

# Contents

<b>Introduction</b>	<b>1</b>
<b>Overview of ADB’s Technical Assistance for Legal Empowerment</b>	<b>3</b>
Previous ADB Work on Legal Empowerment	4
Innovative Features of the Project	4
Overview of the Project	5
<b>Defining the Framework of Legal Empowerment Initiatives and Measuring Their Impact</b>	<b>9</b>
The Challenge of Defining Legal Empowerment	9
Measuring the Impact of Legal Empowerment	10
<b>Pilot Projects</b>	<b>13</b>
Bangladesh	13
Indonesia	17
Pakistan	20
<b>Conclusions and Recommendations</b>	<b>27</b>
Reflecting on Objectives and Key Questions	27
Advancement of Knowledge and Practical Experience	27
Lessons Learned from the Pilot Legal Empowerment Projects and Specialized Monitoring and Evaluation Methodology	28
Recommendations	28
Next Steps	31
<b>Appendixes</b>	
Appendix 1 Overview of Legal Empowerment	35
Appendix 2 Summary Country Situation Analysis Reports	54
Appendix 3 Monitoring and Evaluation Report	66
Appendix 4 Standard Survey Instrument	95
<b>Bibliography</b>	<b>111</b>

# Acknowledgments

This publication is the product of a three-country Asian Development Bank (ADB) regional technical assistance initiative on Legal Empowerment for Women and Disadvantaged Groups. It reflects the extensive conceptual design, research, and pilot project contributions of a team of legal empowerment specialists and nongovernment organization (NGO) legal service providers convened by The Asia Foundation (TAF), which implemented the project under the overall direction and guidance of Francesco Tornieri, social development specialist, ADB, with support from Roberta Thami, senior counsel, ADB.

ADB extends special thanks to co-team leaders Kim McQuay (Country Representative to Bangladesh) and Debra Ladner (Director of Law Programs) of the Foundation, who provided overall direction and co-authored this report. Research Coordinator Matthew Nelson of the University of London School of Oriental and African Studies led the design and documentation of the monitoring and evaluation framework that guided the implementation and assessment of pilot legal empowerment projects undertaken in Bangladesh, Indonesia, and Pakistan, ably supported by Farouk Chowdhury, Najmul Hossain, Medelina Hendytio, and Farhat Ali Sheikh. Sumaiya Khair, Sulistyowati Irianto, and Farida Shaheed conducted country situation analyses in the three focal countries, with the assistance of Belquis Ahmadi. NGO legal

service partners Ain O Shalish Kendra, Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia Untuk Keadilan (LBH-APIK), and Aurat Foundation implemented pilot legal empowerment projects in Bangladesh, Indonesia, and Pakistan, respectively, with the support of Sheela Tasneem Haq, Hana Satriyo, and Shahid Fiaz of the Foundation and Abu Zayed Mohammad. Reihana Mohideen conducted a pipeline analysis of ADB projects as prospective hosts of future legal empowerment initiatives. Erik Jensen of the Foundation (senior law advisor) and Stanford Law School (codirector of the Rule of Law Program and Senior Research Scholar) provided valued technical advice and guidance at all stages of project design, implementation, and review. The Philippines office of the Foundation provided superb coordination and planning support to ADB counterparts for a Regional Conference on Legal Empowerment for Women and Disadvantaged Groups held in Manila in December 2007.

The report benefited from the constructive inputs of Robert J. Dobias, Director of the Gender, Social Development, and Civil Society Division of the Regional and Sustainable Development Department, and Sonomi Tanaka, Principal Social Development Specialist (GAD) of the ADB. Briony Eales edited the report. Aldrin Roco provided production assistance.

# Currency Equivalents

(as of 24 September 2008)

Currency Unit	–	Bangladesh taka (Tk)
Tk1.00	=	\$0.0145773
\$1.00	=	Tk68.6

## Abbreviations

ADB	–	Asian Development Bank
ADR	–	alternative dispute resolution
APIK	–	Indonesian Women’s Association for Justice
ASK	–	Ain O Shalish Kendra
Aurat Foundation	–	Aurat Publication and Information Service Foundation
BKM	–	local neighborhood improvement committee
BPN	–	City of Makassar Land Agency
CEDAW	–	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CSA	–	country situation analysis
DSSP	–	Sindh Devolved Social Services Program
LBH APIK	–	Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia Untuk Keadilan (Legal Aid—Women’s Association for Justice)
M&E	–	monitoring and evaluation
NGO	–	nongovernment organization
NUSSP	–	Neighborhood Upgrading and Shelter Sector Project
SSSWRDSP	–	Second Small-Scale Water Resources Development Sector Project
TA	–	technical assistance
TAF	–	The Asia Foundation
UNDP	–	United Nations Development Programme
WMCA	–	water management cooperative association

### NOTE

In this report, “\$” refers to US dollars.



# Executive Summary

Legal empowerment is a powerful tool that the Asian Development Bank (ADB) can use in working to reduce poverty. Under its long-term strategic framework 2008–2020 (Strategy 2020), ADB will follow strategic agendas in helping its member countries reduce poverty and improve their people’s quality of life, including fostering inclusive growth. Inclusive growth seeks to reduce poverty by building people’s capacity to improve their lives. It supports coherent social integration and seeks to promote gender equality and empower women. It is a fundamental component of ADB’s mission to reduce poverty and achieve the Millennium Development Goals. Legal empowerment employs a range of initiatives to build people’s knowledge, skills, and confidence. It specifically works toward building equality and empowering people and therefore complements ADB’s mission of reducing poverty.

In developing nations, women and disadvantaged groups are frequently the most oppressed and poorly educated. ADB has implemented many development sector programs designed to improve the lives of women and the disadvantaged. However, it can be difficult to ensure that project benefits actually reach women and the disadvantaged. They can be too disempowered to claim their entitlements or may lack the education and understanding that they have entitlements under a project. This presents a significant challenge for ADB development specialists.

Legal empowerment initiatives aim to give women and disadvantaged groups confidence, information, training, and assistance. It is intended that women and disadvantaged groups will apply these skills in protecting their legal rights and claiming benefits under development programs. The initiatives can also be used to empower public officials. Throughout the course of this legal empowerment project, the project team found that it was also useful to give public officials information and practical guidance so that they could actively participate in running development programs.

By giving vulnerable groups skills and confidence, legal empowerment initiatives empower people to actively participate in and work with project staff in sector development projects, meaning that development projects have better prospects of delivering on project objectives. This is why legal empowerment is such a powerful tool for ADB development specialists.

Because legal empowerment is such a useful tool for the development community, it is important to explain its concepts and strategies. Therefore, this report seeks to explain

- (i) what is legal empowerment,
- (ii) how legal empowerment is relevant to the development community, and
- (iii) how the development community can incorporate legal empowerment initiatives into their development programs.

## Overview of ADB’s Technical Assistance for Legal Empowerment

Chapter 2 explores ADB’s rationale for funding-TAF to engage in legal empowerment strategies in three developing Asian countries: Bangladesh, Indonesia, and Pakistan. In particular, ADB wanted to (i) identify what legal empowerment strategies give women and disadvantaged groups the greatest access to basic social services, productive resources, and growth opportunities; and (ii) assess the most efficient way of incorporating legal empowerment initiatives into mainstream development projects. Using the benefit of earlier research, ADB and TAF incorporated two new and innovative features into the project: (i) the integration of legal empowerment in existing socioeconomic development projects; and (ii) before and after surveys in areas subjected to legal empowerment

initiatives and those without initiatives to assess whether the initiatives had resulted in any change. Chapter 2 provides an overview of how the project team selected suitable development projects into which they could weave legal empowerment initiatives and considers the lessons learned under the project.

## Defining and Measuring the Impact of Legal Empowerment

Before designing the legal empowerment activities, the project team needed to define “legal empowerment” for the purposes of the project. The project team adopted a new definition for legal empowerment that is different to previous definitions: “the ability of women and disadvantaged groups to use legal and administrative processes and structures to access resources, services, and opportunities.” In adopting this definition, the project team sought to place greater emphasis on the importance of providing project beneficiaries with practical skills and confidence to empower themselves in the future. This technique differed to previous notions of legal empowerment, which tended to focus on providing information on legal rights or legal assistance. By giving women and disadvantaged groups specific knowledge and skills, it is hoped that they will become more confident about voicing their expectations and demand responsible action from public officials and agencies. When large groups of people push for policy change at the grassroots level, they have better prospects of influencing governance and decision making and improving their lives.

Once the definition of legal empowerment was settled, the project team determined the project objectives and designed activities. The project team also considered how they could best monitor and evaluate their progress with achieving the intended outcomes. The solution was to develop a questionnaire that could directly survey the project’s beneficiaries and therefore monitor and evaluate the success of the project’s activities. The survey represents a significant step forward in legal empowerment activities. It is an important tool for assessing whether the legal empowerment activities are working and how they might be improved. Chapter 3 provides an analysis of how the project team developed the survey instrument and the challenges they faced in ensuring that the survey data

collected was an accurate reflection of the project’s progress. The survey instrument is also included in the report at Appendix 4.

## Pilot Projects

The project is ADB’s second formal focus on legal empowerment and its broader implications for development programs. To that extent, legal empowerment is still in a growth phase, making it important to demonstrate the potential positive outcomes of legal empowerment. To ensure the project’s success, the project team focused on identifying development projects that would successfully lend themselves to integrating legal empowerment activities. Chapter 4 of the report discusses how the project team identified suitable projects. It also provides an analysis of the (i) objectives of the pilot projects, (ii) local partner organizations involved in the pilot projects, (iii) legal empowerment activities undertaken under the pilot projects, and (iv) achievements and challenges of the different pilot projects.

## Conclusions and Recommendations

Chapter 5 highlights the major findings of the project with respect to ensuring the success of legal empowerment activities. These are:

- (i) Project specialists must concentrate on investing in pilot project activities and developing specialized monitoring and evaluation methodologies to assess the impact of legal empowerment programs. This should give development specialists the empirical evidence they need to convince sector project managers and resource managers of the value of legal empowerment to their projects.
- (ii) It is essential to develop strong and cooperative working relationships between the designers and implementers of legal empowerment activities and their ADB and government counterparts. As the different parties may have different backgrounds, it is fundamental to develop a common terminology that describes legal

empowerment concepts and records experience in practical terms that are readily understood by all involved.

- (iii) Legal empowerment work relies upon developing complex and mutually reinforcing working relationships between varying parties. This is essential for encouraging public officials and agencies to assume a sense of ownership in the work.
- (iv) Great care and consideration must be taken in selecting the project location. In some cases, an ideal pilot project location is one in which the ADB host project has been working for a reasonable period and reached certain milestones in the sequence of implementation, while in other cases a legal empowerment activity may

be included from the outset of an ADB host project.

- (v) It is important to appreciate that legal empowerment is a long-term process and that the best results are achieved over time.

As the pilot projects were undertaken over a short time period, it is difficult to assess whether the project led to long-term behavioral modification. Nevertheless, the project generated sufficient data to affirm that legal empowerment measures can advance governance reform and poverty reduction and support the achievement of development project goals. ADB and other international agencies are encouraged to invest in projects that will advance the integration of legal empowerment in development projects.