

The Asia-Pacific Forum on Judicial Education on Equality Issues

A Brief Description

by

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Equality education for judges in countries of the South Asia region, being Bangladesh, India, Nepal, Pakistan, and Sri Lanka, has been ongoing since 1997 under the auspices of the Asia-Pacific Forum on Judicial Education on Equality Issues. The Forum is an initiative undertaken by the judicial and NGO leadership in each of the partner countries. The following is a description of a number of key elements of this project.

A. The approach fostered

What goes on in the mind of a judge is an extremely important factor in the success or failure of the justice system to serve the public's need for fair and equal treatment. That is, judging is not about the processing of cases according to some fixed and well understood legal standard, it is about properly deciding on a just result in a complex of competing economic, political, social, and legal forces.

It is very important that judges understand that they are often ill equipped to meet the difficult challenge of deciding on a just result, not through any fault of their own, but because of who they are and where they come from. It is also important for judges to understand that they have a legitimate role as agents for change, and that they need a depth of understanding on a broad range of societal issues in order to successfully discharge this responsibility. Thus, judicial education is not just about learning the law as a static thing, it is most importantly about understanding the dynamics of the full and changing context which is at the root of legislative and judge made law and practice. Once these dynamics are understood, it is possible to identify justice delivery problems, and to take needed reformative action. Thus, seen according to the standard which we foster, judges are change agents, and judicial education is a vehicle for change.

On this basis, it can be readily understood that judicial education is not about conferencing, in which papers are presented and discussions are held; it is about the creation and operation of a *process for change* through education in which judges play a leadership role, but in a relationship with others who share the same reform objectives.

B. Design of the project

As mentioned, the Forum is a judicial education initiative endorsed by judicial and NGO leaders in each of Bangladesh, India, Nepal, Pakistan, and Sri Lanka. The first phase of the initiative began in 1997, with a focus on gender equality issues, under the direction of a Management Team (the “MT”) composed of committed judicial and NGO educators from each of the 5 member nations. The principal operational feature of the project is that, together in a partnership between the judiciary and the NGO community, the quality of justice delivery in South Asia will be improved through a process of awareness raising and skill building judicial education.

During Phase I, Sakshi, a Delhi based NGO dedicated to women’s equality, accepted the responsibility to facilitate the creation of an ongoing equality judicial education process, and, together with the partners, has actively designed and delivered some 25 three to five-day intensive inter-active education experiences for judges from all levels of the judiciary in the region.

As a result of a decision taken by the MT in January 2003, under Phase II the project will be managed on a more decentralized basis. In this phase, each partner country will assume full responsibility to fund, develop, and deliver its own education programming, and the MT will coordinate these activities by gathering and disseminating information. It is expected that the MT will meet on a regular basis to provide continuity in the meeting of the project’s overall objectives. In Phase II, Sakshi will concentrate its efforts on in-India programming.

C. The project’s current objectives

Since its inception, the principal developmental goal of the project has been to establish a long term process for delivering credible, comprehensive, and in-depth judicial education on equality issues.

It is agreed between the Forum partners that meeting the following four objectives will allow the principal goal to be reached:

1. Develop support and capacity for equality education

An important objective of the Forum has been to develop the capacity of the judiciary in each of the partner nations to design and deliver ongoing judicial education on equality issues. A key feature of this objective is to attain the support of the judicial leadership throughout the region to commit time and resources to a process of the ongoing equality education for judges.

2. Institutionalize equality education

The long term objective of the Forum is to develop judicial capacity to the point where equality education for judges will be institutionalized; that is, delivered throughout the region on a regular and ongoing basis. Thus, the Forum is working in each country of the region to identify and gain a commitment from legal training institutions, including judicial training academies or law schools, to take on the challenge of carrying out this long term objective.

3. Develop an expert education faculty

Both the developmental and the educational aspects of the project have been conducted through a partnership between the judiciary and community based organizations concerned with women's equality. The strength of this design is in the development of sound working and personal relationships between judicial leaders and educators and NGO professionals. The project has been very successful in its capacity building objective by, through the many education opportunities conducted, striving to build the knowledge base, presentation skills, and confidence of key judicial and NGO educators. As a result, a number of key High Court judges and NGO leaders in the region have attained critical expertise as educators on equality issues and are able and willing to assume a high degree of responsibility for delivering quality judicial education on gender issues.

4. Deliver education

A principal objective of all meetings held since the start, whether small and mainly organizational or large and mainly educational, has been to communicate information and understanding on gender equality issues to judges throughout the region through a professionalized approach.

In the educational events staged, as judges are adult learners, special attention has been paid to using experiential teaching techniques. Thus, through the vehicles of dance, song, play acting, debates, peer-lead discussion, witness testimonials, and field visits, in addition to interactive lectures on discrete gender equality topics, the problem of women's inequality has been fully addressed.