plans of action for gender equality and violence-prevention. The government also established monitoring mechanisms such as the Gender Equality Watch and the Welfare Watch. The Welfare Watch, which initially operated from 2009 – 2013 under the Ministry of Welfare and a steering committee of experts from government, labour, academia, the financial sector, teachers union, CSOs and stakeholders,[[23]](#footnote-23) had the role of assessing the most pressing welfare issues to be addressed and proposing gender-responsive measures.[[24]](#footnote-24) The model was recognized as innovative and effective such that it is now being used as the model for the development of a regional Welfare Watch to monitor well-being and ensure sustainability of regional welfare systems.[[25]](#footnote-25)

While assessment of the impact of these measures is not uniform, and questions remain about whether the gendered analysis and approach to the crisis deeply impacted the reconstruction of the economy, it can be said that the government’s gender-sensitive response pre-empted a regression in welfare and women’s rights that usually accompanies austerity measures. Additionally, knowledge of the gendered and intersectional dimensions of crises and the effectiveness of the responses was enhanced through monitoring and data collection. The policies undertaken in response to the crisis demonstrate not only an uncompromising commitment to gender equality but an acknowledgment of its centrality to a healthy, robust and resilient society.

*References*

Björnsdóttir, L. (2010). *The Welfare Watch in Iceland*. Prepared for by the Chair of the Welfare Watch, Ministry of Social Affairs and Social Security.

Center for Gender Equality Iceland (2012). *Gender Equality in Iceland: Information on Gender Equality Issues in Iceland*.

Einarsdóttir, T., Johnson, J., & Pétursdóttir, G. (2013). “A Feminist Theory of Corruption: Lessons from Iceland.” *Politics & Gender,* *9*(2), 174-206.

Einarsdóttir, T (2010). “The Policy on Gender Equality in Iceland.” Prepared for the European Parliament’s Committee on Women’s Rights Gender Equality.

Engstrom, V. (2016). *The Political Economy of Austerity and Human Rights Law*. Institute for Human Rights Working Paper 2016/1, Abo Akademi University, Finland.

Government of Iceland (2014). *Iceland State Report, CEDAW*. CEDAW/C/ISL/7-8.

Government of Iceland (2016). *Iceland State Report, Universal Periodic Review*. Human Rights Council A/HRC/WG.6/26/ISL/1.

Griffin, P. (2012). *Gendering Global Finance: Crisis, Masculinity, and Responsibility*. Men and Masculinities, 16(1) 9-34.

Gudmundsdóttir, G. (2015). “Country Report: Non-Discrimination Iceland.” European Commission, Directorate-General for Justice and Consumers. DS-04-16-684-3A-N.

Icelandic Human Rights Centre and Icelandic Women’s Rights Association (2016). *Icelandic Shadow Report for CEDAW*. <http://kvenrettindafelag.is/wp-content/uploads/2016/02/skuggaskyrsla_web.pdf>. Accessed 11 Jan 2017.

Icelandic Ministry of Finance and Economic Affairs (2012). *Gender Budgeting in Iceland Fact Sheet*. <https://eng.fjarmalaraduneyti.is/media/utgafa/GB_in_Iceland_Fact_Sheet2012.pdf>. Accessed 4 Nov 2016.

Icelandic Ministry of Finance and Economic Affairs (2011). *Implementing Gender Budgeting Three Year Plan: The Steering Committee’s Proposals*. <https://eng.fjarmalaraduneyti.is/media/utgafa/Implementing_Gender_Budgeting_2011.pdf>. 6 Nov 2017.

Icelandic Ministry of Social Affairs and Social Security (2010). *Welfare Watch Report to the Althingi*. <https://eng.velferdarraduneyti.is/media/velferdarvakt09/29042010The-Welfare-Watch_Report-to-the-Althingi.pdf>. Accessed 4 Nov 2016.

Kvam, Berit (2016). “Are the Nordic Welfare States Prepared for Crises?” *Nordic Labour Journal*, <http://www.nordiclabourjournal.org/nyheter/news-2016/article.2016-11-15.3075220185>. Accessed 9 January 2017.   
  
Social Science Research Institute of the University of Iceland (2015). *Assessment of the Work of the Welfare Watch. Iceland Ministry of Welfare*. <https://eng.velferdarraduneyti.is/media/velferdarvakt09/Evaluation-of-the-welfare-watch.pdf>. Accessed 6 Nov 2016.

Thorgeirsdóttir, H. (2015). “Country Report Gender Equality: How are EU Rules Transposed into National Law?” European Commission, Directorate-General for Justice and Consumers, DS-02-16-812-EN-N.

Thorsdóttir, T. (2014). “Iceland: From Feminist Governance to Gender-Blind Austerity?” *Gender, Sexuality and Feminisml*, 1(2), 24-41.

UN Working Group on discrimination against women in law and practice (2014). *Report* *on Its Mission to Iceland from 16 to 23 May 2013.* A/HRC/26/39/Add.1.

**3. Cultural and Family Life**

*Case Study: Challenging discrimination and promoting cultural change through gender sensitive education*

This case study originates in Armenia, a state that has undertaken a lengthy legislative and institutional reform process since independence from the Soviet Union in 1991. Article 14(1) of the Constitution of Armenia[[26]](#footnote-26), as amended in 2005, provides a general guarantee of equality of individuals and prohibits any discrimination based on any grounds, explicitly referring to discrimination based on sex. Additionally, Armenia ratified CEDAW in 1993 and its Optional Protocol in 2006. Nonetheless, in what can be characterized as a patriarchal cultural and religious context, attempts to introduce and support a series of legal and policy frameworks to ensure gender equality have faced significant opposition. After receiving recommendations from CEDAW in 2009, the Government of Armenia adopted a Gender Policy Concept Paper[[27]](#footnote-27) and Strategic Action Plan (2011 – 2015)[[28]](#footnote-28), setting out a wide range of measures to promote gender equality, including provisions for the gender sensitization of teachers and educational curriculum.

In addition to this policy, in 2013 Parliament almost unanimously passed Law 57/2013 on the Equal Rights and Equal Opportunities of Women and Men, with only 1 out of 131 voting against it.[[29]](#footnote-29) This law reiterates the constitutional guarantee of gender equality, defines gender discrimination, and contains provisions against direct and indirect discrimination. It does not, however, provide concrete steps for achieving gender equality, nor does it establish an implementation or monitoring mechanism. Nonetheless, this law generated a great deal of social controversy and backlash based on the perception that the law represented an attack on “family values.”[[30]](#footnote-30) Women’s CSOs became targets of harassment and protests erupted in the streets, with demonstrators calling the law “national treason.”[[31]](#footnote-31) Due in part to this public backlash against gender related laws and policies, as well as a lack of resource allocation, implementation of the Gender Policy Strategic Action Plan was weak, as underscored by an independent evaluation[[32]](#footnote-32) conducted in 2013 by the CSO Society Without Violence (SWV), an Armenian NGO founded in 2001 that develops projects focused on girls’ and young women’s empowerment, women’s participation in peace processes, the elimination of gender stereotypes, gender discrimination, and violence. The evaluation pointed out that the Government had taken no action in the following areas: integration of a gender component into the State education and science policy; development of the educational and methodological groundwork for teaching about gender; inclusion of a gender education module in the professional development courses for educators; and introduction of criteria for a gender analysis of educational publications.

Faced with this situation, CSOs re-focused their mobilization efforts on the implementation of provisions in the Gender Policy Strategic Action Plan, calling for gender sensitive education measures as a means of addressing a social and cultural environment characterized by profound resistance to the concept of gender equality. In 2014, Society Without Violence (SWV) secured funds through the UN Trust Fund to launch a three-year project titled “Integration of gender and gender-based violence components into educational curriculum programs in the framework of the Strategic Action Plan.” This project aimed at realizing the objectives of the Strategic Action Plan to integrate a gender perspective into public education and teacher training[[33]](#footnote-33). The project was done in partnership with the Ministry of Education and Science, the National Institute of Education, and the Ministry of Labor and Social Affairs—as well as with CSOs, educators and external experts—to move project plans forward and to strategically create a foundation of support for navigating a very challenging social context.

The outcomes of this project included the “Woman and Man: Different but Equal—Theoretical and Practical Educational Guidebook,” which was subsequently approved for use by the Ministry of Education and Science.[[34]](#footnote-34) The Guidebook contains lesson plans that help educators introduce students to gender and gender-based violence concepts.[[35]](#footnote-35) Thus far, the guidebook has been distributed to 1358 schools and 16 libraries across the country, reaching 41,657 secondary school students annually. It supports the incorporation of gender curricula into mandatory courses such as “Social Studies” or “Healthy Lifestyle,” and includes discussion of gender, reproductive rights, and violence prevention.

In an effort to institutionalize gender sensitive teacher training, CSO advocates convened five meetings with representatives of government ministries, CSO groups, educators and experts to develop a training module on gender equality and gender violence for teachers, titled “Gender Equality and Gender-Based Violence,” in partnership with the National Institute of Education, the authority in charge of teacher training[[36]](#footnote-36). The training consisted of sessions where teachers discussed the objectives of the Strategic Action Plan; articulated concerns regarding the training courses as well as regarding their knowledge of gender issues; and reviewed concepts of gender, gender norms and stereotypes, direct and indirect gender discrimination and gender-based violence. The trainers remarked that teachers progressively came face-to-face with their own gender biases and harmful perceptions about gender.[[37]](#footnote-37) As a result of the training, teachers gained a better understanding of gender issues and were more prepared to incorporate such topics in their social science courses. Despite some school directors’ complaints to the Ministry of Education about a women’s NGO conducting training on gender issues, 10,000 social science teachers were trained as part of the project and the National Institute has committed to institutionalization of the training.[[38]](#footnote-38)

Recent evaluations of this process concur with CSO views that despite its short duration, the project’s focus on education is a promising practice for a number of reasons.[[39]](#footnote-39) First, what started as a CSO initiative attracted the institutional support of the National Institute of Education and Ministry of Education in the dissemination of the Educational Guidebook in schools, the development of the teacher training module, and the roll-out of training sessions. Additionally, this undertaking created the political space for CSOs’ and public authorities to take action in a challenging context, allowing meaningful steps towards fulfilling those objectives of the Strategic Action Plan.

While these measures alone will not achieve substantive equality, intervention in the education system is projected to bear fruit in terms of creating a positive environment for social discussion of and support for gender equality issues. Preliminary outcome studies of training programs in two regions of the country demonstrated shifts in attitudes towards gender equality and violence against women. The effects across the country are not uniform, however, as gender and gender-based violence have yet to be incorporated into the social sciences textbook. In the absence of this, decision-making regarding introducing gender issues in schools remains in the hands of individual authorities, such as school principals.[[40]](#footnote-40) The impacts of the measures are therefore anticipated to be more consistent once the subject is integrated into the core curriculum.

Project evaluation shows a need for further focus on planning, as well as measurable objectives and outcomes for the training.[[41]](#footnote-41) Resource allocation is also an issue. Currently, the teacher training has been institutionalized only as a one-hour module, despite strong CSO efforts for more comprehensive training. A greater investment of time is warranted to support attitudinal and behavioral changes.

Challenges and limitations in the larger context remain, including compromises levied partly as a result of the “anti-gender” campaign. Ongoing lack of productive public dialogue about gender issues and policies means that wider public awareness remains out of sync with these progressive measures, as well as with government policy. The gender sensitive education initiative is a promising practice in a fraught context, but is not a stand-alone measure. This case study demonstrates that gender equality cannot be fully achieved via sectorial approaches, but rather requires the creation of an enabling environment animated by comprehensive, long-term measures emphasizing the interconnectedness of women’s rights in order to yield both legal and social change.

**4. Health and Safety**

*Case Study: Mobilizing the Law for Social Change*

*Discrimination and Violence Against Girls in Kenya: A Comparative Look at Two Cases*

*Case Names:*

1. Petition 8 of 2012- Ripples International & 11 others vs Commissioner of Police versus Inspector General, High Court of Kenya (the 160 Girls Case) – Decision rendered 27 May, 2013
2. W.J. & L.N. versus Astarikoh Henry Amkoah and 4 others, Petition no. 331 of 2011, High Court of Kenya (the Astarikoh case) – Decision rendered 19 May, 2015

This case study from the Kenyan context brings two separate court decisions involving violence against girls, and the attendant web of human rights violations, into conversation with each other, to consider the way in which the Kenyan High Court is addressing an ongoing situation of endemic violence in the context of the robust human rights provisions and protections of a still relatively new constitution. Both cases involve the rape of minors, and both are characterized by a lack of decisive action by the relevant authorities. One case deals with defilement, or rape of a minor, in the community, and the other focuses on the education system. While both cases are framed around violence, there are many human rights issues that are affected by these acts of violence, and thus both cases speak to the interconnectedness of rights and the manifold effects discrimination and violence have on the rights of the girl child. Questions of access to justice, and the fulfillment of the right to be free from violence, the right to health, and the right to education, lead to an opportunity for robust decisions and implementation measures. Each case is briefly presented below.

*The 160 Girls case*

The 160 Girls case is the result of a collaborative initiative of human rights advocates and organizations from the global north and south, all dedicated to protecting children from defilement (rape of a minor) and addressing deeply embedded issues around access to justice for sexual violence victims. The initiative came to be called the 160 Girls Project, named after a group of girls supported by a safe home in Meru affiliated with Ripples International, which offered shelter and support to girls facing or fleeing violence. Social workers at the centre documented more than 160 cases of defilement that were left unaddressed by police, hence the symbolic name of the case and project. The 160 Girls case was developed as a collaborative undertaking by Ripples International and the equality effect, working with the Kenyan National Commission on Human Rights and FIDA-Kenya. The 160 Girls litigation was filed in the Kenyan High Court at Meru, and designed to secure access to justice for the 160 Girls who inspired the case, and legal protection from rape for all 10,000,000 girls in Kenya. The goal was to secure legal remedies ordering the state to enforce existing laws in Kenya, to uphold equality provisions in the 2010 constitution to protect girls from sexual violence, and to hold police accountable for failure to investigate rapists, and hold them accountable for their violence.

This constitutional law claim was brought on behalf of eleven girls and Ripples International challenging the failure of the Kenyan police to conduct prompt, effective, proper and professional investigations into complaints of sexual abuse (defilement) against the girls. The petition alleged that the Commissioner of Police / Inspector General of the Police, Director of Public Prosecutions, and Minister for Justice had violated the petitioners’ rights under the Constitution of Kenya as well as international legal instruments, by failing to properly investigate defilement claims. The petition was filed in the Meru High Court of Kenya on the International Day of the Girl Child on 11 October 2012. The case was particularly poignant in that it represented the first constitutional challenge on the basis of equality provisions of the 2010 Kenyan Constitution, and thus the treatment and outcome of the case had important implications not only for the defilement cases but for human rights cases in Kenya generally.

The Court held that the failure of the police to conduct prompt, effective, proper and professional investigations into the petitioners’ complaints violated their fundamental rights and freedoms under the Constitution and international legal instruments. The Court ordered the police to conduct proper investigations into the petitioners’ complaints and other forms of sexual violence. The decision was ground-breaking in addressing sexual violence and discrimination against girls, and the corresponding duties of the state. The case set the high water mark for girls’ rights with the finding that the police were not only responsible for the harms experienced as result of the police treatment of the petitioners’ defilement claims, but that the police treatment of defilement was responsible for the actual rapes, and the climate of impunity in Kenya for defilement. The judgement was celebrated as a historic step for girls’ rights in Kenya and the Kenyan judiciary was commended for the progressive role it played in recognizing and advancing girls’ rights through the decision (Equality Effect, 2015).[[42]](#footnote-42) Since the release of the judgement, the 160 Girls project has engaged in ground breaking work, securing the implementation of the High Court’s landmark decision.

*The Astarikoh case*

The case was brought on behalf of two girl students at a public primary school in Nakuru County in Kenya against their deputy head teacher for defiling them on separate occasions, including times in which the teacher had lured them to his home. The suit joined additional respondents, the school and the Teachers Service Commission (TSC), a state body with constitutional mandate, which employs and deploys teachers to public schools in Kenya. They also sued the State for failing to establish and implement measures to curb sexual abuse against children in Kenya. The petitioners sought compensation from the respondents for the damage caused to them, including their inability to return to school and continue their education as a result of the violence and trauma. The civil case was instituted despite the unsuccessful criminal case against the perpetrator (the teacher) on the charge of defilement that resulted in his acquittal. The TSC had, in fact, taken disciplinary measures that comprised his dismissal and striking his name off the register of teachers.

The case was initially brought to the attention of the Coalition on Violence Against Women (COVAW), by one of its community mobilizers in Nakuru County. The petitioners were provided with legal advice and representation and other support by COVAW and the Centre for Legal Rights and Awareness (CREAW). COVAW and other civil society organisations, the CRADLE, Girl Child Network, and Liverpool VCT Care & Treatment Center were enjoined in the suit as interested parties while the Center for Reproductive Rights (CRR) joined as amicus curiae.

The High Court found that the petitioners’ rights to education and health had been violated and that schools and teachers are under a duty to protect students from sexual and gender based violence or harm by teachers. It therefore ordered that the petitioners be compensated. It criticized the Teachers Service Commission for not doing enough to deter sexual violence against students, and for not redressing violations by teachers. Beyond liability of the individual perpetrator for sexual wrongs committed in the school environment, the Astarikoh petition set the precedent on the issue of liability of the state and state organs in the education sector when persons under their employ, and over whom they exercise powers of discipline and control, violate the rights of children placed under their care.

*Salient features of the cases*

Both cases depict the active role and collaboration of civil society in bringing sound litigation for the protection of the rights of girls and facilitating access to justice to the most vulnerable. It is important to applaud the Kenyan Constitution for facilitating a conducive legal environment for public interest litigation. Section 22(1) and (2) of the Constitution allows any interested person other than the affected party to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened. The cases also show the role of the judiciary in stepping up efforts towards progressive judicial interpretation and monitoring of constitutional rights.

Closely looking at the most salient aspects of the decisions in the cases, they both cover a range of fundamental rights of girls the violation of which involve state agents. While the agents of the state most intimately involved in the Astarikoh case are those in the public school system, the police is the principal agent in the 160 Girls.

Both cases addressed a range of issues, mainly: constitutional rights, rights of the girl child, violence against women and girls (VAWG), the right to dignity, the right to education, the right to health, state responsibility and due diligence, and access to justice. The Astarikoh case is more direct and vocal about the right to education and the right to health. VAWG is articulated as a violation of rights to education and health ‘‘…that all acts of sexual and gender based violence ….amount to violation of the right to education as provided for under Article 43(1) of the Constitution and Section 7 of the Children Act …[and] violation of the right to health as provided for under Article 43(1) of the Constitution and Section 7 of the Children Act’’ (*para* 158). It’s also worth noting that VAWG was elaborated progressively to cover the right to dignity guaranteed under Article 28 of the Kenyan Constitution. The judge in the Astarikoh declared that ‘‘…[w]here a teacher defiles a child, leading to its experiencing emotional and psychological trauma, to feelings of being an outsider in society, and as somehow to blame for the acts of the perpetrator,…amounts to violation of the right to dignity and self-worth of the victim of abuse, which is continuous in its effects’ (*para* 119). The 160 Girls case revealed issues of access to justice such as the failure of the police to conduct proper investigations into defilement complaints and their demand for payments as preconditions for assistance violated the petitioners' rights to access to justice and a fair and public hearing under Articles 48 and 50 of the Constitution.

Due diligence of the state and its agents was a key point addressed by both cases. The 160 Girls case focused on the role and duty of the police, and established the failure of the police to meet Kenyan and international policing standards, leading to a violation of Article 244 of the Constitution. The Court found that the police “unlawfully, inexcusably and unjustifiably neglected, omitted and/or otherwise failed to conduct prompt, effective, proper and professional investigations’’ into the said complaints. The inaction of the police created a climate of impunity for defilement, which made them indirectly responsible for the harms inflicted by the perpetrators, and led to “psychological damage experienced by the petitioners arising from their alienation from family, schools and their own communities”, which amounts to a violation of the girls’ constitutional rights. In the same vein, the Astarikoh case dealt with the due diligence obligation of the State and its’ agents in the public school system and elaborated both the direct and vicarious liability on their part, affirming their duty to safeguard pupils from sexual abuse by their teachers. The decision in fact pushed the bar by placing a higher standard of due diligence on the state and relevant institutions.

A poignant aspect of the Astarikoh decision is the emphasis on positive obligations. It details appropriate measures expected of the state and its agents beyond merely punishing wrongdoers. The Court found the TSC’s measures insufficient, the judge stating that ‘‘it cannot shuffle pedophiles from one school to another, and finally, content itself with dismissals’’(*para* 164). It takes the state duty further to addressing the needs of the child victims and providing support including counseling or other psychological support. The court followed a constructive interpretation of state obligation in relation to the rights to education and health. It was asserted that there is evident infringement of the petitioners’ right to education, as well as their right to health due to the failure to provide psycho-social support to the petitioners who are adversely affected by the unlawful acts of sexual abuse committed against them (*para* 122). Further, it was emphasized that TSC bears the duty to ensure students' awareness of what amounts to inappropriate behavior by teachers, such as taking them home and asking them to carry out domestic chores (*para* 134).

The Astarikoh case sets a landmark precedent in terms of compensation for harms suffered as a result of sexual offences.[[43]](#footnote-43) The Court awarded 2 million and 3 million Kenyan shillings compensation to the 1st and 2nd petitioners respectively. Not only the offender but the other parties were held liable for the damages awarded to the aggrieved parties. The Court used a human rights framework and set an important precedent with the emphasis on the right to remedy. As of early 2017, the petitioners had yet to receive compensation, with the judgement still under appeal. That said, the decision has a wide range of potentially transformative ramifications, particularly if ongoing efforts are made to ensure multiple levels of implementation and follow-up. The 160 Girls Project’s multi-tiered implementation strategy, outlined further below, offers a good practices model that could be emulated to ensure ongoing impact.

In the case of the 160 Girls, the transformative potential of the jurisprudence has been brought to life through a series of implementation activities that mark it as a uniquely good practice, bringing agents of the state, civil society and the community into constructive partnership. Rather than ending action with the court decision, the coalition of partners that developed the case have continued to work together to address structural discrimination by turning the decision into a comprehensive movement for change. The 160 Girls Project born from the case centers on training and education programs involving police, shelters, social workers, lawyers, and community members to ensure multi-level long-term impact. A defilement investigation training program for police was developed and piloted that included a peer-to-peer training-of-trainers with Canadian police officers and ongoing training with support from the Equality Effect and the Kenyan National Commission of Human Rights.[[44]](#footnote-44) Research shows positive impacts, including documented attitudinal changes and increased professionalism in the handling of child rape cases. Training programs were also developed for shelter workers on documenting sexual violence cases and the rights of victims. Community and school based education programs are also a key component of the implementation strategy. **The robust Public Legal Education pilot project includes community training on** thedecision and the related girls’ rights and police obligations; awareness raising events including drama/theatre, panel discussions; rights-training for children; a phone App detailing steps in rape investigations; circulation of public awareness materials including billboards, radio and T.V. programs, social media outreach, and short videos for circulation via the internet. These measures have been replicated in 4 pilot districts, creating an ongoing ripple effect in this court case turned social movement. Importantly, this case highlights the living law understanding of good practices, illustrating the myriad measures required to fulfill the potential of the law.

*References*

Christine Kung’u (2011) Human Rights Barrister and Solicitor, Nairobi, Kenya; January 2011, presentation on 160 Girls at University of Toronto

*Coalition on Violence Against Women, International Commission of Jurists Kenya Chapter & others v. Attorney General, Director of Public Prosecutions & others*, Constitutional Petition no. 122 of 2013

Debra Black, “Toronto Encounter leads to legal battle on behalf of Kenyan child rape victims,” Toronto Star, 10 Oct 2012. Retrieved from [https://www.thestar.com/news/world/2012/10/10/ toronto\_encounter\_leads\_to\_legal\_battle\_on\_behalf\_of\_kenyan\_child\_rape\_victims.html](https://www.thestar.com/news/world/2012/10/10/%20toronto_encounter_leads_to_legal_battle_on_behalf_of_kenyan_child_rape_victims.html)

Parkes, J. and Heslop, J. (2011) *Stop Violence Against Women and Girls: A Cross Country Analysis of Baseline Research from Ghana, Kenya and Mozambique.* London. Institute of Education, University of London for ActionAid International. Retrieved from http://www. actionaid.org/sites/files/actionaid/svags\_-\_a\_cross\_country\_analysis\_of\_baseline\_research\_ from \_ghana\_kenya\_and\_mozambique.pdf

Nyaundi, P. Secretary and CEO, Kenyan National Commission of Human Rights (December 2016, personal communication)

Sampson, F. CEO, the equality effect (interview, June 2016)

The Constitution of the Republic of Kenya, 27 August 2010

The Equality Effect Update, January 2016. Retrieved from <http://theequalityeffect.org/news/>

The Equality Effect, 2014-15 Annual Report. Retrieved from <http://theequalityeffect.org/wp-content/uploads/2016/07/e2AnnualReport2014-15.pdf>

Thompson Reuters Foundation, “ ‘Victory’ as Kenya police jail child rapists after court order,” 4 Dec 2014. Retrieved from [http://www.reuters.com/article/us-kenya-crime-idUSKCN 0JI1ER20141204](http://www.reuters.com/article/us-kenya-crime-idUSKCN%200JI1ER20141204)

**5. Good Practices, Civil Society and Autonomous Women’s Organizing**

Women’s participation and expression of their self-determination in the development and application of the laws that shape the parameters of their lives is a human right. The wide range of case studies investigated for the Good Practices report demonstrate the centrality of the active engagement of women in the development of good practices. Over and over, where good practices in the elimination of discrimination against women were found, the presence of an active citizenry, autonomous women’s movements, and CSOs with progressive frameworks that align with women’s human rights standards were demonstrated to be a key factor in achieving positive changes in the development and application of the law and in the promotion of women’s lived enjoyment of their rights.

The following three case studies were chosen to exemplify the crucial role of women’s autonomous organizing at key stages in the interrelated developmental processes of good practices as articulated in the good practices report’s living law approach:

1. Political and Constitutional Reform
2. Progressive and Participatory Application of the Law
3. Grassroots Monitoring and Implementation of WHR Obligations under the Law

***5a. Political and Constitutional Reform***

*Case Study: Women’s Participation in Democratic Movements and Constitution Building*

A robust constitutional framework for gender equality is a crucial component for the protection and promotion of women’s human rights. The constitution sets the standard for the entire legal system, and its provisions can empower women to claim equality in all areas of their rights, including through the courts when those guarantees are not met in law and practice. Increasing numbers of States, particularly since the adoption of CEDAW, have included comprehensive definitions of gender-based discrimination and substantive equality within the framework of their constitutions. Only a few States remain the exception in that regard. Additionally, increasing numbers of newer constitutions are basing those provisions on CEDAW and other human rights standards. While fulfilling the promise of constitutional protections remains a universal challenge, the key role of a strong constitutional framework—one that retains supremacy in pluralistic or religious legal systems that might undermine its provisions—in the elimination of discrimination against women cannot be denied.

*Case Study: Women’s Participation in Democratic Movements and Constitution Building*

*Gender Equality and the Tunisian Constitution of 2014*

A robust constitutional framework for gender equality is a crucial component for the protection and promotion of women’s human rights. The constitution sets the standard for the entire legal system, and its provisions can empower women to claim equality in all areas of their rights, including through the courts when those guarantees are not met in law and practice. Increasing numbers of States, particularly since the adoption of CEDAW, have included comprehensive definitions of gender-based discrimination and substantive equality within the framework of their constitutions. Only a few States remain the exception in that regard. Additionally, increasing numbers of newer constitutions are basing those provisions on CEDAW and other human rights standards. While fulfilling the promise of constitutional protections remains a universal challenge, the key role of a strong constitutional framework—one that retains supremacy in pluralistic or religious legal systems that might undermine its provisions—in the elimination of discrimination against women cannot be denied.

Tunisia has a long history of progressive reform towards gender equality since its independence in 1956. The first post-independence president launched a campaign for women’s liberation, starting with reform of the Personal Status Code in 1956 that abolished many gender discriminatory practices, including the prohibition of polygamy, setting an example for the region.[[45]](#footnote-45) Women were granted the right to vote, to stand for elections, and to engage in economic activity without spousal permission.[[46]](#footnote-46) Between the 1960s and 1990s, key reforms advanced the legal framework for women’s rights, including the introduction of family planning measures, legalization of abortion without spousal consent, and reform of divorce and custody laws.[[47]](#footnote-47) However, both growing authoritarianism in the regime and the prevalence of discriminatory attitudes limited women from the full enjoyment of their rights.

While women’s organizations existed in Tunisia during this period, for many years the political climate did not support a great degree of autonomy. Many of these reforms were top-down, improving the status of women in some regards but having little impact on transforming women’s traditional roles and the attainment of substantive equality.[[48]](#footnote-48) The “Jasmine Revolution” placed Tunisia again at the forefront of change in the region, a popular uprising that inspired other movements in the region. Social movements, both organized and spontaneous, generated pressure that had political impacts, opening up freedoms that provided the opportunity to move towards democratizing the state.[[49]](#footnote-49) This shift was described by one scholar as a change from “politics from above” to “politics from below.”[[50]](#footnote-50)

Women’s movements played an important role in achieving the goals of the revolution, and continue to play an active role in the emergence of a new vision for gender equality. The post-revolution period opened profound public debate during the drafting of a new constitution. Women’s organizations worked to keep gender equality on the agenda, organizing against potentially discriminatory provisions, participating on the constitutional drafting committee and monitoring its progress. The feminist movement introduced a draft feminist constitution and worked to mobilize society to critique regressive elements and maintain pressure for strong provisions supporting gender equality.[[51]](#footnote-51) In 2012, women successfully organized against article 2.28 of the draft constitution, which established the complementarity of men and women, rather than the right to equality guaranteed in the previous constitution.[[52]](#footnote-52)

The new Constitution was adopted in 2014, with some profound successes in the legal framework for women’s human rights. It establishes a strong framework for gender equality by legally enshrining equality of the sexes before the law without discrimination (Art 21), and commits the state to protect and strengthen women’s rights, guaranteeing the equality of opportunities in all domains (Art 46). Another progressive measure, both from a regional and global perspective, was the inclusion of the principle of parity in elected assemblies,[[53]](#footnote-53) and a clear statement that men and women alike can run for president. The progressive framework of the constitution is protected in Article 49, which affirms that: “No amendment may undermine the human rights and freedoms guaranteed in this Constitution.”[[54]](#footnote-54)

Women’s rights advocates and human rights experts point to some areas of concern in the constitutional framework, illustrative of ongoing political and cultural struggle between the protection and contesting of traditional gender roles and values. While the Constitution recognizes and protects Islam as the state religion (Article 1), it also includes provisions reiterating that the country is a civil State based on the primacy of law that promotes *moderation and tolerance*. How these at times conflicting interests will work out in practice remains to be seen, particularly given that as of 2017, constitutional courts that have the power to clarify and enforce constitutional provisions were not yet in place.[[55]](#footnote-55)

While insufficient time has elapsed since adoption of the 2014 constitution to assess fully the impacts of the sweeping changes, the importance of this broad legal umbrella for supporting women’s equality cannot be understated. Translating constitutional protections into reality requires the harmonized efforts of government and civil society, and extensive consultations and collaborative campaigns are being undertaken to promote further democratic development. In the area of political participation, a 2016 amendment to the electoral law implants the constitutional principle of political parity into domestic law. Applying to municipal and regional elections, the law includes “vertical and horizontal gender parity,” guaranteeing the 50/50 split as well as alternation to ensure leadership positions are reserved for women.[[56]](#footnote-56) Elections scheduled for 2017 thus open the way for a massive entry of women into local politics, creating huge potential for social transformation if well supported and sustained.

*References*

Center, T. C. (2014). *The Constitution-Making Process in Tunisia.* Atlanta, GA: The Carter Center.

Charrad, M. M. (2012). *Family Law Reforms in the Arab World: Tunisia and Morocco .* Austin : University of Texas.

Charrad, M. M. (2017, 03 27). Equal or Complementary? Women in the New Tunisian Constitution After the Arab Spring . *The Journal of North African Studies , 19*(2).

Cherif, N. (2014). *Tunisian Women in Politics: From Constitution Makers to Electoral Contenders .* Hivos People Unlimited.

Cherif, N. (n.d.). *Tunisian Women in Politics.*

Fayza, K. (2016, 12 15). The 2014 Tunisian Constitution . (S. Arafa, & K. Zaazaa, Interviewers)

Norbakk, M. (2016). *The Women's Rights Champion: Tunisia's Potential for Furthering Women's Rights .* CMI.

Oueslati, W. (2016, 01 13). The 2014 Tunisian Constitution . (S. Labani, Interviewer)

Pickard, D. (2014, January 24). Identity, Islam, and Women in the Tunisian Constitution.

Pickard, D. (2014). *Implementing Tunisia's New Constitution .* Washington DC: Rafik Hariri Center for the Middle East .

Pickard, D. (2015, April). *Tunisia's New Constitutional Court.* Atlantic Council: Rafik Hariri Center for the Middle East. Retrieved from Constitution Net: http://www.constitutionnet.org/files/tunisias\_new\_constitutional\_court.pdf

Sadek, G. (2013). *The Role of Islamic Law in Tunisia's Constitution and Legilation Post-Arab Spring.* The Law Library of Congress.

*Tunisia: Government Lifts Restrictions on Women’s Rights Treaty.* (2011, September 6). Retrieved from Human Rights Watch : https://www.hrw.org/news/2011/09/06/tunisia-government-lifts-restrictions-womens-rights-treaty

*Tunisia's Constitution of 2014 .* (n.d.). Retrieved from Constitute Project : https://www.constituteproject.org/constitution/Tunisia\_2014.pdf

*Tunisia's Constitution of 2014 .* (2016, April 18). Retrieved from Constitute Project: https://www.constituteproject.org/constitution/Tunisia\_2014.pdf

Zouari, M. (2016, 12 07). The 2014 Tunisian Constitution . (S. Arafa, Interviewer)

***5b. Progressive and Participatory Application of the Law***

*Case Study: Conflict, Displacement and Women’s Human Rights*

Globally, armed conflicts have a disproportionate and unique impact on women and girls. In face of heightened risks including sexual abuse, gender based violence and deprivation of social, economic and cultural rights, millions of women are forced to seek protection in other communities, cities or countries. In times of displacement, during transit or arrival to the new location, human rights violations against internally displaced and refugee women tend to escalate: they are subject to sexual and physical exploitation, forced marriage and early pregnancy, and their access to quality housing, food or health services is extremely limited. Women´s social position, lack of identification documents, irregular migration status or language contribute to women´s isolation and low participation in decision-making processes. Incorporation of a gender perspective in all areas of peace building remains a challenge in most contexts, despite increased efforts by States to promote women’s participation.

Longstanding internal armed conflict in Colombia has internally displaced more than six million people. Internal forced displacement has had a particularly serious impact on women, who constitute approximately half of those uprooted in Colombia. It has provoked a traumatic change in women´s roles, family structure and socio-economic and cultural standing, deepening gender and social inequalities and increased risk of violence and discrimination based on gender.

By 2004, tribunals had received tutelas[[57]](#footnote-57) submitted by 1,150 displaced families, which the Constitutional Court of Colombia (CCC) aggregated in a dossier to hand down consolidated **Judgement T025/04.** In this, the CCC declared that the humanitarian emergency caused by forced displacement created an *unconstitutional state of affairs*, characterized by massive human rights violations associated with systemic failures in State action in the assistance to IDPs. As a result, the CCC ordered the government to adopt a series of structural measures that spawned a lengthy implementation process continuing today. (Rodriguez-Garavito, 2011).

To ensure compliance of Judgement T025/04, the CCC established monitoring mechanisms; organized public audiences where social organizations, public authorities and victims participated; and issued *Orders* to assess the implementation of the ruling. Thus, in 2006 the CCC asserted in *Order* 218/2006 that the *state of affairs* persisted affecting displaced women in a disproportionate way.

In this context, in 2008 the CCC handed down its landmark **Order 092/08** by which it acknowledged that forced displacement has a disproportionate impact on women due to the various gender risks identified as causes and effects of displacement. The Court documented the situation of 600 internally displaced women and found systematic violations of their rights. It also identified and submitted to the judiciary a confidential annex including allegations of sexual violence against internally displaced women and urged the National Prosecutor to conduct appropriate and prompt prosecutions and convictions.

The court identified ten risks that women face caused by displacement, including the risk of sexual violence, widespread incidence of this form of violence, and eighteen gender phases of forced displacement that have a differentiated impact on women. Thus, the CCC ordered the Government to create and implement thirteen programs that respond effectively to differing risks faced by women in the context of armed conflict considering gender aspects of forced displacement. (Bermeo, 2011) Furthermore, the CCC urged national and international organizations to participate in the design and implementation process of the programs.

The thirteen programs aimed to fill the gaps of the public policy to address the needs of women, including programs aiming to prevent disproportionate gender impact on displaced women, through the prevention of extraordinary gender risks in armed conflict; programs to prevent sexual violence; domestic violence; and community violence against women; or programs to promote the rights to health, education, and access to land ownership. Finally, it ordered programs to guarantee displaced women the right to justice, reparation, truth and non-repetition; provide them psychosocial counseling or eliminate barriers to access the Protection System.

The CCC emphasized that the programs should include a gender perspective and have an intersectional ethnic, age and disability approach. The CCC ordered that each program must be created in a specific, individual and independent way within the public policy framework for the assistance of displaced population, and that the government must design and implement specific tools and mechanisms to ensure interinstitutional coordination at the local and national level.

The CCC ordered the government to promote the active participation of displaced women´s organizations, human rights and women´s organizations in the design and implementation of the thirteen programs. This resulted in the creation of a *Working Group to monitor compliance with Constitutional Order 092/08*. UNWOMEN and OHCHR participated as observers.

Despite progress, there are many challenges regarding forced displacement in Colombia. In 2015, the CCC handed down Order 009/15. The CCC highlighted the advances and progress in the actions by some authorities, but declared the persistence of failures in the assistance, protection and access to justice for women victims of sexual violence within armed conflict and forced displacement. As in Order 092/008, in Order 009/15 the CCC included an annex with displaced women´s declarations and confirmed the specific order to investigate claims of sexual violence against some complainants, and the specific order to establish and implement a Program to Prevent Gender Risks during the armed conflict and a Program to Prevent Sexual Violence against Displaced Women and Assistance to Victims.

The decision T025/04 and Orders 092/08 and 009/15 have contributed to improve Colombia´s response to a complex situation. Most significant achievements include the design and implementation of a Model of Comprehensive Assistance on health issues for victims of sexual violence, a “Survey on Effective Access to Rights” aiming to understand the well-being of the population, a program to collect declarations of victims of sexual violence and documentation of sexual violence, special units to assist women victims of violence, a Special Police Directorate for Transitional Justice in charge of analysis, investigation and prosecution of sexual violence in armed conflict and during forced displacement. (Order 009/2015 and National Prosecutor Report, 2014) The Ombuds Office also created a Protocol for psychological and legal counselling for women and children victims of sexual violence in the context of the armed conflict.

In addition, the CCC incorporated an intersectional approach in its decisions. In particular, Order 092/08 and Order 009/15 referred to the specific situation of displaced women, analyzed the gendered impact of armed conflict and forced displacement on women. The CCC concluded there are gender risks -or vulnerability factors- that affect displaced women on the ground of their gender, that as a whole have a disproportionate impact on women, and that are not shared by men. It also highlighted heightened and special risks for certain groups of displaced women, in particular: indigenous women, black women, and women leaders.

It is important to acknowledge that the active participation of internally displaced women and CSOs through the process has been key to its development and sustainability. Displaced women –along with their families- brought hundreds of tutelas before tribunals to demand their rights. This fact triggered the whole process. Women also participated along with women’s human rights defenders, in public hearings convened by the constitutional court or CSOs, where they shared their experiences and perspectives on the problem. Likewise, the court’s decisions were informed by formal submissions where CSOs research brought forward the real experiences of women and girls forcibly displaced around the country. Women and CSOs responded to the constitutional court’s request to participate in the design and implementation of the three decisions. Currently, CSOs also operate numerous programs that provide humanitarian, legal and psychosocial support to displaced women and their families.

Throughout these years, CSOs have effectively used international human rights mechanisms to keep a spotlight on the situation of displaced women, and taken this important topic into recent peace negotiation processes. The peace agreement, signed in late 2016, addresses many of the demands included in the three decisions, contributing to their sustainability. Finally, these achievements would not have been possible without the longstanding efforts of Latin American feminists and women’s organizations to strengthen the capacities of the constitutional courts -then solely composed of male justices- in the field of women’s rights and gender issues.

While there have been important strides made, many challenges persist in addressing specific risks for women in situations of internal displacement alongside the public policies to protect their rights. Research shows that the State has failed to ensure women victims of sexual violence can file a report and receive adequate care and protection, particularly those living in remote areas or lacking resources, and has failed to reduce violence and risks for displaced women linked to the illegal exploitation of mining resources, or due to their sexual orientation and age, among other factors. The State must develop differentiated programmatic responses for their adequate implementation, and has to allocate specific financial resources for protecting rights of internally displaced women across the full spectrum of women’s diversity. The State must strengthen institutional capacities of officials assisting internally displaced persons on gender equality and factors that underpin discrimination against internally displaced women. This could contribute to making Judgement 025/04, Order 092/08 and Order 009/15 an even more effective and impactful good practice.

*References*

Reports

César Rodríguez-Garavito. 2011. Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America. Texas Law Review. Vol. 89: 1669

Bermeo Mantilla, Diana. 2011. Análisis del Auto 092 de 2008 de la corte constitucional desde la perspectiva de género. FORUM Nro. 2 julio-diciembre. Universidad Nacional.

Rulings

Colombian Constitutional Court. Ruling T-025/2004

Colombian Constitutional Court. Auto 092/2008

Colombian Constitutional Court. Auto 009/ 2015

Several other reports were consulted during the research.

SISMA. 2016. Report VI. Access to justice for women victims of sexual violence.

<http://www.sismamujer.org/wp-content/uploads/2016/07/Access-to-justice-for-women-victims-of-sexual-violence.pdf>

SISMA. 2016. Cinco claves para un tratamiento diferenciado de la violencia sexual en los acuerdos sobre los derechos de las víctimas en el proceso

[http://www.sismamujer.org/wp-content/uploads/2016/06/Cinco-claves-para-un-tratamiento-diferenciado-de-la-violencia-sexual-en-los-acuerdos-sobre-los-derechos-de-las-v%C3%ADctimas-en-el-proceso-de-paz.pdf](http://www.sismamujer.org/wp-content/uploads/2016/06/Cinco-claves-para-un-tratamiento-diferenciado-de-la-violencia-sexual-en-los-acuerdos-sobre-los-derechos-de-las-víctimas-en-el-proceso-de-paz.pdf)

SISMA. 2016. Claves para la revisión e implementación diferenciada de un acuerdo que garantice derechos de las víctimas de violencia sexual.

Claves para un trato diferenciado de la violencia sexual en mecanismo tripartito de monitoreo y verificación.

<http://www.sismamujer.org/wp-content/uploads/2016/07/22-07-16-Claves-para-un-trato-diferenciado-de-la-violencia-sexual-en-mecanismo-tripartito-de-monitoreo-y-verificacion.pdf>

National Prosecutor Office. Report 2013-2014.

http://www.fiscalia.gov.co/colombia/wp-content/uploads/Informe-Fiscalia-2013-2014-web\_final.pdf

Mesa de seguimiento. Autos 092 y 009 Anexos Reservados de la corte constitucional. http://www.colectivodeabogados.org/?Persiste-impunidad-en-casos-de-violencia-sexual-asociada-al-conflicto-armado

**5c. Grassroots Monitoring and Implementation of WHR Obligations under the Law**

This joint case study looks at good practices in the protection and promotion of indigenous women’s rights in two rural contexts. The cases intersect in that one of the salient features of both is the dynamism created by the active collaboration of state and non-state actors in the monitoring and protection of women’s human rights in contexts where colonial histories have entrenched profound levels of ongoing discrimination against indigenous women in the law and society at large. These case studies glean insight into the multi-pronged and sustained approaches needed to ensure the responsivity of state actors to their human rights obligations.

*Case 1: Citizen Monitoring of a Rights-based Approach to Healthcare in Rural and Indigenous Communities*

In a mountainous part of Peru with a predominantly indigenous and rural-dwelling population, women’s access to health care is limited by many factors, including: distance and lack of infrastructure and investment by the government; language gap between indigenous populations and health care providers; ongoing systemic discrimination and marginalization of indigenous women, including discriminatory attitudes towards traditional knowledge approaches to health care and women’s well-being.[[58]](#footnote-58)

To address the ongoing violation of indigenous women’s right to health in this context, a citizen monitoring initiative was developed collaboratively by CARE Peru, CARE International and a US-based NGO, Physicians for Human Rights, in 2007. The focus of the initiative was promoting a project to support citizen participation and a rights-based approach to health care in the region, with an emphasis on maternal health[[59]](#footnote-59). Relying on a series of progressive laws which establish the right to citizen participation (Law No. 26300), and mandate civic co-management in healthcare facilities (Law No. 29124), as well as human rights standards, the project sought to train and support citizens to participate in the monitoring and implementation of their rights through participation in the health care system as *citizen monitors*.

In 2008, Physicians for Human Rights funded a 1-year pilot phase involving CARE Peru, ForoSalud (Peru’s largest civil society network focussed on health), and the Puno office of the Defensoría del Pueblo (Peru’s national Ombuds office) as key allies, along with important linkages with a transnational community of scholars, practitioners, and activists[[60]](#footnote-60). Further funding was secured to continue the project until 2014. From the outset, ForoSalud and CARE were the fundamental actors for logistics within the initiative. However, the Ombuds’ role was just as crucial, since it allowed the project to have the support of the authorities by providing legal resources and accreditation for the monitors. The Ombuds’ role was reflected formally in 2012, when it signed a legally binding agreement with ForoSalud and CARE Peru for the purpose of continuing the initiative of citizen monitoring in the region of Cusco in Peru, which allowed to set up institutionalized feedback mechanisms that would center the monitors’ findings in ongoing healthcare planning processes in the region[[61]](#footnote-61).

The initiative invited indigenous women from the local community to become citizen health rights monitors, who received training from the Ombuds’ and ForoSalud on the legal framework and a RBA to health. By 2015, this included more than 150 monitors[[62]](#footnote-62). This certification professionalized the monitors in the eyes of health care providers, some of whom were initially resistant to being observed. Once trained, monitors began to undertake health facility visits, in which they act as intermediaries between health providers and community members and/or patients[[63]](#footnote-63). Despite some initial resistance by healthcare providers, this resulted in ongoing training and sensitization in regard to respecting indigenous patients’ rights and developing acceptance. Monitors, therefore became advocates for their rights, including the right to non-discrimination and culturally-sensitive care. Monitors then shared their observations and concerns with the Ombuds office and CSO project partners, and large meetings were held every 2-3 months with all project partners, including monitors and representatives of the national health insurance institution, to discuss their findings, and to adopt strategies for change. In this way, a communications mechanism was institutionalized and impact supported. Project documentation and research shows improvement in services and enhanced provider-community relations[[64]](#footnote-64). A key area of improvement involved culturally appropriate maternity care, which led to more women utilizing the health care system and improvement in maternal mortality prevention[[65]](#footnote-65).

The citizen monitoring initiative also had a profound personal impact on the monitors. As a citizen monitor interviewed for this case study emphasized, the monitoring not only improved the quality of healthcare and impacted the number of women who had access to healthcare but it also empowered women to be leaders in their community and it broke stereotypes within a society in which women were boxed into a housewife role[[66]](#footnote-66). She stated clearly that the monitoring had been internalized in the monitors; they report feeling like an important member of their community with the project and this boosted their self-esteem as well. As research and documentation on this project shows, it enabled the women to actively participate in public life, taking on the role of human rights defenders, mediators and community educators. Furthermore, monitors developed weekly radio programs to disseminate key messages regarding users’ rights, maternal mortality, and citizen participation[[67]](#footnote-67).

Unfortunately, the level of support and institutionalization of the project was reduced with the loss of funding after 2014. Monitors and local partners continue their work, but the loss of funds has reduced capacity[[68]](#footnote-68) and calls its sustainability into question, raising important questions about the relationship between adequate budgetary allocations and good practices. Without the same level of institutional support, previously existing patterns of deeply entrenched discrimination may increase again, especially with inevitable healthcare and Ombuds staff turnover in the region. Maintaining the well documented outcomes of this good practice should be a priority for the State and the international community.

*References*

Aston, T. (2016, October 27). Personal Interview.

Corimayhua, G. (2016, December 15). Personal Interview with citizen monitor.

Hunt, P. & Gray, T. (editors) (2013, July). Maternal Mortality, Human Rights and Accountability. London & New York: Routledge, Taylor & Francis Group.

ForoSalud. (2013) Sistematización de los Procesos de Vigilancia Ciudadana en Salud. Retrieved from http://www.forosalud.org.pe/publicacion\_sistematizacion\_de\_procesos\_de\_vigilancia.pdf

Frisancho, A. & Vasquez, M. (editors) with CARE, ForoSalud and COPASAH. (2014, March). Citizen Monitoring to Promote the Right to Healthcare and Accountability. Retrieved from http://www.copasah.net/uploads/1/2/6/4/12642634/citizen\_monitoring\_to\_promote\_the\_right\_to\_health\_care\_and\_accountability\_-\_care.pdf

UNFPA. (2013). Reducción de la Mortalidad Materna en el Perú. Retrieved from: http://www.unfpa.org.pe/WebEspeciales/2014/Jun2014/Ficha-Mortalidad-Materna.pdf

Ministerio de Salud de Perú. (2013, May). La Mortalidad Materna en el Perú: 2002-2011. Lima.

CARE. (2015, September) Citizen monitoring to defend maternal health rights in Peru. Retrieved from http://insights.careinternational.org.uk/media/k2/attachments/CARE\_Citizen-monitoring-in-Peru\_2015.pdf

Committee on the Elimination of Discrimination against Women (2014) Concluding observations. CEDAW/C/PER/CO/7-8.

Fox, J. & Halloran, B. (editors) with Levy, A., Aceron, J. & Van Zyl, A. (2016) Connecting the Dots for Accountability: Civil Society Policy Monitoring and Advocacy Strategies - Report from international workshop, June 18-20, 2015, Washington, DC, London: Transparency and Accountability Initiative, School of International Service, American University,

Frisancho, A. (2016, November 24). Personal Interview.

International Budget Partnership, Government Watch, SIMLab. Retrieved at http://www.transparency-initiative.org/wp-content/uploads/2016/03/Connecting-the-Dots-for-Accountability.pdf

OECD Workshop on: Strengthening the development results and impacts of the Paris Declaration on aid effectiveness through work on gender equality, social exclusion and human rights London, United Kingdom • 12-13 March 2008. Retrieved from http://www.oecd.org/social/gender-development/40413604.pdf

PAHO (2012) Health in the Americas. Retrieved at http://www.paho.org/salud-en-las-americas-2012/index.php?option=com\_docman&task=doc\_view&gid=166&Itemid

Jurado Nacional de Elecciones: Dirección Nacional de Educación y Formación Cívica Ciudadana. (2008). Guía de Participación Ciudadana del Perú. Retrieved from: http://www2.congreso.gob.pe/sicr/cendocbib/con4\_uibd.nsf/B3465D6F1868627205257CD7005DE4B8/$FILE/1\_pdfsam\_Guia\_de\_participacion\_ciudadana.pdf

Physicians for Human Rights, (2007) Deadly delays: Maternal mortality in Peru: A rights-based approach to safe motherhood.

Respectful Maternity Care Global Council, Submission on the Implementation of the Technical Guidance on the Application of a Human Rights Based Approach to the Implementation of Policies and Programmes to Reduce Preventable Maternal Morbidity and Mortality, (A/HRC/21/22).

Samuel, J. & Frisancho, A. (2015). Rights-Based Citizen Monitoring in Peru: Evidence of Impact from the Field, Health and Human Rights Journal 17(2), 123-134.

Wegs, C. (2016, October 27). Personal Interview.

*Case Study 2: Together for Justice Protocol*

Indigenous women and girls continue to be the target of racialized sexual and gender based violence that began with colonization, as affirmed by a 2015 CEDAW Optional Protocol Inquiry report on Canada, noting *grave and systemic violations* of indigenous women’s rights, exacerbated by entrenched discrimination that impedes access to justice.[[69]](#footnote-69) The situation of structural violence persists despite long advocacy efforts on the part of indigenous women’s organizations and allies in Canada.

In the Yukon, a rural, predominantly indigenous territory in northern Canada, a series of high profile cases led to CSO mobilization and public outcry, precipitating a government review of the police force in 2010. These cases included the Yukon Supreme Court’s acquittal of two federal Royal Canadian Mounted Police (RCMP) constables of sexual assault charges and the death of an indigenous man in police custody after several hours of medical distress with no treatment. In response to public outcry, the Government of Yukon thus launched a review of the Yukon Police Force in 2010. The Yukon Women’s Group coalition lobbied for and received funding to participate on the Advisory Committee to the Review of Yukon’s Police Force in an effort to ensure improved justice system responses for reporting violence against women.

In this context, the Kaska women of the Liard Aboriginal Women’s Society, an indigenous women’s organization in Watson Lake, held a series of open dialogue gatherings that they called “Bridging the Gap” and that focused on enhancing understanding between community members and the RCMP and facilitating space for collaborative action. The result of these discussions was the Together for Justice Protocol, which mandated ongoing engagement, including: training and capacity building for police to address the interrelated phenomena of violence directed towards indigenous women and lack of due diligence in investigating crimes; open dialogue sessions to promote cultural awareness; community-police feedback and knowledge-sharing sessions, including information on the justice system and community rights.

Project reviews and research show a profound impact on police-community relations, with open dialogue and collaboration promoting enhanced understanding and cooperation on issues of concern.[[70]](#footnote-70) The CSO reports attitudinal and behavioural shifts amongst police officers that exceeded their expectations. Women have articulated that this agreement has given them the opportunity for honest and open discussion and collaboration that they never imagined possible. They also cite appreciation of the great efforts the RCMP has made to reach out to and check in with them, as well as to learn more about their culture. As a result, women in the community reported feeling more comfortable in speaking out and voicing their opinions at conferences and meetings. On the RCMP side, they have developed a better understanding of the physical security issues that women in the community face, and have helped to increase access to relevant domestic violence and sexual assault resources, including shelters.

The protocol is reviewed and adjusted annually by both parties in light of challenges and shifting needs, ensuring ongoing responsivity to community concerns. Successes of this project have been shared with other women’s organizations, and a similar protocol was subsequently adopted with the federal police force in Whitehorse, the largest city in the region. Discussions are underway in other indigenous communities in Saskatchewan and Prince Edward Island to press for similar protocols.[[71]](#footnote-71)

The *bottom up* approach of this practice, which arose at the impetus of women’s organizations, while demonstrative of the innovative means used by the community to address the structural reality of their lived situation of violence and discrimination, raises the question as to why grave and well-documented human rights violations have not been addressed on a systematic or institutional level within the federal RCMP and government. Political will to support, expand and institutionalize this good practice is required for its replication and sustainability. In all post- and ongoing colonial contexts, the disproportionate and intersectional discrimination faced by indigenous women, often aided and abetted by legal systems, must be systematically addressed by state duty holders with due consultation and involvement of stakeholders and in line with the framework of the UNDRIP.

1. Produced by the Women’s Human Rights Education Institute Research Team for the Working Group [↑](#footnote-ref-1)
2. Sen 2000 [↑](#footnote-ref-2)
3. Towards Equality, CSW India report, 1974 http://feministlawarchives.pldindia.org/category/towards-equality/towards-equality-towards-equality/ [↑](#footnote-ref-3)
4. Ibid [↑](#footnote-ref-4)
5. Kaushal 2010 [↑](#footnote-ref-5)
6. Ahlawat 2013 [↑](#footnote-ref-6)
7. Banerjee 1998, Jayal 2006, Nanivadekar 2005, Redlund 2004 [↑](#footnote-ref-7)
8. Ministry of Panchayat Raj 2008 report [↑](#footnote-ref-8)
9. Interview with Lata Raman, Dec 2016 [↑](#footnote-ref-9)
10. PRS India link [↑](#footnote-ref-10)
11. Ibid [↑](#footnote-ref-11)
12. Ibid [↑](#footnote-ref-12)
13. Ibid [↑](#footnote-ref-13)
14. Raman 2016 [↑](#footnote-ref-14)
15. Nanivadekar 2005 [↑](#footnote-ref-15)
16. Interview with Lata Raman, Dec 2016 [↑](#footnote-ref-16)
17. Kavya 2015 [↑](#footnote-ref-17)
18. Beaman et al 2012 [↑](#footnote-ref-18)
19. Ibid [↑](#footnote-ref-19)
20. Ahlawat 2013 [↑](#footnote-ref-20)
21. Icelandic Human Rights Centre and Icelandic Women’s Rights Association, 2016 [↑](#footnote-ref-21)
22. Einarsdóttir and Pétursdóttir, 2013 [↑](#footnote-ref-22)
23. Welfare Watch Evaluation, 2014 <https://eng.velferdarraduneyti.is/media/velferdarvakt09/Evaluation-of-the-welfare-watch.pdf> [↑](#footnote-ref-23)
24. Ibid [↑](#footnote-ref-24)
25. <https://eng.velferdarraduneyti.is/nordicwelfarewatch/in-response-to-crises/> [↑](#footnote-ref-25)
26. English version of Armenian constitution: <http://www.parliament.am/legislation.php?sel=show&amp;ID=1&amp;lang=eng> [↑](#footnote-ref-26)
27. <http://www.gov.am/u_files/file/kananc-xorh/Gender-hayecakarg.pdf> [↑](#footnote-ref-27)
28. <http://www.gov.am/u_files/file/kananc-xorh/gender-strategic%20programm%202011-2015.pdf> [↑](#footnote-ref-28)
29. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94756/111303/F-402212553/HO-57-N.pdf> [↑](#footnote-ref-29)
30. <http://en.aravot.am/2013/12/25/163181/> [↑](#footnote-ref-30)
31. Articles on Law57/2013 and “gender hysteria” <http://www.aravot.am/tag/%D5%AF%D5%A1%D5%B6%D5%A1%D5%B6%D6%81-%D5%A5%D6%82-%D5%BF%D5%B2%D5%A1%D5%B4%D5%A1%D6%80%D5%A4%D5%AF%D5%A1%D5%B6%D6%81-%D5%B0%D5%A1%D5%BE%D5%A1%D5%BD%D5%A1%D6%80-%D5%AB%D6%80%D5%A1%D5%BE%D5%B8/> [↑](#footnote-ref-31)
32. Ruzanna Tsaturyan, Monitoring and Evaluation Report of the Education Component of the RA National Program to Combat Gender Violence, 2011-2015 Strategic Program to Combat Gender Violence, 2016, p. 3. [↑](#footnote-ref-32)
33. Society Without Violence, *Project Newsletter*, 2014-2016. <http://swv.am/index.php/en/what-we-do/publications/1208-integration-of-gender-and-gender-based-violence-subject-into-educational-curriculum-in-the-frames-of-ra-national-2011-2015-strategic-plan> [↑](#footnote-ref-33)
34. <http://swv.am/index.php/hy/what-we-do-am/publications-am/1207-2017-05-24-13-04-48> [↑](#footnote-ref-34)
35. Society Without Violence, Project Newsletter 2014-2016, p. 5. <http://swv.am/index.php/en/what-we-do/publications/1208-integration-of-gender-and-gender-based-violence-subject-into-educational-curriculum-in-the-frames-of-ra-national-2011-2015-strategic-plan> [↑](#footnote-ref-35)
36. Society Without Violence, Project Newsletter 2014-2016, p.12 [↑](#footnote-ref-36)
37. Ibid., p. 16 [↑](#footnote-ref-37)
38. Society Without Violence, Project Newsletter 2014-2016, p.5. [↑](#footnote-ref-38)
39. Final Independent Evaluation Report of the project “Integration of Gender and Gender Based Violence Subject into Educational Curriculum in the frames of National 2011-2015 Strategic Plan”, Hasmik Tamamyan and Gabriel Armas-Cardona, February, 2017 [↑](#footnote-ref-39)
40. “The attitude of 10-12 grade high school students in Lori and Tavush regions: comparative study” Alyona Hovhannisyan, Yerevan, 2016, p. 20 <http://swv.am/attachments/article/1188/Endline%20research.pdf> [↑](#footnote-ref-40)
41. Id., p. 32 [↑](#footnote-ref-41)
42. See statement by Willy Mutunga, former Chief Justice of Kenya and President of the Supreme Court of Kenya in Equality Effect ( 2015, p,6) [↑](#footnote-ref-42)
43. The Court observed that with respect to the award of damages, Kenyan courts do not normally compensate for such injury suffered (see *para* 160) [↑](#footnote-ref-43)
44. P. Nyaundi, personal communication, December 2016. [↑](#footnote-ref-44)
45. A/HRC/23/50/Add.2 – report of WGDAW on Tunisia country visit [↑](#footnote-ref-45)
46. Ibid [↑](#footnote-ref-46)
47. Norbakk 2016 [↑](#footnote-ref-47)
48. A/HRC/23/50/Add.2 [↑](#footnote-ref-48)
49. Zouari 2016 [↑](#footnote-ref-49)
50. Norbakk 2016 [↑](#footnote-ref-50)
51. Mohammed Zouari interview [↑](#footnote-ref-51)
52. Charrad 2017 [↑](#footnote-ref-52)
53. Fayza 2016; Tunisian Constitution of 2014 [↑](#footnote-ref-53)
54. Tunisian Constitution of 2014 [↑](#footnote-ref-54)
55. Oueslati 2016 [↑](#footnote-ref-55)
56. UN Women 2016 <http://www.unwomen.org/en/news/stories/2016/6/tunisia-moves-closer-to-achieving-gender-equality-in-politics>

    Organic Law No. 2014-16 implants the constitutional principle of political parity into domestic law by requiring the lists of candidates for national elections to the Assembly of People’s Representatives to alternate between male and female candidates. (needs reference) A 2016 amendment to the electoral law, applying to both municipal and regional elections, includes “horizontal and vertical gender parity” requiring alternation on the electoral lists to ensure women are placed in leadership positions. [↑](#footnote-ref-56)
57. Writs of protection (*tutelas)* can be presented before any judge with jurisdiction over the dispute and there is no formal written process. [↑](#footnote-ref-57)
58. CEDAW/C/PER/CO/7-8., para 33 [↑](#footnote-ref-58)
59. CARE. (2015). P. 2. [↑](#footnote-ref-59)
60. Samuel, J. & Frisancho, A. (2015). P. 124. [↑](#footnote-ref-60)
61. ForoSalud (2013) p. 15. [↑](#footnote-ref-61)
62. CARE. (2015) p. 4. [↑](#footnote-ref-62)
63. ForoSalud (2013) p. 29-30. [↑](#footnote-ref-63)
64. Ibid. p. 3-5. [↑](#footnote-ref-64)
65. Ibid. p. 6. [↑](#footnote-ref-65)
66. Corimayhua, G. (2016, December). Phone interview. [↑](#footnote-ref-66)
67. CARE. (2015). P. 3. [↑](#footnote-ref-67)
68. Corimayhua, G. (2016, December). Phone interview. [↑](#footnote-ref-68)
69. CEDAW/C/OP.8/CAN/1 [↑](#footnote-ref-69)
70. Billington, K. (2012, 2013) Together for Justice, Final Project Evaluation. <http://www.liardaboriginalwomen.ca/index.php/about-3/projects-and-programs/together-for-justice/40-together-for-justice-final-evaluation/file> [↑](#footnote-ref-70)
71. Liard Aboriginal Women’s Society 2015 report [↑](#footnote-ref-71)