



## **Report:**

### **International Symposium on Access to Justice and Strengthening Women World Wide:**

**In Association with  
Touro Law Centre, New York-USA and  
Autonomous University of Santo Domingo, Dominican  
Republic**

**Date: December 18, 2013**

**Introduction:** Symbiosis Law School, NOIDA, Constituent of Symbiosis International University, holistically promotes academic excellence, intellectual discipline and professional leadership. It strives towards supplementing reforms in the field of law; to groom students to become the unified face of our legal fraternity, to produce knowledge disseminators and to produce individuals who are the torchbearers of the legal system of the country. Our effort is aimed at producing an intellect that believes in reforming rather than punishing and has the potential of hoisting the flag of truth and justice in an unflinching manner.

To achieve its goals, Symbiosis Law School, NIODA organised an International Symposium On '**Access to Justice**' and '**Strengthening Women World Wide**' in association with Touro Law Centre, New York, USA and Autonomous University of Santo Domingo, Dominican Republic on the December 18, 2013. The Symposium proceeded with the introductory speech followed by floral felicitation of our resource persons: **Professor Frederick P. Rooney, Professor Antonio Medina, Ms Maria Quezada Ortiz, Professor Ashok Wadje and Professor Baseerat Fatima.**

The Symposium was divided into two sessions : Session I – Access to Justice and Session II: Strengthening Women World Wide.

### **Session I: Access to Justice**

**If men were angels, no government would be necessary. Since it is a dream we require a justice system to make our life livable – James Madison**

Justice is a foundational pillar of our democracy. It is a conscience, not of an individual but of the whole humanity. However **Access to Justice**" is perhaps the fundamental problem facing the third world today. The preamble of our Indian Constitution makes 'Justice' as an inextricable part of Indian democracy. Thereby evolving through the dark and bright facets of historical storms of socio- economical as well as cultural condition India has evolved a justice system achieve the constitutional dream. But in actuality the objective of '*justice*', *social*, economic and political is sometimes lost in sand of complexities of the legal system. The problem of access to justice is deep and pervasive in India as well and has affected the ability of the legal system and judicial process to respond to injustices. A range of reforms — legal, judicial and institutional — needs to be initiated for dealing with delays and ensuring access to justice.

'**Access to Justice**' has currently become one of the fundamental problems plaguing majority of the third world countries and a much debated constitutional Question in the realm of 'Social Justice'. **Professor Antonio Medina**, Dean & Faculty of Law and Political Sciences of the Autonomous University of Santo Domingo, Dominican Republic,

enlightened the learners on the 'Community Legal Service Centre' provided by the University.



This centre provides free legal aid to the marginalised section of the Community. Focused on the needs and requirements of the financially weak section of the society, this 'incubator' comprises of 10 young lawyers who have graduated from the University itself. The incubator not only hones the lawyering skills of the graduates but also serves as a platform for serving the low income group of the society to access Justice.

The next on Dias, **Professor Frederick P. Rooney**, Director of Touro Law Centre's International Justice for Post Graduate Development and honorary professor of the Autonomous University of Santo Domingo, faculty of Jurisprudence and Political Science, emphasized on examining our role as lawyers in the society. He proceeded to highlight that 85% of people in the States fail to access Justice. Both people of India and USA fail to benefit from their legal System. It is this apathy of the legal system which further strengthens our role as law students. He firmly believes that Law Schools not only train young minds to become future lawyers but also serve as a catalyst to initiate change and serve the society of its greatest need. He concluded by asking the learners to reflect on their commitment to the profession they have selected.



Next **Professor Baseerat Fatima** , Assistant professor at Symbiosis Law School, Noida, decoded the meaning of 'Access to Justice', 'Access' referring to the approach of Law and 'Justice' referring to what is 'just' meaning one's right which thereby is a legal right. She focussed her discussion on providing legal aid to children of the society.

She enumerated the different Laws made for this purpose which includes 'Right to Education' which guarantees free, compulsory and primary education for children aging between 6 to 14 years. Article 39A ensures free legal aid to everyone while Article 39E & F focuses on giving special protection to women and children. She further listed the several legislative reforms executed in this realm- The Child Marriage Restrain Act 1929, The Child Labour Prohibition and Regulation Act 1986 and the Children's Act of 1960. She concluded her speech speaking of the 'NALSA'-The National Legal Service Authority 1987 which provides free legal aid to the weaker section of the society and the 'Bachpan Bachao Andolan' of 1980 which campaigns for the rights of children and ending human trafficking.



Session I came to an end with three recent law graduates of the University of Santo Domingo briefing us about the services and training received at the 'Community Legal Service Centre' of the University.

**Mr Luiz Raniel Calcano Nunez** has been working with this centre from April 2013. This is the first incubator in Latin America which provides an opportunity to recent law graduates to go back to their university and undertake an 18 months programme which train and hone their legal skills. The programme mainly focuses on 3 aspects, them being 'Capacitation', 'Providing Free Legal Aid' and 'Entrepreneurship'. Capacitation is the process of making these law graduates capable to handle varied cases and the 'know-how's' of client counselling.



**Mr Luis Daniel Sosa** spoke of 'Providing Free Legal Aid' and returning to the society what it gives us. He further proceeded to share their experience in the Incubator and how visiting other incubators and interning at courts of New York helped them in their present venture. He also spoke of

the US Embassy's funding to help them combat domestic violence and providing legal help to the differently abled mass.

The 'Entrepreneurship' programme was highlighted by **Mr Jesus Noel Tajeda** and how a long stay at the incubator helps developing a strong client base for future practice. Session I came to a closure with Mr. Tajeda quoting Mahatma Gandhi's view of human rights which reads as '**Rights which do not flow from duty well performed are not worth having.**'



## **Session II: Strengthening Women World Wide**

Strengthening Women World Wide is a need of the hour since women are decision-makers for themselves, their families, villages, businesses, and governments. Various barriers prevent women from participating in critical decision-making. These barriers preventing women from active decision-making is rooted in lack of empowerment. There are institutional and systemic reasons for the same. To break down these barriers, individuals have to work together to reform the laws, social norms, or whichever institutions are inhibiting women's productivity. Societies must

also acknowledge the potential for growth and prosperity is possible only through 'Inclusive Growth'

**Professor Antonio Medina** stated that Gender Equality and fight for the participation of women in the Dominican Republic has been a major strife in the last few years. Several cultural, economic and social factors plague free participation of women and further lend support to gender violence.

**Ms Maria Quezada Ortiz**, Women Ministry spokesperson, shared that Inequality and Gender based violence is widespread in the Dominican Republic, where out of a population of 10 million people, 49% are women. She reports that almost 200 women die every year due to inter-familial disputes, domestic violence and teenage pregnancies. The ministry has been working for the last 15 years to serve helpless women and restore them their rights. She firmly believes that 'sex-based roles' which get instilled in young minds at a tender age is the root cause of Gender Inequality.



Most lawyers, she says fail to understand the specific problems of women and their vulnerability to men. Hence it is extremely important that they are trained and skilled to represent gender-based issues. In this context she highlights the triangular initiative among the Ministry, The University of Santo Domingo and the 'Community Legal Service Centre' to assist women in need and campaign about gender Equality and the importance of Women Participation in several fields.

**Professor Ashok Wadje**, Assistant Professor at Symbiosis Law School, Noida spoke of the 'Convention on the Elimination of All Forms of Discrimination against Women'- a UN based initiative to end all discrimination against women. He emphasised more on 'Empowerment' i.e. giving power or authority to women than on 'Emancipation' i.e. freeing women from any external control or influence. He pinpointed the major loopholes in Indian laws from the absence of the age of marriage for women in Muslim Law & the silence of legislature on the Question of

Marital residence to taking prior consent of husband for divorce in case of a Muslim Women and the refusal to take marital rape within the considerations of Law. Not only this, he also sketched out certain solutions like effective implementation, cleansing public mind, stringent punishment and cordial environment for facilitating the lodging of complaints.



**Professor Frederick P. Rooney** also shared his views on Women rights and Director Sir emphasized on strength in relations than strength in Law.

The discussion was then made open to the House where a learner put forth his view and belief that Education serves as the best mean to achieve the Gender Equality in Society. Another learner questioned whether the series of laws made for women not indirectly imply their vulnerability and further weaken their stand in the society to which Ms Maria Quezada responded by saying that such inequality has been prevalent from time immemorial and hence the indispensable need to have various legislation to restore the wrong done to them & prevent further harm.

The Symposium neared its end with thanking of the Resource persons and the organising committee. A short video of clips was shown to the honorary guests along with a cordial discussion over Lunch.



**Credits:**

**Symposium Coordinator:**

Prof. Deepa Panwar, Head-Academic Initiatives, Research and  
Publication, Symbiosis Law School, NOIDA

**Compere:**

Ms. Ishaani Awasthi and Ms. Shalini Nair,  
Second Year Learners, Symbiosis Law School, NOIDA

**Registrations and Stage Management:**

Ms. Harimohana, Ms. Eva Biswal, Second Year Learners, and  
Ms. Akshiptika Verma, First Year Learner, Symbiosis Law School,  
NOIDA

**Hospitality:**

Mr. Nishant Doshi and Mr. Nishant Tanwar,  
Third Year Learner, Symbiosis Law School, NOIDA

**Moment Catchers:**

Mr. Abhishek Raj Singh, Third Year Learner and  
Mr. Argha Kumar Jena, Second Year Learner

**Movie created by:**

Mr. Yashsvi Virendra,  
Third Year Learner, Symbiosis Law School, NOIDA

**Rapporteur:**

Ms. Srijata Majumdar,  
First Year Learner, Symbiosis Law School, NOIDA