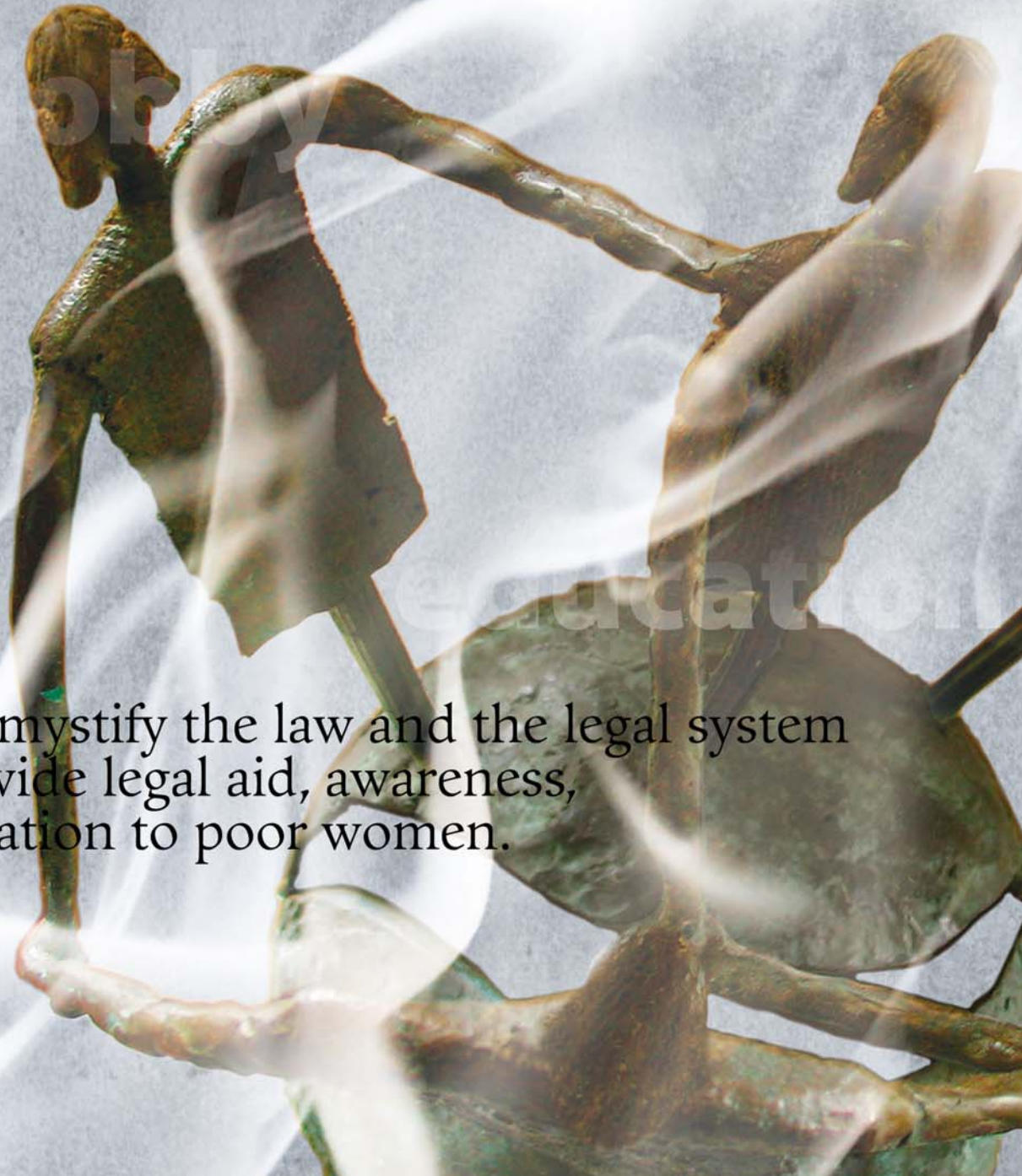


Complexity, formalities, and cost put the legal system beyond the reach of most poor people in developing countries. Poor women are often worse off since they are generally uneducated and so have limited knowledge of their legal rights with respect to marriage and custody laws, violence, sexual assault, and desertion. Their lack of access to the legal system impedes their full participation in economic, social, and political life. Although many governments have introduced laws to protect women's rights, awareness of them can be minimal and systematic enforcement may be lacking.

## LEGAL LITERACY AND WOMEN'S RIGHTS

legal literacy

advocacy



Women's NGOs can demystify the law and the legal system and can provide legal aid, awareness, and education to poor women.

Women's NGOs can play an important role both in supporting women and in monitoring ADR at the local level. Women's NGOs can demystify the law and the legal system and can provide legal aid, awareness, and education to poor women. Local knowledge enables NGOs to check enforcement of new legislation and to determine the level of legal literacy among women, men, and local authorities. They are then able to develop programs that target specific groups and issues and that advocate for legislative reforms that meet women's needs.

The role of NGOs in the areas of legal education and advocacy is increasingly important as many national governments lack the resources to undertake legal education, social mobilization, and information campaigns. The need for NGO involvement at the local level is critical in countries where economic crises and political change have further weakened the capacity of the state to advocate for and protect the rights of women. In cases of decentralization (Indonesia), it is crucial that women's legal education is conducted at the regional and district levels as objections to proposed legislation must come from there. In cases of stalled economic growth and political conflict (Tajikistan), government infrastructure to undertake legal advocacy and education is often nonexistent. Consequently, the responsibility for protecting and advocating for women's legal rights has shifted to national and local women's NGOs.

### Supporting Gender-Sensitive Mediation—*Ain O Shalish Kendro, Bangladesh*

As in many countries, legal processes in Bangladesh are slow and expensive. Alternative dispute resolution mechanisms avoid costly, lengthy court cases, so people seek local solutions to family and property disputes using a mechanism popularly known as *shalish*. Marital conflicts, desertion, adultery, oral divorces, maintenance issues, land disputes, and criminal offences (such as rape and dowry violence) are commonly dealt with in *shalish* sessions conducted by local government representatives, especially the *union parishad* (local governance body) chair, and by social leaders such as religious figures and teachers. Relying on customary practices and on Islamic *shariah* law, the verdicts often discriminate against women and violate existing national legislation.

To address this situation, the national NGO Ain O Shalish Kendro (ASK) implemented a gender and social justice program. ASK has been actively involved in the reform of unlawful and discriminatory legal practices in Bangladesh since 1986 and has supported women in legal counseling, mediation, and litigation through its legal aid, gender advocacy, and research activities. The project was designed to do several things. One goal was to sensitize locally elected representatives and law enforcement agencies as they frequently ignore constitutional guarantees of gender justice and equality. It also brought more disadvantaged residents, particularly poor women, into the *shalish* system and other decision-making processes. The project created a monitoring system to ensure socially just verdicts by preventing *fatwah* or illegal *shalish*. In doing this, it also built a new cadre of local human rights advocates.



mediation

The primary mechanism for achieving these objectives was the establishment of Ain Shohayota Committees (ASCs) in wards to monitor mediation and to provide an alternative source if necessary. These committees consist of five volunteer members at least two of whom are women. There are nine wards in each *union parishad* making a total of 45 ASC members in each union. The project established ASCs in 6 unions covering 54 wards in 5 districts. Members received 3 days of training from ASK on how to mediate disputes, on common legal issues, and on strategies to prevent unlawful *shalish*. Topics included the legal rights of children, bride prices, dowries, marriage registration, divorce, Muslim and Christian family laws, Muslim inheritance laws, the family law ordinance of 1988, and guardianship.

**AFTER** the sudden death of her husband from a lightning strike, Sultana found life with her husband's family increasingly unbearable due to the constant verbal and physical abuse she received from her mother-in-law. Shortly after the birth of her son, she fled to her parents' house. Her husband's family would not allow her to take her baby with her. Repeated requests to have her son live with her were ignored. In desperation, she approached the newly established Ain Shohayota Committee (ASC) in her parent's village for help. Because her in-laws lived in another district, ASC members from her village approached ASC members and the police in her in-laws' district. Through mediation, involving ASC members from both districts, the young widow was eventually reunited with her baby in her parents' home.

Local partner NGOs also received training and legal support from ASK. They implemented and monitored the program and selected community organizers in each ward who activated community support to establish the ASCs. The organizers attended all ASC meetings and workshops and worked to build positive relationships with members of local elected bodies, passing on serious and complex cases to ASK, the police, or the courts. By providing advice and moral support to victims, e.g., accompanying them to other districts to pursue their cases, they could monitor procedures. They also arranged training for ASC members.

Generally, three ASCs meet once a month to informally discuss issues and to provide support for one another. To provide advice on complicated cases, there is also a monthly meeting of all the ASCs in a union that includes not only the 45 ASC members and the community organizer but also ASK lawyers.

ASC members from the district of Kushtia reported a decline in violence against women in the area. They noted their success in mediating disputes and in influencing local affairs and have also worked closely with the police to charge offenders under the women's and children's repression act of 2000. Poor families and poor women in particular have benefited most from their involvement. Female committee members play especially important roles because the majority of cases involving women relate to family violence and conflict, issues that many women would not discuss comfortably with men.

Popular theater teams have also supported the activities of the ASCs. While not directly funded by the project, the teams have developed plays on local issues and unresolved disputes. Following performances, the audience is asked to comment on and discuss the issues raised. In one case, a team devised a play called "A Warning against Early Marriage" to discourage the practice among young women. In developing the play, the performers consulted the marriage registrar and used materials provided by ASK. They also drew on local experiences to highlight the negative consequences to women of early marriage including withdrawing from school and the negative effects of early childbirth on physical and psychological development. The play was quite controversial and stimulated a lot of discussion. The performers believed their play made a difference in local attitudes.

**MONWARA** had a miscarriage after she was severely beaten by her husband. The female Ain Shohayota Committee (ASC) member took on this issue collecting money from the community for Monwara's treatment. She also reported the case to the police who arrested the husband and charged him with assault. The husband's family in retaliation has filed a case against the ASC member who, with the support of ASK and the partner NGO, is fighting it. She meanwhile continues to support abused women in her community.



**strategy**



**Legal Assistance, Advocacy, and Campaigning—Women’s Association for Justice (LBH APIK), Indonesia**

The Indonesian NGO LBH APIK has been campaigning for the recognition of women’s legal rights since its establishment in 1995. Recently, LBH APIK has been concerned about gender discrimination as a result of decentralization and the greatly expanded legislative powers ceded to provincial and district governments. In fact, new legislation in parts of Indonesia discriminates against women despite national laws that ostensibly protect their legal rights. Both women and the public in general have a very limited understanding of a woman’s rights, particularly as they relate to her position in the family. Furthermore, women have limited access to such information.

**DECENTRALIZATION** in Indonesia has raised new concerns about discrimination against women as local government agencies exercise their new legislative powers. To address these concerns, LBH APIK conducted a 3-month legal awareness campaigns for women in five districts.

In Malang, East Java, a weekly radio talk show provided a forum to discuss rape, sexual harassment, violence against women, women’s rights in the family, legal protection for female migrants, unregistered marriage, domestic violence, the rights of widows, under-age marriage, legal protections for sex workers, and the legal aspects of contracts.

In Palembang, North Sumatra, the “Stop Violence against Women” campaign brought volunteers into the streets to distribute leaflets and stickers. In addition, more than 350 women, many from villages who described themselves as housewives, participated in a series of workshops on violence, sexual harassment, rape, and how the legal system could protect them.

In West Nusa Tenggara, the project focused on paralegal training for village women to give them basic, practical knowledge of laws and legal procedures on common problems. Legal and gender awareness training for university students, regency decision makers, and social and religious leaders established an informal network of influential people who could widely disseminate information and who could act as resources on proposed legislation affecting the rights and status of women.

In Medan, South Sumatra, 3500 leaflets on domestic violence and legal awareness campaigns in four villages countered the traditional perception that women’s social status is lower than that of men. The association also provided legal assistance in 13 court cases on child support, guardianship, divorce, domestic violence, land rights and inheritance, polygamy, and rape.

In Pontianak, West Kalimantan, over 100 people, including the heads of the regency and the regency police department, attended a legal awareness workshop on the rights of female migrant workers. Materials and a legal awareness program were also developed on the reproductive health and legal rights of sex workers. Two youth-oriented programs focused on issues of sexual harassment, dating violence, drug abuse, and rape.

Education and advocacy  
on women legal rights is required.

The need for education and advocacy on the legal rights of women has also intensified as a result of Indonesia's weakened economy. The financial crisis of 1997 and slow economic growth since have put stress on families and communities that has in turn increased the number of female victims of violence, sexual assault, and desertion by an estimated 40–50%. Economic hardship also contributes to exploitation in the work place and to the growing numbers of girls and women forced into sex work and labor migration. In the current economic climate, fewer women have the economic resources to pursue legal avenues of redress on their own. This increases the demand for legal aid and the need to investigate alternative dispute resolution mechanisms, particularly at the village level.

LBH APIK conducted 3-month legal awareness campaigns tailored to the needs of women in the districts of Malang, Palembang, West Nusa Tenggara, Medan, and Pontianak. The main objective was to promote legal advocacy; assistance; and consultations for socially, economically, politically, and culturally disadvantaged women. The reach of legal knowledge and advice provided by the small number of lawyers who volunteered their services to LBH APIK was extended by training female paralegals in basic legal issues relevant to women.



The favorable responses of local government agencies were a major benefit. In Palembang and Pontianak, officials from the police, the regency, and the Women's Empowerment Bureau assisted with and participated in LBH APIK activities. Following the project, local LBH APIK staff in Palembang were appointed as resource persons for the Women's Empowerment Bureau's campaign of zero tolerance against violence and were asked to continue their Stop Violence against Women campaign at the village level. Similarly, the Pontianak branch office of LBH APIK has been designated as the focal point on issues relating to female migrant workers. In addition, the Indonesian consulate in Brunei now refers cases on the welfare and rights of Indonesian female migrant workers to LBH APIK in Pontianak.

### Legal Education—*Association of Women of Science, Tajikistan*

Although discrimination against women is illegal under the Constitution of Tajikistan, in practice violations of women's rights are an everyday occurrence. One of the factors sustaining these violations is that women in Tajikistan have very low levels of legal literacy and are unaware of their rights. A UNESCO study found that 94% of women in the sample who had been educated in tertiary institutions could not name any international documents or laws on the rights of women, and only 22% were familiar with national laws or constitutional guarantees regarding women's rights. The level of legal literacy among rural, less-educated women was even lower. Legal education workshops conducted by women's NGOs are, therefore, important avenues for women to learn about their rights and to gain the confidence to defend them when they are violated.



The Association of Women of Science in Tajikistan is actively involved in advocating women's rights, particularly in relation to violence and designed and delivered workshops and publications to rural women on their rights and on legal literacy. In all, eight women from the association were involved in the project: two lawyers, one psychologist, one sociologist, and three local specialists (one each from the three regions involved). Project activities included (i) acquainting women with basic international legal documents and national legislation concerning the rights of women, (ii) assessing the influence of violence and conflict on women's moral and physical well being, (iii) identifying key causes of gender-based conflict and violence to develop mechanisms to reduce them, and (iv) training women in basic conflict resolution techniques.

The project was very successful and had a positive impact on legal education, publications, and research. In all, 90 women were educated in 3-day workshops in the regions of Kofarnikhon, Kurgan-Tube and Tursun-Zade. The workshops covered legal aspects of conflict resolution, women's rights in the family, and women's reproductive rights and provided participants with copies of key international and national legislation on women's rights. At the end of each workshop, support groups were formed to take the program to the local level.

**SMALL** group exercises at the workshops related internationally and constitutionally guaranteed rights to women's everyday experiences at home and work. Following a session on the Convention for the Elimination of Discrimination against Women and the UN Declaration on Ending All Forms of Violence Against Women, participants created their own sets of laws to protect the rights of women in marriage and in the family. They considered issues like whether women and men should have equal rights concerning children, whether domestic violence should be treated as a crime, whether there should be equal distribution of household work including childcare, and who should decide the number of children in a family. Their proposed legislation was then compared with their existing rights in the laws of Tajikistan.

The association also prepared publications that were distributed to workshop participants among others. These included three pamphlets ("Violence: Is it Possible to Avoid?" "Sexual Violence and the Rights of Girls," and "Ethics of Sexual Relations and the Moral-Legal Responsibility of Youth") as well as two booklets ("How to Exit from Conflict" and "What about Conflict?").

Research into women's legal literacy was also conducted. A total of 450 women from the three project provinces completed a questionnaire on women's rights assessing their knowledge of international conventions, legislation, and documents and national legislation and the constitution. The results were similar to those in the UNESCO survey. Overall, 83% of women were not familiar with any international documents or laws relating to women's rights. With respect to national laws and guarantees, only 23% knew that the constitution protects women's rights, and only 3.7% were familiar with any clauses relating to women's rights in the criminal and family codes. Based on this survey and on the comments of workshop participants, there is an urgent need to establish a system of women's legal education in Tajikistan.



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