



NATIONAL FEMINIST LEGAL THEORY & PRACTICE (FLTP) TRAININGS

Asia Pacific women lawyers, social scientists and activists founded Asia Pacific Forum on Women, Law and Development (APWLD) in 1985. **APWLD** is a regional women's network with a membership of 180 feminist organisations and individuals committed to enabling women to use law as an instrument of social change for equality, justice and development.

WOMEN AND LAW IN SOUTHEAST ASIA

“While law is intended to be a neutral set of rules to govern society, **in all countries of the world, laws tend to reflect and reinforce the privilege and the interests of the powerful, whether on the basis of economic class, ethnicity, race, religion or gender.** Justice systems also reflect these power imbalances.”
- UN Women Report 2011

Law and justice systems both nationally and regionally, have been a focus of women's rights activism because women have recognized both the potential and failings of it. In cases where laws are missing or discriminatory or broken, ending discrimination against women means more than simply helping women to access the existing justice system. While there has been progress in improving legislation in many countries in the region, legal systems remain inaccessible and unfriendly to the vast majority of women.

In South East Asia barriers to justice are legislative (numerous discriminatory laws exist as well as a lack of legislation to promote women's rights in many countries), administrative (barriers within the judiciary, evidence requirements, accessibility and corruption), lack of enforcement (entrenched barriers within the police forces and a lack of will or conflicting priorities), cultural (social and familial pressure not to persist with claims) and economic (inability to afford legal representation, pay officials, attend courts or lodge forms). In some countries in the region (and some provinces within countries) legal rights are being eroded and significant work is needed to protect existing rights let alone advance them.

While all countries within South East Asia have ratified or acceded to CEDAW, many did so with reservations and many more have not implemented key provisions. Legal protections and policies vary across the region. While the domestic violence laws in several countries have improved, many more countries in the region are yet to develop compliant laws on violence against women. Family laws, including marriage, divorce, custody laws routinely discriminate against women, particularly when religious and cultural systems are given legal weight. Freedom of movement, of sexual autonomy and reproductive rights are also often curtailed by regressive laws and practices despite some advances in some countries. Women's meaningful participation at decision-making processes at the household, community, national and international level is rarely realised.

Where laws do exist the most marginalised women are often excluded by law, structure or practice. Domestic workers and migrant workers and women in the informal labour sector for example, are excluded from labour codes in most countries in the region, effectively excluding them from labour protections and safe working environments. Land grabbing, climate change

and large scale developments continues to displace communities across the region, affecting women the most.

Militarization, often a justification for peace and development, only fuels conflicts in communities. While women's body, sexuality, gender roles and relations are often the first target of fundamentalist's control. The neo-liberal economic policies and globalization has not only failed to eradicate poverty but has instead magnified inequalities and caused human rights violations. Together, the three major global trends of globalization, militarization and fundamentalism infused with patriarchy has constituted new patterns of oppression and subordination of women in the region.

Many countries have very few lawyers, activist and policy makers with the knowledge and skills to advance women's rights or challenge and critique discriminatory laws and practices from feminist and rights perspective or to use human rights standards in their work. A stronger pool of knowledgeable legal advocates and practitioners are required to facilitate collaboration and sharing of knowledge and challenges across the region.

FEMINIST LEGAL THEORY AND PRACTICE: OVER 20 YEARS OF CAPACITY BUILDING WORK AND OVER 200 GRADUATES

In 2011 APWLD member and Feminist Legal Theory and Practice (FLTP) Trainer, Honey Tan was determined to have the Convention on the Elimination of Discrimination against Women (CEDAW) the force of law in Malaysia. Malaysia signed into the CEDAW in 1985 but Malaysian judiciary had not adopted a definition of 'gender discrimination' nor has it referred to the CEDAW for its application. Ms. Tan in representing Nurfadilla Ahmad Saikin successfully used the CEDAW definition of gender discrimination to argue the case as she was denied employment as a temporary relief teacher by the district education because she was pregnant. This case has set a crucial precedent in making CEDAW legally binding as law of

I want to say thank you from the bottom of my heart for all the training via the FLTP gave me. It is certainly a good day to be a lawyer!

- Honey Tan, Lawyer, FLTP Trainer, Malaysia, APWLD Annual Report 2011

the country.

In Burma, May Sabe Phyu, a women human rights activist who has been working on an anti violence against women laws in the country spoke on the incremental value that the training had given her as she and the other women's groups in the country braces for the new laws emerging in the country.

Honey Tan and May Sabe are one of many lawyers and activists who have gone through the Feminist Legal Theory and Practice (FLTP), one of APWLD'S key capacity building activity that has grown into a dynamic program. Their inspiring story is duplicated in other countries in the region and many have acknowledged the valuable role that their FLTP training had played.

The FLTP trainings has enabled participants to use feminist analysis and perspectives in legal practice and activism. It utilizes a unique framework of having feminism as its core and human rights as its foundation. The training challenges the traditional notion that law is a neutral, objective and rational set of rules, unaffected by the perspective of those who wield power in societies. Participants address the social, cultural and political contexts that shape the legal system. Given that law (as culture, system and institution) is a reality that women face and engage with, it is essential for women's rights activists to explore how law can be utilised to transform women's lives.

FLTP: FROM REGIONAL TO NATIONAL

Participants of the 7-day Regional training activities for over the last two decades have gone on to share concepts and strategies of the FLTP within their particular national contexts, formally and informally with colleagues and networks. National modules have been developed to relate to the specific contexts in Malaysia, Indonesia, and Burma. For the Malaysia National FLTP that was conducted 2010 sessions on the Syariah Law were included. While the National FLTP Training for Burma Nationals held in 2013 had incorporated case studies of actual cases on land grabbing, militarisation and extractive industries and scenarios that happened in the country.

It is from these national training activities that we saw the benefits of an FLTP that was context specific, where participants could share and actively engage using their language. Selected national partners from seven (7) Southeast Asian countries: **Vietnam, Laos, Cambodia, Timor Leste, Philippines, Thailand and Indonesia** will lead, prepare and conduct a National FLTP training in their own country.

The objectives of the national training will include:

- To analyse and effectively challenge discriminatory laws and policies in their countries by feminist, rights-based legal practice and by applying international conventions and precedents for advancement of women's human rights;
- To design progressive legislative frameworks for women's human rights for implementation at the national level;
- To design national campaigns to advance women's human rights in the country;
- To foster a supportive network and movement of feminist legal practitioners and activists within the country; and
- To build a body of knowledge around existing laws and practices relating to women's human rights in the country

SELECTION CRITERIA OF THE NATIONAL PARTNERS

APWLD will select national partners' who will lead and coordinate the National FLTPs in the above-mentioned countries. We are seeking to work with like-minded national partners in each country, preferably non-governmental and non-profit organisations and civil societies that is:

- Committed towards the promotion and realization of human rights of women, particularly young, women (rural, indigenous, migrant and/or women in other minority groups);
- Have strong networks and affiliations with feminist lawyers, activists, judiciary and the legal community in their countries;
- Have experience in launching creative and participatory training and workshops in the areas of feminism, women's human rights or women and the law;
- Have the necessary organizational resources to coordinate and conduct the National FLTPs with support from the APWLD Secretariat;
- APWLD members/partners as well as non-members/partners who have references and support from APWLD network of members and/or partners

NATIONAL PARTNERS: SCOPE OF WORK AND RESPONSIBILITIES

APWLD will be providing a small grant to support the cost of the national FLTP training of approximately 15-20 participants as well as other associated cost to the organization of the training. The national partner will play a leading role in carrying out the FLTPs in their own country with the support of the APWLD secretariat. The timeframe of the national training will be January 2014 – June 2015.

As the lead partners in this endeavor they will be asked to be responsible for the following:

- Leading, coordinate and organize for the successful conduct of the National FLTP training in their country
- Ensure that the National FLTP is guided by the broader framework of the Feminist Legal Theory and Practice
- Provide the APWLD secretariat and resource person with the current context of women and law in their country to facilitate module development
- Design their own selections criteria and process in consultation with the APWLD secretariat
- Convene the trainers and work with them in the training design, implementation and evaluation of the National FLTP

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United Nations Entity for Gender Equality
and the Empowerment of Women