



V. THE ROLE OF JUDGES OR RESPONDENTS

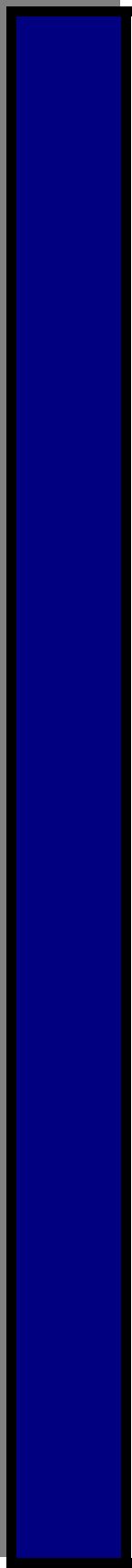
- Affirm the rights of the testifiers;
- Highlight the ways in which the events recounted in the testimonies violate international human rights standards;
- Situate the struggle for the human rights of the individual testifier within the broader global movement for women's human rights and accountability;
- Make recommendations and/or calls for action toward eliminating the violations recorded in the testimonies;
- Outline steps that the testifiers, support persons and members of the audience can take to end these human rights violations;
- Validate the tribunal/hearing process; and,
- Provide closure to the tribunal/hearing as an event.

The decision of whether to have judges or respondents depends on the context in which you are holding the tribunal/hearing, the target audience, and the primary goals of the event. While there is likely to be considerable overlap between those who would make good “judges” and respondents, and the kinds of statements they will make, there are some distinctions between the two roles.

A panel of high-profile “judges” conveys an air of gravity and authority, which is useful within more formal contexts and when targeting specific policymaking forums. Judges tend to have strong legal, human rights, or policymaking backgrounds, and their statements at the tribunal/hearing pay particular attention to the ways in which specific human rights agreements, treaties, and articles have been breached as well as identifying the bodies or individuals that are accountable.

Respondents can be drawn from a wider variety of backgrounds and could be media figures, leaders in social movements, or people with expertise around specific issues (for example, violence against women, women in development, or reproductive rights). Respondents' statements reflect this diversity and can include specific policy or legal recommendations from the local to global level. In addition, they can include more general indictments regarding the causes and consequences of violations of women's human rights and the need for perpetrators and governments to be held accountable.

In either case, using high profile judges or respondents can be a very effective



way of calling the attention of governments and/or the media to your event. (In other cases, a high profile testifier or testifiers may also bring such attention.) Once you decide whether to form a panel of judges or respondents, the following guidelines are useful.

CREATING A PANEL OF JUDGES OR RESPONDENTS

Begin your selection process for judges/respondents right after you have identified the issues that will be addressed at the tribunal/hearing and your selection of testifiers is largely complete. Some key steps in this process can include:

- Decide the number of judges/respondents you would like to preside at the Tribunal/Hearing. This can be just one, or a panel of 2 - 4, depending on the duration and scale of the tribunal/hearing along with their placement in the program (see Section VII, Judges or Respondents Statements).
- In consultation with your tribunal/hearing committee and Advisory Group of human rights and policy experts (see Section II), make a list of suitable judges or respondents in order of preference. In addition to their areas of interest/expertise, keep in mind factors such as the geographic and gender balance of the panel as appropriate.
- While a panel of 1- 4 judges/respondents is optimal, the list should contain *all* possible candidates for the role, given that your first choices are likely to be people who are in high demand and therefore less available.
- Write a letter of invitation to the first 1- 4 on your list – depending on the number you want on your panel. Ask relevant members of the tribunal/hearing committee or Advisory Group of human rights and policy experts, who know or have a good connection with the potential judge/respondent, to follow the initial invitation with a phone call or meeting shortly thereafter. Once again, because the individuals you invite are likely to be in high demand, beginning the process well in advance may make the difference in securing those at the top of your list.
- Write to the next person on your list only after one of the original 1- 4 invitees has declined, otherwise you may end up with too many judges/respondents accepting the invitation. Proceed in this way until you have confirmed your chosen number of judges/respondents.

SUPPORTING THE DEVELOPMENT OF JUDGES' OR RESPONDENTS STATEMENTS

After confirming the participation of each judge/respondent, the following should be forwarded to them at least 7-10 days prior to the tribunal/hearing:

- Copies of the specific draft testimonies that the judge/respondent will be addressing;
- Summaries of the remaining testimonies to be presented at the tribunal/hearing;
- Clear guidelines indicating the tribunal/hearing organizers' expectations of the judge/respondent;
- A full description of the form, content and objectives of the tribunal/hearing; and,
- Contact information for a member of the Advisory Group in the event that the judge/respondent has questions or needs guidance in preparing their statement prior to the tribunal/hearing.

It is important to schedule a meeting with judges/respondents and their advisor(s) on the day before or morning of the tribunal/hearing in order to review this information and answer any outstanding questions or concerns. It will also provide you with an opportunity to hear judges/respondents reactions to the testimonies and thoughts on their statements for the tribunal/hearing.

THE WORK OF JUDGES OR RESPONDENTS AT THE TRIBUNAL/ HEARING

At the tribunal/hearing, judges or respondents should be prominently seated with their advisor(s) close by. They should continue to develop their statements throughout the tribunal/hearing in order to respond effectively. The final statement issued by judges or respondents should meet the objectives set out in the opening paragraph of this section. The main difference between statements prepared by "judges" as distinct from respondents will be in the degree of detail and specificity on the particular human rights treaties, agreements, or recommendations by UN bodies that have been violated in the testimonies under discussion.

Depending on the number of testimonies being presented, judges/respondents can deliver statements at various points during the program – at the close of a particular block of testimonies; at the conclusion of the entire event; or, brief comments following a particular block of testimonies with final statements presented at the conclusion. However, keep in mind that you may lose some of the

momentum of the event if you break it up in this way. Depending on the profile of the judges/respondents, keeping their statements for the end can be a way of maintaining interest and ending with a dramatic closure.

SAMPLE STATEMENTS OF JUDGES OR RESPONDENTS

I. Excerpt from Judge's Statement by Pierre Sané, Secretary General - Amnesty International, at the "Beijing Tribunal/Hearing on Accountability for Women's Human Rights" at the United Nations Fourth World Conference on Women, Beijing, September 1995

"...At all levels, the question is: Does the government concerned have the political will to face up to its responsibilities and to halt human rights violations? Testimony after testimony demonstrates that the answer can be summarized in two words: government failure. The failure of governments to stop detention without charge, the failure to end torture by security forces, and the failure to investigate cases of torture like the cases we have heard from Cameroon and India. These are all violations of the governments' solemn treaty obligations under the United Nations International Covenant on Civil and Political Rights and the Convention against Torture. There is also the further failure of governments to ensure even the rule of their own laws - in Bangladesh the Constitution includes the right to be treated in accordance with law and only in accordance with the law. Yet, the government has consistently failed to ensure that the local Salish do not assume functions for which they have no legal authority. In Brazil, there are comprehensive guarantees for the indigenous rights in the Constitution. But the authorities have consistently failed to prevent abuses or to bring those responsible to justice.

The testimonies of each of these women symbolize the multitude of women for whom this decade has meant terror, deprivation and the imperative of fighting for justice, but whose fate has been largely hidden from history. Today, what united women internationally - transcending class, race, culture, religion, nationality, and ethnic origin - is the denial and violation of their fundamental human rights together with women's dedicated efforts to claim those rights. The great failure of the world's community of governments is not just that they have been unable to prevent, and in some cases have sanctioned the violation of women's civil and political rights: the rights not to be tortured, raped, killed, made to disappear, or imprisoned. What we want from governments is not simply that they give their assent to the need to protect and promote women's human rights in yet another piece of paper. If it is to achieve anything, the Beijing Conference must be more than just another occasion for fine rhetoric and conviviality. It must be a genuine catalyst for action and for the swift delivery of real

protection..."

2. Excerpt from Commentator's Statement by Julia Häusermann, President - Rights and Humanity, at the "Copenhagen Hearing on Economic Justice and Women's Human Rights" at the United Nations World Summit on Social Development, Copenhagen, March 1995

"...To call the issues we have heard about today human rights issues means that they are non-negotiable. Health and safety at work should never, and can never, morally or legally, be sacrificed for profit. Many of the issues we have heard about fall within three categories of human rights which are protected by international law, under two major instruments - the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights. Both of these instruments clearly state that there should be no discrimination on any grounds, such as sex, race or other status, in the enjoyment of human rights. And yet, in every testimony, we heard about some form of discrimination. We heard about discrimination against women because of their gender. We also heard about one of the most common forms of discrimination: discrimination against those living in poverty. Unfortunately, the international legal instruments do not at present state that discrimination on the grounds of income is a form of discrimination. Yet it clearly is...."

ALTERNATIVES TO USING JUDGES OR RESPONDENTS

There are a number of effective less formal ways to conclude a tribunal/hearing instead of a panel of judges or respondents. The event can end with a 'speak-out' where members of the audience, the media, or other appropriate group, act as informal respondents. However, it is important to ensure that tribunal/hearing participants (and testifiers in particular) are not put at risk of harassment or verbal abuse if such an open format is adopted. Another alternative is to invite a panel of "expert commentators" who can offer impromptu responses and suggestions for change. Finally, the tribunal/hearing can end with a collection of short statements presented by representatives of women's groups around the world about the actions they are taking to end violations of women's human rights.