

Conference “Towards guaranteeing equal access of women to justice”

Good morning ladies and gentlemen.

To begin, I would like to thank The Swiss Federal Office for Gender Equality and the Council of Europe Gender Equality Commission for the invitation to participate in this conference. I would like to share with you the way Argentina is addressing the persistent barriers to women's equal access to justice. I hope that by the time I've finished this talk, I will have persuaded you of the need for training that changes our social paradigm, if we are going to achieve our goals of gender equality.

Needless to say, training and sensitization in gender perspective did not arise from the personal interest or motivation of our public servants in Argentina, but rather, it became a commitment undertaken by the state, within the framework of constitutional reform and the ratification of several covenants and conventions that promote human rights. These included the **CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**, the “CEDAW,” and the **INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN “CONVENTION OF BELEM DO PARA”**

In order to meet these legal requirements and introduce the necessary measures within the Judiciary, in 2009 the Argentine Supreme Court created the Women's Office under Justice Carmen Argibay.

And that's where I got involved.

So, what do we do?

Our institutional mission reflects the dual approach that we take. We aim to incorporate the gender perspective both into the work of the justice service as well as in the interpersonal relationships of those who work there. So, we are part of the Judiciary, working under a Supreme Court judge, but we don't analyze cases and pass judgements. Our legal work is based on determining how we can apply these legal requirements within our own structures. This involvement of judges in designing public policy to apply for the judiciary represents a transcendental change in the profession. Thus the creation of the Women's Office develops and implements public policies to eliminate gender inequalities.

That is, we don't go into particular cases. It doesn't come to us if a judge inquires about a victim's sexual behavior, for that, there are specific remedies from the judicial oversight bodies. What we try to do is to change general behavior that is part of a discriminatory pattern.

Now, why is it necessary to incorporate the gender perspective into our interpersonal relationships? Because only through successfully modifying the behaviour of those who administer justice, will the responses of the judicial system change.

Let me put to you a legal case concerning a judiciary as an example. Do you know of the Campo Algodonero case in which Mexico was convicted of human rights violations? These crimes involved extreme levels of violence against women which, as the State has accepted, were strongly impacted by a culture of gender-based discrimination. The crimes were clearly gender based in nature but an important issue arose from the way the case was dealt with. Investigation uncovered ineffective responses and indifferent attitudes from within the authorities, which allowed for the perpetuation of the violence against women. Thus, the culture of gender based discrimination even held strong in the authorities and this stopped them from being able to respond appropriately. As part of the outcome, the court ordered the State to, and I quote,

“continue implementing permanent education and training programs and courses for public officials on human rights and gender, and on a gender perspective to ensure due diligence... concerning gender-based discrimination, abuse and murder of women, and to overcome stereotyping about the role of women in society (...).”

This shows that the culture entrenched in the law enforcement and judicial system seriously impacted the responses that they gave. Thus, in order to ensure that these events can't happen again in the future, we need to modify the behavior of those who administer justice.

But, if you cannot see where the patriarchy has affected your own life, you will not see it in deciding cases. So to modify this behaviour, we need to raise awareness of the issue, to sensitize people to recognize it, and to give a communal language in which to talk about it.

But how do we do that?

Well, first we looked at the resources we had been given. The “Belem do Pará” Convention and the “Cedaw” Convention clearly state the need for *gender-sensitive training of judicial and law enforcement officers and other public officials*.

So we decided to use training to modify the behavior of those who administer justice. Training that changes the social patterns that prevent fair legal proceedings or that changes those proceedings that produce unfair outcomes.

For this gender-sensitive training we developed a “training tool” called **“PROTOCOL FOR WORKSHOPS ON GENDER PERSPECTIVE.”**

In this protocol, we use theory as a trigger for a self-examination process that allows any patriarchal bias that needs to be removed to be made visible, both at a practical level and in relation to every position the participants hold.

The protocol theoretical content consists of a simplified approach to the gender issue; through core concepts, what gender is, the patriarchy, stereotypes, etc. We explain the constitutional theory of the right to equality, particularly equality as non-discrimination, as non-submission and positive discrimination. Finally, we focus on the international human rights for women framework, especially the two conventions already mentioned, the “CEDAW” and the “Belem do Pará”.

This simple theoretical content is followed by fun and stimulating exercises. We provoke discussion on the different issues and exchange personal points of view within the group.

How do we roll it out?

We use a system in which we train trainers, so that we can replicate the workshops. This allows us to multiply the number of people we can reach and the distance we can cover in the medium term.

However, the trainers we train are volunteers, working in the judiciary: judges, senior officers and employees. They all maintain their own full time responsibilities and, because they believe it's important, they agree to take on this extra role and time commitment.

As they already all have a heavy workload, we designed a very pragmatic format for the protocols. This includes templates that take care of the implementation of all aspects of the workshop preparation. For instance, there's a template for the workshop invitation, another for the reminder, the name badges etc.

Additionally, these trainers are not experts and neither are we. None of us had gender related studies at any time in our education. As a consequence, we turned to experts to help with the three theoretical issues. They made short video presentations, which we collected together as part of the training tool, and which are shown in every workshop. This allows us to guarantee high-quality theoretical input over and over and over again.

Thus, together, the templates we talked about, the videos we produced, and the exercises that follow, work together like “out of a can”.

And that's not all. At the end of every workshop, we gather together a “contribution for change” from every participant. We guide the participants to identify and write their suggestion to contribute to the change process. Our aim with this is, on the one hand, to gather a last critical thought on the contents of the workshop, and on the other, to source real-life ideas to further the gender-related public policies we are working on.

So, that is the how, what, when and why of the training tool in itself, so what more is there to know?

Firstly, the training tool has been validated by the United Nation System in Argentina.

Secondly, we've developed a computer programme into which people from all over the country upload details about the protocol training sessions they run. This allows us to measure the progress of the programme.

And thirdly, it is now being implemented internationally. We all know that our efforts to change the patriarchal system require international cooperation to create deep rooted change. So when the opportunity arose, the Women's Office was happy to adapt the training tool, originally intended for the Argentinian Judiciary, so that it could be useful and applicable in other countries. So far, our training tool has been used in 6 other Latin American countries.

Through this, we've seen the impacts and effects of international cooperation, we've seen it happening. Once we'd proved that it worked, we provided our ready-made training programme to other countries, for them to use directly 'as-is,' totally eliminating the heavy workload of creating a new tool and increasing the impact of our hard work. Working together like this is allowing us to break down the patriarchal hold more effectively.

Accordingly, The Inter-American Commission of Women (CIM) generated mechanisms to support Argentinian international cooperation projects.

As part of its role in monitoring the convention, the CIM organized a Diploma in "JUSCTICE, GENDER AND VIOLENCE" in collaboration with the Women's Office, the supreme Court of Mexico and the UN Office of the High Commissioner for Human Rights. The purpose of the Diploma is to provide the basic necessary expertise and the methodological and analytic tools for effective protection of women's human rights. The Women's Office in Argentina was in charge of designing and tutoring the first seminar of the Diploma which was run in various countries in the Region.

**Can we measure the impact and the effectiveness of the programme I have detailed?
How?**

Yes, we believe we can, both quantitatively and qualitatively.

We can measure our success quantitatively, by the number of workshops held and by the number of members of the Judiciary who have participated in them.

We can also measure the number of judicial decisions uploaded to the database of gender-related case law. This database was created by the Women's Office and, up to now, has collected over 2000 judicial decisions on women's rights. They are uploaded by each of the country's jurisdictions and the Women's Office publishes them on its website. Not only is it a very useful tool for judges, judicial staff and users of the justice service but it is also providing strong qualitative evidence. Through these cases we can see changes in the application of the 2 conventions we've been talking about (the CEDAW and the Belem do Para)

Further qualitative results include the number of Women's Offices created, showing a clear appreciation of the gender issue. This also shows a strong determination to specific gender-related policy-making.

Finally, there have been a number of administrative resolutions that make the workshops compulsory or to be carried out during working hours.

So, not only have we spoken of the need for training, but I've also tried to unravel some of the complexities of how we've made our programme work. Our programme is:

- » Ready to use
- » Easy to multiply
- » Validated by the UN and through international application
- » And really changing women's experience of access to justice.

So, thanks for allowing me to share this good practice with you, which has just started in Latin America.