

Foreword

Under the heading ‘Gender Equality’, Article XII of the Commonwealth Charter states:

We recognise that gender equality and women’s empowerment are essential components of human development and basic human rights. The advancement of women’s rights and the education of girls are critical preconditions for effective and sustainable development.

This Asia Judicial Resource Book responds to that commitment, and to the need expressed at the Commonwealth Judicial Forum held in Botswana in April 2013 for practical guidance on cases relating to Violence Against Women and Girls (VAWG). It was felt that digests of readily accessible reviews of Commonwealth case law and landmark judgments, considered within regional contexts, would be of value in strengthening the jurisprudence of equality.

This resource book aims both to deepen understanding of the varying forms of VAWG and to raise awareness of the important role that the judiciary can play in tackling them. It is designed to be used by judicial officers and other professionals as a practical contribution towards promoting justice and fairness in the judicial process for women who have been victims of violence.

Produced in partnership with the UN Women Regional Office for Asia-Pacific, this volume brings together information on key judgments of apex courts seeking to advance protections for women against violence, through application of constitutional guarantees and international human rights law. Judgments are analysed in the context of relevant legislative frameworks, and guidance offered on best practices on overcoming gender bias when dispensing justice.

Various manifestations of VAWG are considered, including child early and forced marriage, domestic violence, rape and sexual harassment, and studied in the national contexts of India, Pakistan, Thailand and Cambodia. Attention is also given to the obstacles survivors face within the legal system, and to ways of making justice more accessible.

In Asia, as in all regions of the Commonwealth, the judiciary can make a significant contribution towards strengthening and protecting the human rights of women and girls. This is of vital importance in advancing the values of our Commonwealth Charter, and in attaining the goals of the 2030

Agenda for Sustainable Development to which all our member countries are committed.

The Rt Hon Patricia Scotland QC
Secretary-General of the Commonwealth