

TACKLING GENDER-INEQUALITY THROUGH THE LAW: IMPROVING ACCOUNTABILITY FOR GENDER-RESPONSIVE LAWS AT THE DOMESTIC LEVEL

University of Technology Sydney

3 August 2020 (Day 1 - virtual) and TBC 2021 (Day 2)

CONVENORS: Professor Diane Kirkby
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Globally, there has been an enormous investment to identify actors, norms and systems that sustain gender inequality as well as to address the underlying causes of such inequality.

These efforts have translated into a range of strategies including participatory development focused on grassroots interventions for women, temporary measures like quotas, theoretical approaches such as gender-mainstreaming and goals dedicated to gender in global indices like the Sustainable Development Goals (Esquivel and Sweetman 2016; True 2003). Despite some progress, women continue to struggle for gender equality and full enjoyment of their human rights.

Only recently there has been a determined push to explore a relatively obvious and simple strategy to respond to this problem: embedding international women's rights norms into domestic legislation. The G7 summit in May 2019 declared inclusive laws as "one of the key enablers for equality between women and men" (G7 2019, 7). According to the World Bank, "gender-regressive" laws are the main obstacle to women's empowerment on a global scale (World Bank 2019).

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This workshop will look at the law as a fundamental tool to address gender inequality, based on the notion that the law has a role in correcting inequality and must not paper over it (Vijeyarasa 2019). The workshop objective to determine how well domestic laws work for women in fulfilment of international commitments, and what strategies can be identified to make laws more gender-responsive.

Discussions will pivot around the methodology applied in the Gender Legislative Index (GLI), a tool designed by Co-Convenor Dr Vijeyarasa that uses international women's rights standards and benchmarks from international and regional law to assess the gender-responsiveness of domestic legislation (Vijeyarasa 2019). The GLI has been piloted on 97 laws in Sri Lanka, the Philippines and Indonesia, across seven areas of law (family law, financial services law, gender-based violence, labour law, reproductive health, taxation and extractives) (see for example Tobalagba and Vijeyarasa 2020).



Based on that methodological approach (translating international human rights commitments into concrete recommendations for law reform in a globally applicable manner), participants will discuss and elaborate on the potential use of international law to measure the gender-responsiveness of domestic legislation and the benchmarking of domestic law. Participants will also examine other ways of seeking accountability for women's rights in legislation, notably the frameworks developed by the European Institute for Gender Equality (European Institute for Gender Equality 2017) or through parliamentary auditing of legislation for human rights compliance. Participants will assess the validity, feasibility and complementarity of these various approaches.

Discussions will address five key themes:

1. **From international law to domestic legislation** – This theme will proffer justifications and limitations for using the law to address gender inequality. Participants will debate pre-existing and potential tools for accountability to improve the gender-responsiveness of domestic laws. Drawing on the expertise of participants from civil society (including ANROWS, International IDEA and the Center for Reproductive Rights) and academia (including Baird, Chapman, Douglas, Kirkby and Vijayarasa), the dialogue will analyse what the law has achieved to date and what gaps remain. A closing discussion facilitated by Distinguished Professor Jenni Millbank (Law, UTS), will focus on what other institutional factors (political, social and economic) are needed to deliver gender-responsive laws (e.g. quotas for legislators, drawing on the expertise of Emeritus Professor Marian Sawyer)


2. The workshop involves four sequential thematic discussions:


- **Women at work:** Labour and migration
- **Women's bodies:** Gender based violence and reproductive rights
- **Women and resources:** Taxation and environment
- **Women in the public sphere:** Governance and political participation

Each of the above thematic discussions will address the following:

- Has legislation in this area worked to address gender inequality?
- In what ways can legislation in this area benefit from a Gender Legislative Index based on international women's rights?
- What other methodologies have been used – successfully or unsuccessfully – to enhance the gender-responsiveness of domestic legislation in this area?
- What are the limitations of international women's rights to improve legislation in this area?

We expect discussions to acknowledge the relevance of wider feminist debates, particularly regarding the limitations of the law to address different and potentially conflicting interests of different groups of women,





who feel unaccommodated by the law based on their sexuality, race, class, cultural or marital or disability status, or the competing rights of other groups who also suffer inequality.

Participants are likely to examine the criticisms directed at the law itself as a male hegemonic institution (Smart 1989) and similarly with regard to the international human rights system and its norms (Charlesworth 2018). We envisage a rich discussion on the limitations but importantly the potential of the law in making women's lives better.

Tackling gender-inequality through the law will create a much-needed pool of knowledge about good practice examples of domestic legislation in countries considered gender-responsive across eight areas of law (labour, migration, gender-based violence, reproductive control, taxation, the environment, corruption and politics). Among the eminent academics and practitioners at the workshop, we will establish an executive taskforce (4-6 members) to be called upon by legislators and policy units during the drafting of new laws as well as act as contact points for domestic and global initiatives related to gender-responsive legislation.

The workshop is an essential stage to validate and strengthen the Gender Legislative Index as a methodological tool. The participation of actors involved in other mechanisms for human rights compliance (e.g. Associate Professor Jacqueline Mowbray vis-à-vis the Australia Parliamentary Joint Committee on Human Rights) will facilitate the discussion about other frameworks to measure success.

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The annals will form the basis of an edited collection, Gender inequality, women and the law: From international standards to domestic legislation. The workshop will also establish the collaborative networks needed to lay the groundwork for future research on Australia's mechanisms – informal and formal – for effectively auditing the gender-responsiveness of Australian laws before their passage.

Virtual symposium – Tackling Gender Inequality through the law UTS Law

All sessions will take place via zoom

Monday 3 Aug (Syd. GMT +10)	Session	Details	Chair	Additional Notes
8am	Tech check	I will be online from this time for IT checks. This time is for you to check your connection, practice sharing any powerpoints and familiarise yourself with zoom if necessary Please enjoy your own beverages, coffee/tea, snacks!		
8.30am-8.45am	Acknowledgement of Country and welcome to workshop	Diane Kirkby (UTS)		
8:45am-9:00am	Round of introductions	Tell us about you in less than 1 min	Ramona Vijeyarasa (UTS)	
9:00am-9.15am	Situating the workshop	Ramona Vijeyarasa, In pursuit of gender-responsive legislation (University of Technology Sydney)	Diane Kirkby (UTS)	
9.15am-9.30am	Context – The global state of women’s rights	Jeni Klugman, The State of Play on Women’s Rights (Georgetown Institute for Women Peace and Security)	Diane Kirkby (UTS)	

Session 1: Women’s bodies as targets: Gender-based violence and reproductive control			
9.30am-10.30am	Session 1 (Approx. 2 minute pitch by presenter, 5 minute response by commentator and 5 minute reply by author) for each of the two papers, followed by 35 minute discussion	Gender, law and domestic violence by Heather Nancarrow (ANROWS) (online via zoom) with Heather Douglas (UQ) as commentator Gender, law and reproductive control by Payal Shah (Independent Consultant and Fellow, University of Toronto) and Onyema Afulukwe (Center for Reproductive Rights) (online, via zoom), with Jenni Millbank (UTS) as commentator	Marian Baird (USyd)
BREAK 10.30am-10.45am Enjoy your own snacks			
Session 2: Women and resources: Taxation and the environment			
10.45am-11.45am	Session 2 (Approx. 2 minute pitch by presenter, 5 minute response by commentator and 5 minute reply by author) for each of the two papers, followed by 35 minute discussion	Gender, law and the environment by Rowena Maguire (QUT) with Brad Jessup (Uni of Mel) as commentator Gender and tax – resourcing for change by Kathleen Lahey (Queen’s University) (online, via zoom), with Miranda Stewart (Uni of Mel) as commentator	Sue Harris Rimmer (Griffith)
Session 3 Protecting rights at work: Gender and labour			

Two papers will be presented in Sessions 1, 2 3 and 4. Each of the papers will begin with a 2-minute ‘elevator pitch’ by the author. The purpose will be to allow the author to situate the paper in response to a very concrete question (TBC: **How well does the law work for women in your field of research?**). We will then hear from the commentator (5 minutes) before giving the author a chance to go through a more

11.45am-12.15pm	Session 3 (Approx. 2 minute pitch by presenter, 5 minute response by commentator and 5 minute reply by author), followed by 15-20 minute discussion	Gender, labour and the law by Anna Chapman (Uni of Mel) (Online, via zoom), with Marian Baird (USyd) as commentator	Heather Douglas (UQ)	detailed reply (5 minutes). Both papers that have been brought together under an umbrella theme will be presented, before we open up for a discussion of the two papers.
BREAK 12.15pm-1.30pm				
1.30pm-1.45pm	Recap from the morning	Discussion of main take-aways from the morning session.	Ramona Vijeyarasa (UTS)	
Session 4 Women in the public sphere				
1.45pm-2.45pm	Session 4 (Approx. 2 minute pitch by presenter, 5 minute response by commentator and 5 minute reply by author) for each of the two papers, followed by 35 minute discussion	Gender and good governance by José-Miguel Bello Villarino (USyd) (online, via zoom) with Sue Harris Rimmer (Griffith) as commentator Women’s political participation By Leena Rikkila Tamang (International IDEA) with Marian Sawyer (ANU) as commentator	Anna Chapman (Uni of Mel)	
BREAK 2.45pm-3.00pm Enjoy your own snacks				
Session 5 Delivering laws that advance women’s rights: From theory to practice				

3.00pm-4.00pm	Session 5 (Approx. 5 minute papers by presenters), followed by 40 minute discussion	The future of CEDAW by Anne Hellum (Uni of Oslo) Parliamentary committees on human rights by Jacqueline Mowbray (USyd) Feminist legislation by Becky Batagol (Monash) (TBC) Feminist mobilization before the court by Anna Boucher and Eda Gunaydin (USyd)	Jenni Millbank (UTS)	
4.00pm-4.15pm	Reflections, next steps and closing	Ramona Vijeyarasa (UTS)		