



**The Asia Foundation**

**Asian Development Bank Technical Assistance 6248-REG  
Legal Empowerment for Women and Disadvantaged Groups**

**PUBLICATION LAUNCH EVENT**

**Manila**

**January 23, 2009**

The views expressed in this paper are the views of the authors and do not necessarily reflect the views or policies of the Asian Development Bank (ADB), or its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this paper and accepts no responsibility for any consequence of their use. The countries listed in this paper do not imply any view on ADB's part as to sovereignty or independent status or necessarily conform to ADB's terminology.

# WHY SHOULD WE CARE ABOUT LEGAL EMPOWERMENT?

- Women, the poor, ethnic and religious minorities, and other disadvantaged groups whose legal rights are especially vulnerable to abuse have a markedly different experience of legal and administrative entitlements, protections, processes, and enforcement mechanisms than those of privileged status and greater economic means
- Quality of legal rights, access to justice, and participation in legal and administrative decision making affects:
  - Personal security
  - Economic independence and opportunities for advancement
  - Access to critical resources
  - Ability to engage in public decision making
  - Benefits derived from sectoral development initiatives of ADB and other multilateral and bilateral agencies

## WHY SHOULD WE CARE ABOUT LEGAL EMPOWERMENT?

- In the same way, the ability of development projects to achieve their desired goals and potential is compromised by legal impediments affecting beneficiary knowledge, access, and participation.
- Understand that certain impediments or inequities are rooted in law or related administrative systems and procedures

## TA COMPONENTS

- Inception meeting
- Country situation analyses: Bangladesh, Indonesia, Pakistan
- Pilot projects: 9 to 12 months' duration
- Monitoring and evaluation methodology
- Supplementary ADB portfolio review
- Regional conference (December 2007)
- Publications: **Final Report** and **Good Practices Guide**

# DEFINING LEGAL EMPOWERMENT

- **2001 ADB Seven-Country Study**
  - *The use of law to increase the control that disadvantaged populations exercise over their lives*
- **Legal Empowerment for Women and Disadvantaged Groups**
  - *The ability of women and disadvantaged groups to use legal and administrative processes and structures to access resources, services, and opportunities.*
- Rationale for more purposive definition: Link the basic concepts behind the earlier definition with the operational mission, mandate, and sector program activities of ADB and other multilateral and bilateral development agencies

# LEGAL EMPOWERMENT ACTIVITIES

- Basic legal awareness raising through a combination of media:
  - Print media
  - Radio and television
  - Popular culture (street theater, music, docudramas)
- Community-based training and consultations
- Paralegal services
- Legal aid
- Alternative dispute resolution
- Administrative advocacy
- Education and training of government officials
- Higher-level forms of legal empowerment—*shift from individual client services to broader community capacity and confidence raising*: PIL, advocacy, Philippines ALGs

## TA OBJECTIVES

- To identify and test legal empowerment strategies that increase access to basic social services, productive resources, and opportunities by women and other disadvantaged groups; and
- To promote increased incorporation of effective legal empowerment initiatives within mainstream development projects

# INNOVATIVE FEATURES OF THE TA

- **Clear Sectoral Linkages**

- Specific focus on integrating legal empowerment into ADB sector development programs
- Reflected in all elements of TA design and implementation

- **Role of NGOs**

- Legal service NGOs offer experience, capacity, and goodwill relations with beneficiary communities
- Demonstrate the potential of public-private partnerships

- **Corollary Role of Government**

- Pilot projects involved government agencies
- Encourage cooperative working relations between government, civil society, and ADB project personnel

# MONITORING AND EVALUATION STRATEGY

- Key Question:
  - Can the addition of a legal empowerment component enhance the impact of development assistance by helping to ensure that women and disadvantaged groups can use legal and administrative processes and structures to access resources, services, and opportunities?
- Understand connections (or lack thereof) between legal empowerment and improved governance and poverty alleviation.
- Understand if and when legal empowerment will lead to improved quality of life for women and other disadvantaged groups
- Baseline research
  - Research in project and comparable control areas

# MONITORING AND EVALUATION STRATEGY

- Common research instrument developed to capture and track indicators of legal empowerment, including:
  - levels of knowledge and confidence
  - strategies employed by vulnerable groups to enforce their rights
  - outcomes achieved.
- Survey instrument indigenized to capture unique features of each of the three pilot projects in terms of country context, ADB host project, and legal empowerment interventions.
- Examine causal relationships between legal empowerment and improvements in project performance and beneficiary access to project services.

# MONITORING AND EVALUATION STRATEGY

- Knowledge: Do people know their rights? Are they familiar with the formal rules that define their responsibilities and access to specific services?
- Confidence: Do people feel confident to assert their rights?
- Strategies: How do people attempt to exercise or defend their rights? Formal or informal procedures?
- Outcomes: A successful outcome may signal successful empowerment, but success is not a proxy for empowerment in and of itself.

# MONITORING AND EVALUATION STRATEGY

- Combination of qualitative and quantitative research
  - Different approaches to similar points of inquiry
- Understand how respondents change over time, by asking:
  - Are respondents **aware** of the resources, basic social services, and opportunities available under an ADB loan/project?
  - Are respondents able to **navigate the system** envisioned by the loan/project?
  - Did the pilot project lead respondents to try new **strategies**?
  - Did the respondents efforts **succeed**?

# PILOT LEGAL EMPOWERMENT PROJECTS

- **Consultative selection of host projects**
- **Selection criteria:**
  - Does the potential host project touch on any **administrative or legal process** that might pose obstacles to intended beneficiaries?
  - Must beneficiaries apply through **formal procedures** to gain access to the resources, basic social services, and opportunities provided by the project?
  - If the implementing agency is a **government entity**, what sort of administrative procedures or legal documentation are required to gain access to resources, basic social services, and opportunities?

# PILOT LEGAL EMPOWERMENT PROJECTS

## Three Pilot Projects:

- Bangladesh: Second Small-Scale Water Resources Development Sector Project (SSSWRDSP)
- Indonesia: Neighborhood Upgrading and Shelter Sector Project (NUSSP)
- Pakistan: Sindh Devolved Social Services Program (SDSSP)

# BANGLADESH PILOT PROJECT

- Second Small-Scale Water Resources Development Sector Project
  - Overall Goal: To support poverty reduction by increasing sustainable agriculture and fishery production
  - Develop sustainable, stakeholder driven, small-scale management systems for water resources—with particular emphasis on **vulnerable communities**
  - Mobilize beneficiary participation
  - Develop community-based infrastructure
  - Develop support programs for water resources
  - **Water management cooperative associations (WMCAs)**

# BANGLADESH PILOT PROJECT

- Legal Service NGO Partner: Ain O Shalish Kendra (ASK)
- Legal empowerment activities:
  - Training: human rights, gender, access to justice (for example, mediation or village court mechanism)
  - Legal awareness forum
  - Issue-based dramas
  - Follow-up visits
  - Coordination meetings
  - Broad-based community engagement
  - Training manuals—community water management, WMCA structure, responsibilities

# BANGLADESH PILOT PROJECT

- General Results
  - Increase in WMCA attendance
  - Improved understanding of eligibility to join WMCAs, maintenance costs of relevant water management infrastructure (for example, sluice gates)
  - Understanding the WMCAs were more than vehicles for credit delivery
  - Increased documentation of women's rights violations—local prevention committees established by community members: enhancing the broader legal rights environment in which SSSWRDSP operates

# PILOT PROJECTS

- **Linking General Results to Conceptual Framework/Monitoring and Evaluation Strategy**
  - Note challenges documented in Monitoring and Evaluation Report (Appendix 3)
- **Key Findings:**
  - Improved **knowledge**
  - Changes in attitude or **confidence** levels
    - Confidence in participating in WMCA decision-making processes
    - Confidence in approaching the WMCA (BG) and Local Neighborhood Improvement Committees (ID) collectively or individually
  - **Strategies**
    - Used knowledge to press authorities in familiar ways rather than deliberate departures
    - No striking transformation of existing networks of community-based affinity and support; rather, these relationships were enhanced by legal empowerment

# PILOT PROJECTS

- **Key Findings (continued):**
  - Consistent improvement in the extent to which men and women (all three countries) and poor and non-poor (BG, ID) were believed to enjoy **equal access to the formal legal and administrative forums** associated with their respective ADB loans
  - Minimal change in existing **outcomes**—gender equality (consequence of short implementation period)
  - Accounting for improvements in project and control areas

# RESULTS AND RECOMMENDATIONS

- **General**

- Need for ongoing investment in monitoring and evaluation
- Importance of cooperative working relations among all stakeholders—government, civil society, development partners
- Value of information sharing
- Careful consideration in the selection of pilot project sites
- Legal empowerment is a long-term process that warrants extended investment
- Legal empowerment advances sector development goals

## RESULTS AND RECOMMENDATIONS

- **Integrating Legal Empowerment in Existing Sector Programs:**
  - Will an existing or planned sector development program benefit from an integrated legal empowerment component?
  - Does it aim to benefit women and/or other disadvantaged groups?
  - How do legal and related administrative issues affect the benefits that disadvantaged groups derive from a sector development program?
    - General status constraints—rooted in cultural norms and traditions
    - Particular benefits constraints—related to the project
  - Draw on a combination of information sources and technical support to assist project managers

# FINDINGS AND RECOMMENDATIONS

- **Designing and Implementing a Legal Empowerment Component:**
  - Clear understanding of the program environment
  - Special working relationships between government, civil society, and development partners
  - Specific design considerations
    - Follow established procedures—legal empowerment components can be designed and integrated within existing practices
    - Socialize the concept of legal empowerment among key stakeholders
    - Ground program design in robust empirical research
    - Understand the political economy of reform
    - Take careful account of resource requirements
    - Choice of funding mechanisms

# FINDINGS AND RECOMMENDATIONS

- **Practical Considerations from Experience**
  - Begin modestly and expand activities incrementally
  - Establish relationships of trust with all stakeholders through candid dialogue and information sharing
  - Strategically select areas of focus and set reasonable targets
  - Anticipate and manage resistance to change

**THANK YOU**