



Speech of Honorable Chief Justice Uz.
Ahmed Muthasim Adnan – South Asia
Regional Judicial Dialogue on the
Bangkok General Guidance for Judges on
Applying a Gender Perspective in South
and Southeast Asia [28th May 2022]

الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ • وَالصَّلَاةُ وَالسَّلَامُ عَلَى أَشْرَفِ الْأَنْبِيَاءِ

وَالْمُرْسَلِينَ • وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ.

Honourable Justices, Judges, Distinguished
Guests, Ladies, and Gentlemen,

Asslamua'laikum and good morning to
everyone.

Welcome to the Maldives.

Equality and non-discrimination have
solidified into international law, stemming
from the Charter of the United Nations, the
Universal Declaration of Human Rights and
later in the International Covenant on Civil
and Political Rights. However, despite these

instruments, and due to the particular sensitivities related to gender justice, a specialized instrument became necessary, and the Convention on Elimination of all forms of Discrimination Against Women was adopted.

Since CEDAW came into effect in 1981, substantial strides have been made. However, while gender justice is one of the few universally accepted norms, it remains under-realised.

This is largely attributed to socio-cultural factors, including direct and indirect messages received, where distinctions are made between the role and status of men and women in families, communities and societies.

However, we all need to understand and appreciate that non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights. At the same time, the enjoyment of rights and freedoms on an equal footing does not mean identical treatment in every instance. The principle of equality sometimes requires conscious effort and action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination, and in turn prevent or impair their enjoyment of human rights.

This is where, we as judges have an essential role, as we have a duty to promote the rights and freedoms. More importantly, we are in a position to protect persons against discrimination and provide remedies in such situations.

This is where the Bangkok General Guidance, which we will be discussing, and hopefully be able to adopt to the South Asian context at this judicial dialogue, will be extremely useful. It will provide direction for judges to consider and assess evidence without resorting to gender stereotypes and decide cases based on the principle of equality. Further, it will also be of assistance in bringing about institutional

changes so that it is more gender sensitive and responsive in the delivery of justice.

That said, I have to also emphasize the importance of a diverse judiciary. Maldives appointed female justices to its apex court for the first time just 3 years ago. We have also seen the appointment of a female justice to the Supreme Court of Pakistan. These are very notable developments in the right direction. A judiciary reflective of society will surely receive more public trust and faith.

This diversity should also be reflected across the judiciary, especially at the trial level - as decisions of the judges of first instance will

have a direct impact on the life of people who come before the courts.

Further, training, for judges, judicial administration, prosecutors, lawyers, and law enforcement officers is crucial for the system to yield gender sensitive and responsive results.

Today, we embark on fostering an environment based on equality and non-discrimination. We understand and acknowledge that equality is linked to the essential dignity and worth of human beings, and relates to the oneness and diversity of the human family. It is my sincere hope that our efforts bear fruition and that this judicial dialogue will facilitate a tool through which

we, as the judiciaries of South Asia, may be more just, fair and equal in the delivery of justice.

I extend our appreciation and gratitude to the International Commission of Jurists for organizing this dialogue in the Maldives, and to all the Honourable Judges of South Asia and the participating speakers for finding time in your busy schedules to be here with us today.

Thank you.