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THE WOMEN'S LEGAL RIGHTS INITIATIVE

Final Report

JANUARY 2007

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc.; the Centre for Development and Population Activities; MetaMetrics, Inc.; and Partners of the Americas.



SUSAN BAZZILLI

Individually created T-shirts hang in a public display in Manenberg, Cape Town, South Africa, March 2004. The T-shirts were created as part of the “clothesline project,” which honored each woman’s experience and courage in facing violence.

The Women’s Legal Rights Initiative staff would like to dedicate this report to the women of Albania, Benin, Guatemala, Lesotho, Madagascar, Mozambique, Namibia, Rwanda, South Africa, and Swaziland. It was a privilege to work with the coordinators and project staff from these participating countries.

THE WOMEN'S LEGAL RIGHTS INITIATIVE

Final Report

USAID Contract No. GEW-I-00-02-00016-00, Task Order 01

RUTA DE LA DENUNCIA

VIOLENCIA contra la mujer

ACUDAMOS A LA JUSTICIA

cuando nos han golpeado o hemos sufrido violencia sexual
Nó debemos lavarnos ni cambiarnos, e inmediatamente debemos:

- 1 Hacernos un examen médico y ginecológico, y pedir un certificado, que luego nos servirá de prueba.
- 2 Llevar el nombre y dirección del agresor, si tenemos los datos.
- 3 Solicitar las medidas de protección.

debemos denunciar al agresor

Las y los operadores de justicia tienen la obligación de atendernos con cortesía, respeto y de forma inmediata.

qué puede pasar con el agresor

- Puede ser encarcelado.
- Se le puede prohibir acercarse a nosotras.
- Se le prohíbe la entrada a casa.
- Se le saca de la casa.
- El no se puede llevar nada del hogar.
- Se le prohíbe ver a sus hijos e hijas.
- Se le quitan las armas.
- Se le obliga a dar pensión alimenticia.
- Se le obliga a buscar ayuda psicológica.

para hacer la denuncia debemos llevar:

- Todos nuestros datos.
- Datos de las y los testigos, si los hay.
- Cualquier dato sobre el agresor.
- Certificado médico-ginecológico, si nos lo hicimos.
- Cuándo, cómo, dónde y a quié nos pasó.

terminemos con la violencia

dónde hacer nuestra denuncia:

EN EL MINISTERIO PÚBLICO

- Oficina de Atención Permanente
- Fiscalía de la Mujer

EN TODO EL PAÍS:

- Oficina de Atención a la Víctima MP
- Policía Nacional Civil
- Juzgado de Paz

Logotipos de la Mujer del Ministerio Público

Ministerio Público

Defensoría Pública

Asamblea para la Atención de las Víctimas

In partnership with the Guatemala Public Ministry and Supreme Court, WLR produced and distributed 30,000 posters about violence against women. This public awareness campaign united justice-sector groups with grassroots organizations for the provision of legal aid to women victims of violence.

The campaign continues to be highlighted on the public ministry's Web site. See www.mp.lex.gob.gt and click on "Alto a La Violencia Contra Mujeres."

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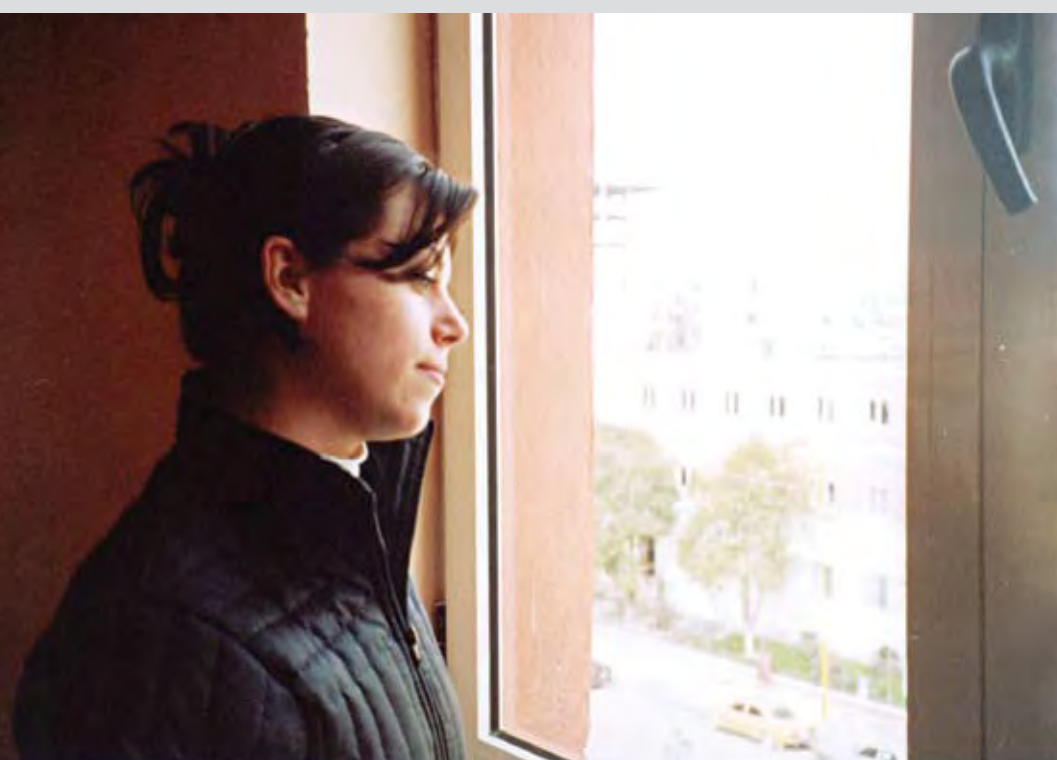
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FRONT COVER: Two teenage girls learn of their rights under the new Benin Family Code through brochures distributed at Women's Legal Rights public awareness event in Djougou, Benin, March 2005.

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BACK COVER: Boys stop to read a USAID poster developed by WLR Benin's NGO partner, WiLDAF-Benin. The poster, which is displayed at every city hall in Benin, sets out the main points in the new Benin Family Code.

WLR BENIN



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As a result of WLR's public awareness campaigns, Albanian young women, such as this undergraduate in the Faculty of Sciences at the University of Tirana, are now aware of international conventions barring discrimination against women in education and all private and public spheres.

ACRONYMS

ABA/CEELI	Central European and Eurasian Law Initiative of the American Bar Association
ACC	Alliance Confessionnelle Chrétienne
AFJB	Association des Femmes Juristes du Benin
ARIF	Association Régionale Interprofessionnelle pour le Développement de la Formation Professionnelle
CAFF	Association Collectif des Associations des Femmes de Fianarantsoa pour les Droits de l'homme
CAO	Citizens' Advocacy Office
CBDIBA	Centre Beninois pour le Développement des Initiatives a la Base
CCLI	Center for Civil Legal Initiatives
CEDAW	Convention on The Elimination of all Forms of Discrimination against Women
CEDPA	Centre for Development and Population Activities
CSOS	Civil society organizations
DEC	Development Experience Clearinghouse
DHPD	Droits de l'homme, Paix, et Développement
DV	Domestic violence
FEM	Femmes Entrepreneurs de Madagascar
FIDA	Federación Internacional de Abogadas
GBV	Gender-based violence
ILPD	Institute for Legal Practice and Development
INAEA	Institut National de l'Alphabétisation et de l'Education des Adultes
IOM	International Organization on Migration
IR	Intermediate result
M&E	Monitoring and evaluation
MOJ	Ministry of Justice
MOU	Memorandum of understanding
NGOS	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
RIFONGA	Réseau pour l'Intégration des Femmes des ONG et Associations Africaines
TIPs	Trafficking in persons
UFM	Union des Femmes Méthodistes du Bénin
UNDP	United Nations Development Programme
UNICAP	Training Academy of the Public Ministry of Guatemala
UNICEF	United Nations Children's Fund
USAC	University of San Carlos Law School
VAW	Violence against women
WANEP	West African Network for Peacebuilding
WILDAF	Women in Law and Development in Africa
WLR	Women's Legal Rights Initiative
WLSA	Women and Law in Southern Africa Trust



© CHEMONICS / LELIA MOONEY

TOP: Representatives from Malagasy civil society organizations attend a June 2005 workshop led by Focus Development Association. FDA and WLR Madagascar helped those organizations build their capacity to implement a nationwide public awareness campaign on women's rights.



BOTTOM: In Mochale's Hoek, Lesotho in September 2006, Basotho women take a break from their paralegal training to dance and sing. Participants were provided instruction in laws and job skills, and after the training, they established paralegal communities to support and evaluate their work.

© CHEMONICS / BHAVNA LAL

EXECUTIVE SUMMARY

Over the past decade, the rise of democracy and the rule of law has brought about new challenges and issues for societies in general, and for women in particular. Democratic and legal reforms should enable all citizens to participate fully in all aspects of life to benefit equitably from political change.

Unfortunately, legal and customary barriers often prevent women from exercising their full legal rights and from enjoying legal protections. Many citizens — both men and women — are unaware of new and existing, and often unenforced, laws designed to ensure equal rights as well as special legal protections for women. The continued subordination of women, along with poverty, globalization of the markets for sex workers and cheap labor, lack of awareness of human rights, and lack of access to effective legal remedies combine to produce continuing exploitation and abuse, preventing women from fully exercising their rights and achieving their capabilities. Discriminatory laws, poor justice sector capacity, and weak enforcement can also restrict women's legal rights.

From 2002 to 2007, the Women's Legal Rights Initiative (WLR), implemented by Chemonics International in partnership with the Centre for Development and Population Activities (CEDPA), MetaMetrics Inc., and Partners of the Americas, worked to advance the legal, civil, property, and human rights of women in 10 developing countries under a task order issued under the Women in Development Indefinite Quality Contract. Target countries were Albania, Benin, Guatemala, Lesotho, Madagascar, Mozambique, Namibia, Rwanda, South Africa, and Swaziland.

WLR has supported USAID's Bureau of Economic Governance and Trade, Office of Women in Development's strategic objective "Women's Legal Rights Increasingly Protected" and its corollary intermediate results of improving

legislation to protect women's legal rights, enhancing justice sector capacity to interpret and enforce women's legal rights, strengthening civil society organizations' capacity to advocate for legal protections for women, and increasing public awareness of women's legal rights. Collectively, these activities promoted USAID's broader goal of strengthened democracy and good governance. The five-year WLR project ended eight months early due to unexpected funding cuts, with the exception of programming for Benin, which will continue through September 2007.

IMPROVING LEGISLATION TO PROTECT WOMEN'S LEGAL RIGHTS

WLR implemented programs in Albania, Benin, Mozambique, and Madagascar to develop and strengthen legislation to protect women's rights. These legislative support programs were implemented in close cooperation with government ministries, civil society organizations (CSOs), and nongovernmental organizations (NGOs).

In Albania, WLR partnered with a prominent local NGO to develop legislation against domestic violence. The NGO employed a novel participatory process, the "citizens' petition," to introduce the bill to the Albanian Parliament. WLR also designed an extensive training program for government officials and NGOs to create a community-coordinated response to domestic violence in which victims' psychological, legal, health, and social needs would be addressed in a coordinated, holistic fashion. To guide implementation of the new domestic violence law, WLR developed a practice manual for use by attorneys, health care workers, social workers, police, prosecutors, and judges.

Similarly, in Benin, WLR supported development of landmark legislation to address sexual harassment, a critical problem for girls and women in schools, at home, and in the workplace. In Mozambique, WLR partnered with an NGO network and the Ministry of Justice (MOJ) to develop a draft law on trafficking in persons (TIPs) as there is no existing legislation prohibiting the practice. In Madagascar, WLR collaborated with the justice ministry to promote amendments to the existing family code.

ENHANCING JUSTICE SECTOR CAPACITY TO INTERPRET AND ENFORCE WOMEN'S LEGAL RIGHTS

The existence of laws alone does not mean that women's rights will be implemented and enforced. Only when judges and court staff, lawyers, prosecutors, law enforcement personnel, and other justice system actors fully understand the rights of women will such rights be properly interpreted and enforced through legal processes. WLR's approach to enhancing the capacity of the justice sector to interpret and enforce legislation in Albania, Benin, Guatemala, Madagascar, and Rwanda can serve as models for other countries.

In Albania, WLR conducted programs designed to assist legal professions implement the recently enacted laws criminalizing trafficking. The new laws provided for enhanced rights of victims and called for cooperation between NGOs supporting victims and the judicial system. In addition, to enhance the

capacity of future judges and prosecutors and sensitize them to gender issues in the law, WLR introduced coursework on gender and the law at the country's Magistrates School; developed a series of training activities regarding the family code for judges, attorneys, and notaries; and created a bench book to guide implementation of the new law.

In Benin, WLR trained justice-sector workers at all levels on the country's new family code and developed a training manual specifically for paralegals. In Guatemala, a limited number of legal professionals and civil society advocates fully understand women's legal rights or can advocate and promote social change on behalf of disadvantaged groups. To fill this gap, WLR collaborated with the University of San Carlos Law School (USAC) to develop and implement a diploma program in gender and women's rights and a master's degree program on women's rights, gender, and access to justice. These academic programs are the first of their kind in Central America.

WLR employed the expertise of outside legal experts, including the professor of a major U.S. law school and a U.S. federal court judge, in its work to strengthen the capacity of prosecutors, public defenders, and other justice sector workers in both Guatemala and Madagascar. In Rwanda, where no formal courses existed for judges, magistrates, lawyers, or other kinds of legal professionals on gender or women's rights, WLR worked with the Ministry of Justice and the new National Institute for Legal Practice and Development to develop a course on gender issues in family law.

STRENGTHENING CIVIL SOCIETY ORGANIZATIONS' CAPACITY TO ADVOCATE FOR LEGAL PROTECTIONS FOR WOMEN

Well-developed CSOs in Albania, Benin, Guatemala, Rwanda, and southern Africa work on a variety of issues related to women's legal rights. Many are active, particularly on issues of violence against women. Yet many CSOs need greater capacity to contribute effectively to political, economic, and social development. More women are demanding that their voices be heard at all levels of decision-making and that their rights be advanced and protected by governments.

WLR employed various methods to strengthen the ability of CSOs to advocate for women's legal rights, and these methods can be applied in other countries. In Albania, WLR developed a comprehensive assessment of the status of women's rights compared against international standards as embodied in the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). WLR used a tool developed by the Central European and Eurasian Law Initiative of the American Bar Association (ABA/CEELI) to measure how Albanian legislation complies with CEDAW.

In Benin, WLR trained hundreds of CSO trainers and created a national multi-media public awareness campaign regarding passage of the new family code that reached more than 100,000 people. And in Guatemala, WLR trained nearly 50 community women as certified paralegals, in connection with an

advocacy project by one of the graduates of the Gender and Law diploma program. The paralegals in turn assisted more than 5,000 women suffering from domestic violence. In Rwanda, together with an umbrella network of women's organizations, WLR helped empower organizations working on gender-based violence (GBV) and facilitated groups working on media strategy and gender and social justice. In southern Africa, WLR embarked on parallel projects in Swaziland and Mozambique to develop a manual specifically for CSOs on conducting advocacy campaigns.

INCREASING PUBLIC AWARENESS OF WOMEN'S LEGAL RIGHTS

Public awareness is critical to creating change in the way a society operates and governs itself, particularly regarding long-standing discriminatory practices with strong traditional and cultural roots. Legal literacy campaigns, legal information and aid centers, and media campaigns all raise public awareness of women's legal rights. To ensure that the general public is aware of women's legal rights, women need to be trained in political and legal participation, advocacy, coalition-building, and networking.

In Albania, WLR helped raise public awareness of CEDAW — which Albania ratified in 1994 — by working with a local NGO to develop a comprehensive campaign using TV, newspapers, and targeted seminars. In Lesotho, WLR partnered with the Lesotho affiliate of the Federación Internacional de Abogadas (FIDA) to raise rural women's awareness of their rights and give them knowledge of basic laws. FIDA's volunteer attorneys trained 60 community leaders in laws and paralegal skills in the rural areas of Lesotho.

WLR undertook a grassroots public awareness campaign in Benin to raise awareness of women's legal rights and of the family code. The campaign included dissemination of booklets and brochures in local languages, developing and showing a film on family law issues (polygamy, dowry, child marriage), organizing community meetings to discuss the new law, participating in roundtables on women's legal rights that were broadcast on television and radio, and commemorating International Women's Day. In Rwanda, where there has been no forum for a national public discussion regarding the changing roles of women and men in families, WLR sponsored and organized a national conference on women's legal rights and the Rwandan family. The conference encouraged active participation by the public and input from relevant ministries about how to achieve equality between the sexes and create harmony in families and communities so that the Rwandan people and nation can prosper.

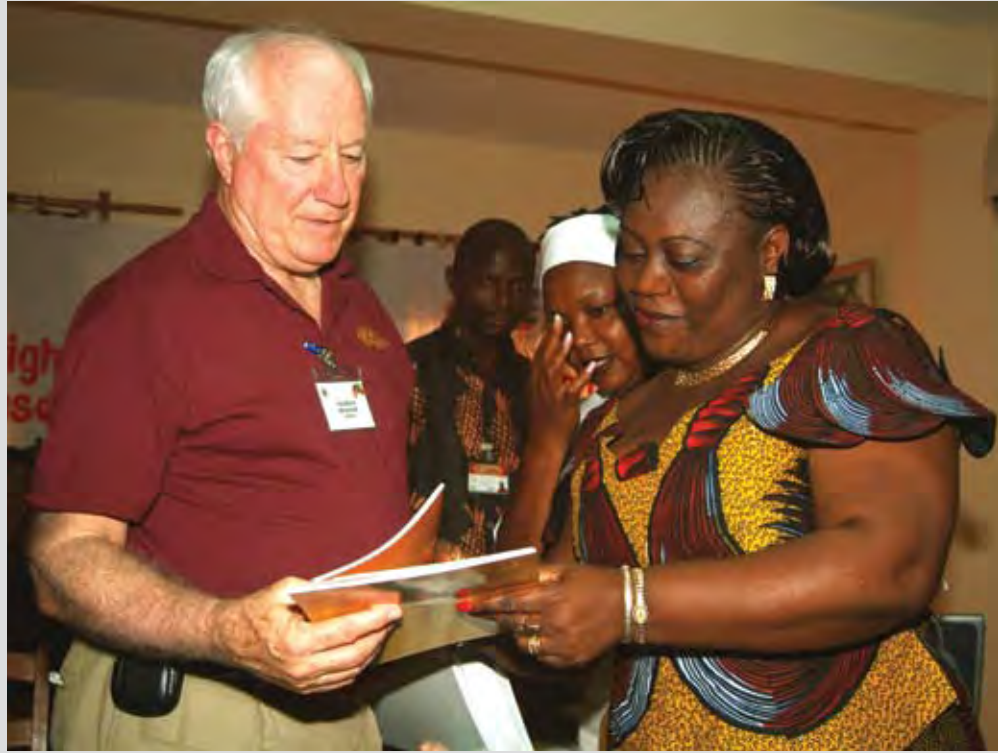
The need to raise awareness of domestic violence (DV) was a cross-cutting issue. To raise awareness of domestic violence and women's access to justice in Guatemala, WLR developed an effective multi-media campaign on gender-based violence. The campaign targeted victims, schools, various branches of the judicial sector, and justice centers throughout the country. In Madagascar, WLR allied with a Malagasy survey firm to document the extent of domestic violence, and conducted a broad public awareness campaign. In Rwanda, WLR worked primarily with groups focused on combating gender-based violence.

STRUCTURE OF THIS REPORT

This final report summarizes WLR's many successes and innovations across the 10 countries in which it had active programming. It consists of five chapters and three annexes. Chapters One through Four describe specific country activities related to each of the intermediate results sought. Included are references to USAID's Development Experience Clearinghouse (DEC) — <http://dec.usaid.gov/> — where the reader can access WLR documents that were produced in the course of implementation of the various projects. These documents have been published on the DEC for use by others who wish to duplicate or adapt WLR's approach to implementation. Chapter Five describes those tools and strategies that were common to all WLR projects and which can be readily transferable to future women's legal rights programming by other providers of international development assistance. Notable success stories and monitoring and evaluation results appear throughout the report.

Annex A includes performance and monitoring data from 16 quarters of the project. Annex B provides annotations for the materials included in each of the sections of the report and links to the materials on USAID's Development Experience Clearinghouse (<http://dec.usaid.gov/>). These materials, which include curricula, memoranda of understanding, and draft laws can be used as templates and models for others working to advance women's legal rights in their respective countries. Lastly, Annex C lists WLR's key contacts in Albania, Benin, Guatemala, Lesotho, Madagascar, Mozambique, Namibia, Rwanda, South Africa, and Swaziland.

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In Cotonou, Benin, Representative Jim Kolbe (R-Ariz.), chairman of the House Appropriations Subcommittee on Foreign Operations and Export Financing, receives public awareness materials from WLR Benin Coordinator Elvire Ahounou Houénassou. Rep. Kolbe headed an official delegation of U.S. Congress members and Millennium Challenge Corporation staff that visited Benin in January 2006.

CHAPTER ONE

IMPROVING LEGISLATION TO PROTECT WOMEN'S LEGAL RIGHTS

INTRODUCTION

Achieving women's legal rights requires gender-responsive legislation and constitutional guarantees that create the basis for countries to protect and guarantee the rights of women. Most national constitutions worldwide grant equal rights to all citizens. However, the means by which they incorporate women's human rights varies significantly from country to country.

Strong constitutional and legal frameworks must exist for governments to acknowledge the rights of all citizens. Governments demonstrate their responsiveness by designing mechanisms to implement these rights, and they should be held accountable to their citizens if they do not protect, defend and implement rights to the fullest extent possible.

In addition to their own national constitutions and laws, more than 180 nations have ratified the Convention for the Elimination of All Forms of Discrimination against Women and signed and ratified other international instruments such as the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; and the International Covenant on Economic, Social and Cultural Rights; as well as various regional agreements such as the African Charter on Human and Peoples Rights and its Protocol on the Rights of Women in Africa. By doing so, countries have accorded these international covenants a status equal to or higher than their national laws. Implementation of legal rights based on these instruments is, however, severely lacking. Furthermore, gaps exist in the legal framework that may prevent women from fully participating in the political system or deny them protection against domestic violence, sexual harassment, or trafficking.

In Albania, Benin, Mozambique, and Madagascar, the Women’s Legal Rights Initiative has worked with government ministries, CSOs, and NGOs to improve legislation to protect women’s rights and has helped to create mechanisms to implement these laws. This chapter discusses WLR’s support of efforts to develop legislation to address domestic violence in Albania, sexual harassment in Benin, and trafficking in Mozambique, and looks at amendments to the family code in Madagascar.

ALBANIA: DOMESTIC VIOLENCE LEGISLATION AND THE CITIZENS’ PETITION

The problem. Before WLR’s intervention, Albania was one of the last eastern European countries without specific legislation prohibiting domestic violence and legal means to protect victims. Much of WLR’s programming in Albania, therefore, focused on closing this gap.

The strategy for a solution. WLR partnered with a prominent local NGO, the Citizens Advocacy Office (CAO), to undertake an ambitious project to develop draft legislation and introduce it to the Albanian Parliament as a citizen’s bill. This effort also sought to make the public aware that domestic violence is a social problem — not just a private one — that violates women’s human rights. WLR selected the CAO based on its proven track record in advocating for progressive causes. WLR provided technical and financial assistance to the CAO, in collaboration with the embassies of the Netherlands and Norway as well as the Organization for Security and Co-operation in Europe (OSCE). The OSCE and WLR reviewed various drafts of the legislation. WLR supported CAO’s strategic decision to introduce the legislation as a “citizens’ bill.” This method of introducing legislation had never been tried in Albania although it is allowed under the Albanian Constitution. A minimum of 20,000 citizens must sign a petition requesting the Parliament to pass a draft bill. CAO secured the necessary signatures from men and women throughout Albania, with the support of grassroots NGOs in the regions.

Methodology. The CAO implemented a multi-phase project. First, CAO staff cultivated support for the law drafting initiative from among NGOs and governmental agencies, and coordinated their activities with the Committee for Equal Opportunities, the Albanian state office charged with promoting and protecting the rights of women. CAO then entered into a Memorandum of Understanding (MOU) with the partner NGOs to define their respective roles and responsibilities for the life of the project and to maintain momentum. In the MOU each NGO committed to carrying out activities for which they were particularly qualified. NGOs divided themselves into three groups: those giving legal assistance during the development and refinement of the draft, those with a wide national presence assisting in collection of the signatures, and those focusing on coordinated advocacy and lobbying initiatives related to the draft law.

The coalition included the Gender Alliance for Development, the Women’s Counseling Center, the Center for Legal and Civic Initiatives (formerly the Women’s Advocacy Center), Refleksione (a woman’s advocacy organization), and the

Legal Clinic for Minors. The alliance was formalized at a roundtable in October 2004 in the presence of the deputy minister of health, the director of the Committee for Equal Opportunities, and leaders of key parliamentary committees.

CAO prepared a public service announcement TV spot to raise public awareness that family violence is destructive, that a law is needed to combat this social ill, and that an alliance of NGOs has been formed to promote this initiative. In the announcement, CAO encouraged people to sign a petition that would be distributed to register their support for the law. The petition was referred to as the “Red Card” against violence, a reference to the color of the card waved by soccer referees when a player has committed a serious foul. The spot was broadcast for four months in 2005. CAO also prepared 10,000 leaflets and posters that were distributed by alliance members throughout the country.

Meanwhile, the CAO convened a small working group of five attorneys experienced in legislative drafting — from the CAO, the Ministry of Justice, the Magistrates School of Albania and the Women’s Advocacy Center — to develop the first draft of the domestic violence law. The group gathered model legislation from the United Nations and the Council of Europe, and reviewed laws from Austria, Bulgaria, Croatia, Italy, Luxembourg, Romania, and the United States. The drafts were vetted before the NGO alliance members at periodic meetings. Working groups were created to focus on specific aspects of the draft including the type of social services to be required by law, legal procedures for securing civil protection orders, and the definition of domestic violence. After a viable draft was prepared, CAO vetted it at a series of public roundtables that took place between January and March 2005. One roundtable secured input from parliamentarians, and others received feedback from judges, court staff, and prosecutors. The drafters also met with ministry officials to receive their input.

By November 2005, CAO had developed a draft that could form the basis of the citizens’ petition and its introduction to Parliament. By January 2006, CAO had drawn upon the network of alliance NGO partners to inform local communities of the draft law and secure citizens’ signatures, and collected 20,460 signatures for its citizens’ petition. The Red Card public service announcements appeared on TV during the signature drive.

After CAO’s formal role in the process drew to a close WLR continued to work with the Albanian Parliament through 2006 to ensure that the draft law received adequate attention and consideration by the relevant parliamentary committees. These efforts were successful: hearings on the draft bill were held in the fall, and on December 22, the Albanian Parliament adopted the “Law Against Violence in Family Relations.” The law enters into force on June 1, 2007.

Results. Prior to this effort, domestic violence was considered a strictly private issue and public discussion was taboo. Now Albania has a technically sound, far-reaching law that prohibits domestic violence, provides for protection orders for victims, and criminalizes violation of those orders. The initiative received the support of a number of governmental, parliamentary, and civil society actors, and the method by which this law was developed was highly participatory, which

will aid in its widespread acceptance. For the first time, draft legislation was presented to Parliament as a citizens' petition, paving the way for a new means of expression of democracy in the country.

Materials. As of this writing, a marked-up draft of the law is available in English, which can be found at http://pdf.usaid.gov/pdf_docs/PNADH805.pdf. The amendments that appear in this version were proposed by the Center for Civic Legal Initiatives (CCLI), and were presented to parliamentary committees. WLR understands that the Parliament accepted most if not all of CCLI's amendments.

ALBANIA: DEVELOPING A COORDINATED COMMUNITY RESPONSE TO DOMESTIC VIOLENCE

The problem. Although an old problem for women in Albania, domestic violence is a relatively new problem for the country's justice system. Until recently, the problem was taboo and shrouded in secrecy. According to Amnesty International, thousands of women in Albania are at risk of violence from their husbands or intimate partners. A report by OSCE estimates that the percentage of abused women in Albania — about 30 percent — is close to that of other Balkan countries. Clear statistics are lacking, which makes state policies inadequate for combating the problem. According to media reports over the last three years, hardly a day goes by without reports of women being beaten, raped, trafficked, forced to prostitution, killed, or driven to commit suicide.

In December 2006, the Albanian Parliament adopted the "Law Against Violence in Family Relations, which bans domestic violence. The law provides for civil protection orders for abused women and criminalizes violation of such court orders. The law calls for the creation of a new department within the Albanian Ministry of Labor, Social Affairs and Equal Opportunity that will assume primary responsibility for implementation. The ministries of the interior and health are also entrusted with special responsibilities, as are government-certified CSOs, who will take the lead in providing services to abused women.

International experience demonstrates that domestic violence is best confronted with a community-based, coordinated, and holistic response. Creating legal solutions for victims is ineffective without also creating networks of support to meet a victim's psychological, legal, health and social needs. While the draft law recognizes this and mandates coordination among implementing agencies (police, social workers, prosecution offices, shelters, and the courts) particularly at the local level, Albania has no experience developing and implementing community-based coordinated responses to domestic violence cases.

The strategy for a solution. To ensure that Albania builds the necessary capacities and structures to implement this new law on DV, WLR designed a program of assistance that combined group and individual trainings of a select group of individuals from within government and the NGO community who would be charged with implementing the law. Ms. Dianne Post, an American attorney with extensive experience working with countries to develop systems to imple-

“ Country by country, human rights treaty by human rights treaty, gender experts have erased law as subordinator of women and brought to life law as guarantor of women’s equality. ”

GEORGETOWN UNIVERSITY LAW PROFESSOR SUSAN DELLER ROSS, SPEAKING AT THE UNIVERSITY OF SAN CARLOS SCHOOL OF LAW, GUATEMALA, JULY 2005

ment DV laws, worked directly with those who will implement the law. She also developed a practice manual for attorneys, health care workers, social workers, police, health clinic personnel, prosecutors, and judges to guide them in implementing the law.

Methodology. WLR’s methodology was to conduct an “introductory training” of key policy makers, and from that group, identify and train those who would have direct responsibility for implementing a future DV law or who would have influence in determining how the law should be implemented.

WLR first convened a two-day training program in May 2006 that covered the basics of developing a coordinated community response to domestic violence. The trainees were chosen carefully from among ministries and NGOs. The objective of the training was to raise awareness among future implementers about their responsibilities under the draft law and to introduce them to ways that DV cases are handled in other jurisdictions, such as the United States, which has had DV laws for nearly 25 years; and Italy, which enacted DV legislation within the last five years. Exposure to best practices of other jurisdictions will prepare Albania officials to better structure their own approach. At this introductory training, Ms. Post shared her experience with the trainees, and Ms. Cristina Motta, a public prosecutor from Torino, Italy, provided the Italian perspective.

After this training, WLR designed a three-phase consultancy in which Ms. Post worked with select individuals, i.e., those from the May training who showed particular enthusiasm, who would be directly responsible for implementation given their governmental posts, and/or were in a position of influence within their respective organizations. The objective was to develop a core group that could both design a coordinated community response that would work within the Albanian context, and take the lead in its implementation.

In the first phase, Ms. Post met with those participants who represented the Ministry of Labor, Social Affairs and Equal Opportunity, the Ministry of Interior, and the Ministry of Health. She also met with the supervisors of these participants to gain “buy-in” from their respective ministries. She reviewed their roles under the draft law with each government official, and identified

what they would need to do to prepare themselves and their ministries. Ms. Post shared with each of them translated protocols used in the United States to define responsibilities within interagency responses, and asked them to review and adapt them to the Albanian context. During this first phase, she also met with international police academy trainers to ensure that they include training on domestic violence in their curriculum and to guarantee that the future electronic criminal data bank and police forms include DV-related offenses.

In the second phase of the consultancy, Ms. Post built on the work done at WLR's May seminar on developing a coordinated community response and the work carried out during the first phase of her consultancy. She reviewed with each core group member his or her progress in adapting the translated protocols to the Albanian context. She also advised a local NGO on developing a strategy to raise public awareness of DV and lobby for quick passage of the law. Ms. Post verified that the police academy instituted changes to the police forms. Albania is now able to collect data on family violence where police are called to respond.

The third phase was to have been a study trip to Washington, D.C. in October 2006 for the 15 individuals — government officials as well as NGO staff — who were taking the lead in developing a coordinated community response in Albania. This would have been followed with another trip by Ms. Post to Albania to ensure application in Albania of the lessons learned in Washington, D.C. However, the study trip had to be cancelled due to funding cuts. In response, WLR redefined the last phase of Ms. Post's consultancy to cover as much of the practical information participants would have received in Washington, D.C. followed by a refinement of the protocols.

WLR organized a final, three-day workshop for these 15 individuals and other stakeholders. Together, the participants reviewed and gave input on each of the protocols. This effort was supplemented by a comprehensive presentation, using videotapes, DVDs, and other materials, of how domestic violence cases are handled in the United States. Ms. Post used training materials employed by jurisdictions in the United States seeking to develop their own coordinated community response systems.

Drawing on discussions held at the November seminar, WLR developed two resources for the Albanian justice system: a bench book for judges to guide them through the new process of obtaining protection orders, and guidelines for government ministries and NGOs on how to create a coordinated response to DV.

Results: Due to the dedicated efforts of WLR's consultant, Ms. Dianne L. Post, Albanian government officials and civil society groups are prepared to implement the new law on domestic violence. This is a significant success, as it is the custom in Albania to plan implementation only after the law is passed, which has invariably led to delays. Instead, Albanian judges now have access to a practical manual to guide them as they begin issuing protection orders, and prosecutors, police, social workers, civil society groups and health professionals have

protocols that will guide them in developing a coordinated community response to domestic violence.

Materials. The *Albanian Benchbook for Protection Orders* and the booklet “Creation of a Community Coordinated Response Team Against Domestic Violence,” both published in November 2006, can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH800.pdf and http://pdf.usaid.gov/pdf_docs/PNADH807.pdf. Ms. Post’s final report on her consultancy can be found at http://pdf.usaid.gov/pdf_docs/PDACI804.pdf. Also available on the DEC are the five protocols for police, NGOs, prosecutors, social workers and health professionals:

http://pdf.usaid.gov/pdf_docs/PNADH801.pdf
http://pdf.usaid.gov/pdf_docs/PNADH802.pdf
http://pdf.usaid.gov/pdf_docs/PNADH803.pdf
http://pdf.usaid.gov/pdf_docs/PNADH804.pdf
http://pdf.usaid.gov/pdf_docs/PNADH806.pdf

BENIN: SEXUAL HARASSMENT LEGISLATION — FROM DRAFTING TO PASSAGE

The problem. Sexual harassment is prevalent in Benin, particularly in schools and at the workplace. The sexual harassment of girls in school is one of the primary reasons for low enrollment and retention of girl students. It is psychologically damaging to the girls, perpetuates sexism, and undermines the educational system of Benin. Sexual harassment of women in the workplace hinders their economic participation, stunts the development of Benin’s economy, and reinforces the inequality of women. Until recently, there was no law in Benin against sexual harassment.

The strategy for a solution. The WLR team was encouraged by USAID/Benin staff to provide technical assistance for legislation against sexual harassment to address this long-standing obstacle to women’s full and equal participation in Benin society.

The WLR Benin coordinator, Ms. Elvire Houénassou, proposed that WLR organize and facilitate a workshop on developing a sexual harassment law for local stakeholders. Allowing for a variety of viewpoints and input from stakeholders would create draft legislation that would be superior to a document produced by just one consultant. Ms. Houénassou worked with USAID/Benin teams and WLR local NGO partners to prepare the workshop, seeking their advice on who should be invited to participate, who among the governmental officials understood the issue and was sympathetic to it, and who in the government needed education regarding sexual harassment.

WLR researched the most recent statistics on sexual harassment in Benin, and discussed with WLR partners the best way to advocate for the bill and increase the chances of the National Assembly successfully passing legislation against sexual harassment. Working with WLR’s NGO partners, the project staff discussed the many facets of sexual harassment, the needs of women and girls in Benin, the resources WLR Benin could provide, a possible timeline for passage of the bill, and the pros and cons of various approaches to addressing the problem.

SUCCESS STORY

Prohibiting Sexual Harassment

USAID initiative in Benin protects girls and women in schools, workplaces, and at home



© CHEMONICS /
ELVIRE AHOUNGOU HOUENASSOU

Community members participate in a sexual harassment workshop, July 2005, Cotonou, Benin.

“ Parents in rural areas keep their girls from going to school because the teachers may get their daughters pregnant. The new law should correct problems like this one and develop our communities. ”

**MRS. CLAIRE AYEMONA,
MAGISTRATE AND
PRESIDENT OF
THE NETWORK OF
AFRICAN WOMEN
MINISTERS AND
PARLIAMENTARIANS**

Sexual violence and harassment of girls in school is widely recognized as a growing problem in Africa. There is compelling evidence that shows that this affects girls' retention and completion of school. At work, sexual harassment hinders women's economic participation and reinforces their social inequality. Benin is among the countries affected but is now well equipped to address this problem with new legislation passed by the National Assembly in July 17, 2006, which addresses sexual harassment in schools, workplaces, and in the home.

USAID and its partners were instrumental in working with counterparts and community leaders in Benin to draft and finally pass this legislation. During a workshop in mid-July 2005 a variety of stakeholders, which included current and former government ministers, parliamentarians, nongovernmental leaders, and USAID representatives, drafted the new law to ban sexual harassment. Drafters considered laws from other countries, a West African model law prohibiting sexual harassment, and the Benin penal and labor codes.

The strong sanctions prescribed under the new law will be an effective tool in creating an environment conducive to girls' success in school and women's participation in the workplace. Offenders face sentences of one to two years in prison and fines ranging from \$200 to \$2,000. This is a hefty penalty in a country where the estimated annual per capita income is \$450. The law goes a step further in prescribing sanctions for anyone who is aware of sexual harassment and does not report it. Silent witnesses face up to one year in prison and a fine of \$100 to \$1,000. This new law is one more piece of ground-breaking legislation that puts Benin at the forefront of African countries in establishing a legal framework which fosters the equal status of women.

Methodology. WLR Benin sponsored a sexual harassment legislation development workshop from July 11-14, 2005, for 24 key individuals from the national government and NGO, education, and business sectors. It was extremely important for key stakeholders — men and women — to be invited, so that the resulting draft legislation would be taken seriously. Many high-ranking officials from the government attended the workshop, including deputies, current and former government ministers, educators, NGO leaders, business leaders, and representatives of USAID/Benin. WLR facilitated the workshop and offered model laws against sexual harassment, including one developed by Women in Law and Development in Africa (WiLDAF) for West Africa, as the starting point for a law specific to Benin.

The group consulted the Benin penal and labor codes to identify current laws and punishments. They discussed the possible scope of the law, including whether there should be a general law against sexual harassment, with separate sections covering students and employees, or if the law should focus only on preventing and punishing sexual harassment at school. There were heated discussions on the difference between “seduction” and “harassment.”

Two working groups were established to divide the work. The groups worked separately, met to share ideas, worked separately again, and then came together for a final plenary session. They drafted a bill that included a preamble, the definition of sexual harassment, general and particular applications, and penalties for violations. The innovative draft law addressed sexual harassment in schools, in the workplace, and in the home. All participants contributed to and approved their draft legislation after only four days.

The group also considered how a sexual harassment law should be introduced, whether through the National Assembly (as a *projet*), through the executive branch ministries (as a *proposition*), or through an Executive Order from the President. They decided the best strategy was to educate the deputies (representatives to the National Assembly) about sexual harassment and its negative consequences for Benin, and then give them the draft legislation to introduce. This method was preferable because it encourages public discussion and debate on the issue, regardless of the vote’s outcome.

In pursuit of this strategy, WLR Benin, in collaboration with its local partners, organized an informational meeting for influential deputies who were members of the Law Commission and/or the Network of Parliamentarians for Population and Gender in the National Assembly, to educate them about sexual harassment. At the end of the meeting, the observations, concerns, and recommendations of the representatives were expressed and discussed and all the deputies present were well informed on the issue of sexual harassment and knew and understood the contents of the draft bill. The group unanimously agreed to introduce the draft legislation, and they appointed the only woman representative present, the Honorable Lamatou Alaza, to introduce the draft legislation to the National Assembly. The WLR Benin coordinator and other workshop participants continued to meet with the deputies often during the subsequent months to discuss women’s rights and sexual harassment, and to strategize on ways to garner votes.

Results. One year after the sexual harassment legislation development workshop, the Benin National Assembly debated and passed the draft legislation against sexual harassment, without changes. The President of Benin signed the legislation into law in September 2006. WLR gave detailed information about the legislation to the media to ensure accuracy. Ms. Houénassou also organized two roundtables which were broadcast on local television stations, one in French and one in Fon (a local language widely spoken in southern Benin), to present and discuss the anti-sexual harassment law.

Materials. The legislation against sexual harassment is found on the DEC, in French, at http://pdf.usaid.gov/pdf_docs/PNADH539.pdf.

MOZAMBIQUE: DRAFTING ANTI-TRAFFICKING IN PERSONS LEGISLATION

The problem. Mozambique is primarily a source country for women and children trafficked for purposes of sexual exploitation and forced labor. Most of the trafficked women are destined for the mines near Pretoria and Johannesburg in South Africa, to be sold as concubines or “wives” to men working in the mines, and the children are destined to work on farms, primarily in eastern South Africa. Women and children from central Mozambique tend to be trafficked to Zimbabwe, Malawi, and Zambia, mostly by long-distance drivers. Trafficking in Mozambique’s northern province tends to consist of the transport of children, particularly orphans, to Tanzania and Malawi for child labor. Mozambique has also become a country of destination for Zimbabwean girls being trafficked to the central provinces of Manica, Tete, and Sofala.

Although various Mozambican NGOs are making efforts to combat trafficking, primarily through public awareness campaigns, according to the U.S. Department of State, the country does not meet the minimum standards for the elimination of trafficking in persons as measured by the Trafficking Victims Protection Act of 2000. There is no legislation that specifically prohibits human trafficking and that provides for government-sponsored prevention campaigns and systematic protection of victims.

The strategy for a solution. In July 2005, USAID/Mozambique made funds available to WLR to support the drafting of anti-trafficking in persons legislation. WLR conducted an assessment to review the policy environment in order to explore the level of activity on TIPs among Mozambican NGOs, and worked with a local consultant to tailor a strategy.

Methodology. WLR partnered with Rede Contra o Abuso de Menores (Rede Came) (Network against the Abuse of Minors), a network of NGOs dedicated to ending human trafficking in Mozambique. From the start, Rede Came established a good relationship with the Ministry of Justice — a critical connection, as any resulting draft law would need to be introduced by the Ministry of Justice to the Council of Ministers for the government to embrace and support passage and implementation of this legislation. At the same time, Rede Came began mobilizing its network of NGOs that advocate on behalf of abused and trafficked children and reached out to prominent

women's rights advocacy groups, such as Forum Mulher and Muleidi, to integrate them into this initiative.

WLR negotiated an MOU with Mozambique's Ministry of Justice, signed on April 3, 2006, which outlined the nature and extent of WLR's assistance to the ministry and the role of Rede Came in delivering a variety of services. The services included coordinating the work of any future legislative drafting group (providing facilities, translations, materials and meeting space), conducting training programs and workshops for the drafters and other stakeholders, organizing public hearings on any future draft bill, and soliciting input for the draft from interested civil society organizations. Under the MOU, the Ministry of Justice agreed to the following: to contract with three experts to write a draft law that would comply with the requirements of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; to encourage the free flow of information among relevant ministries about their initiative; to advance and participate in public hearings to present and discuss any drafts; and to promote any draft bill among other ministries to ensure government-wide support before submission to Parliament.

Because the Ministry of Justice lacked the technical expertise to draft anti-trafficking legislation, expertise needed to be located outside the ministry. By June 2006, drafters had been identified and were ready to begin work.

In June 2006, Rede Came conducted a kick-off event for NGOs to present the MOU and Rede Came's plan of action, to educate NGOs on the law drafting project and to mobilize NGO participation in the drafting working group and input into the drafting process. A representative of the International Organization on Migration's (IOM) office in Pretoria briefed attendees on trafficking trends in southern Africa and methods to combat trafficking. The NGO representatives formed a task force and began developing a position paper. The task force met frequently throughout the summer to refine the paper and cull information on trafficking to inform the drafting process.

In September, Rede Came sponsored two workshops on trafficking in the provincial capitals of Beira and Nampula. The regional workshops raised awareness of the need for legislation and enabled the Ministry and Rede Came to solicit input from NGOs in the central and northern parts of the country.

Rede Came also held a seminar for parliamentarians in Maputo to introduce them to the issue and prepare them for addressing the draft legislation. The parliamentarians were members of the Commission on Social Affairs and Gender and the Commission on HIV/AIDS. A representative from IOM's Pretoria office presented the basics of trafficking, identified elements of well-written anti-TIPs legislation, and stressed the importance of cooperating closely with NGOs that provide services to trafficking victims and conduct prevention programs.

Results. The legislative drafters presented their first draft to the MOJ in late September, and in early October Rede Came convened the first working group session. The working group consisted of the three technical drafters, members

SUCCESS STORY

Community Civil Marriage Ceremony

Increasing the next generation's rights by promoting civil marriage



This couple from Zanankatitra legalized their marriage of over 25 years through a civil ceremony.

“ Sixty additional civil marriages were celebrated [in the commune] in 2005, including that of a nearly 80-year-old man who had to be transported by bicycle.”

**LUCIE RASOARISOA,
ASSISTANT TO
THE MAYOR OF
ZANANKATITRA,
MADAGASCAR**

Nearly 20 kilometers from Madagascar's capital of Antananarivo lies Zanankatitra, a rural community known as “children of the old people.” Eighty percent of the 11,000 residents are peasants who farm rice and raise cattle.

In May 2005, USAID's Women's Legal Rights Initiative worked with a local mayor, Mrs. Hanitriniaina Raosahelinoro Nihry-Lanto, to sponsor Family Day, a community-wide civil marriage ceremony for couples who wanted to legalize their traditional marriage. At the event, the project covered the legal costs for couples and, with Mayor Nihry-Lanto, helped simplify complicated paperwork that could deter couples from choosing civil marriage.

Philippe [Ralipo] Randrianarivahoala, a lifelong resident of Zanankatitra, took advantage of Family Day to legally marry his wife of 26 years, Aimée. Already grandparents for the fifth time, Ralipo and Aimée were beginning to see the benefits of legalizing their marriage. In Madagascar, legal conflict over land titling abounds, and with the capital city encroaching upon the Zanankatitra community, many residents want a civil marriage and a birth certificate, both of which are required to get a formal land title.

The Randrianarivahoalas own several rice paddies and a few cows, and wanted to retain the land where their family lives. Ralipo understood that obtaining his identification card (through legalization of his marriage) would give him more security by allowing him to begin the land titling process. For Aimée, a legalized marriage gives her more security under Malagasy inheritance laws if she outlives her husband. Also, for a Malagasy to obtain a birth certificate or identification card, which is required to attend school, parents must have a legal marriage certificate.

For Ralipo, his desire to be a role model to his sons was the main reason for seeking the marriage license. “I want to be a good example to my two sons, to my *fara mamdimby* (descendants).”

On Family Day 2005, 50 other couples were married, and 60 more legalized their marriage in the Zanankatitra community that year. More than 550 households (36 percent of the total) still have no papers, and the mayor vows to continue the effort.

of five NGOs that work on trafficking issues in Mozambique, and key staff of relevant ministries, such as interior, health, social affairs and gender, as well as the MOJ. While the draft lacked provisions regarding the protection of victims and prevention programs, it was a starting point. As of this writing, the drafters are preparing a second draft.

The Government of Mozambique deposited with the U.N. ratification instruments for both the U.N. Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This event is significant because the government had ratified both the convention and the protocol in December 2000, but the government had not deposited the necessary instruments with the United Nations in New York, the final step before a country is deemed to be a State Party to an international convention. Now, as a State Party, Mozambique is required to enact anti-TIPs legislation implementation to bring its national laws into compliance with its international commitments.

Future Activities. Rede Came continues to solicit comments to integrate into the draft, and Rede Came is planning a technical workshop in which a South African expert will assess the draft, provide recommendations and ensure harmonization with South Africa's draft TIPs legislation. It is likely that sound draft TIPs legislation will be presented by the MOJ to the Mozambican Council of Ministers in 2007.

Materials. Rede Came and its partner NGOs drafted a position paper on trafficking in Mozambique, which was submitted to the MOJ. The paper can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH451.pdf. WLR's MOU with the MOJ can be found at http://pdf.usaid.gov/pdf_docs/PDACI231.pdf.

MADAGASCAR: USE OF MEMORANDUM OF UNDERSTANDING

The problem. WLR Madagascar's efforts to raise awareness on women's legal rights has helped lay the groundwork for increasing CSOs' capacity at the regional level to become better advocates, and created further opportunities for doing more strategic work across sectors. The Ministry of Justice attended four CSO workshops facilitated by WLR and Focus Development Association (FDA). The MOJ's magistrates were in charge of running specific sessions about the family code and women's legal rights. This type of intervention was evaluated highly by all workshop participants who have never had the opportunity to interact with magistrates and lawyers representing the MOJ, while the MOJ saw it as a strategic opportunity to reach out to CSOs in different regions of the country and discuss with them the proposed amendments it was preparing for the family code. The amendments included increasing the age of marriage and establishing equal head of household and legal guardianship rights for women. By doing this, the MOJ was seeking to build a much-needed legitimacy — from citizens and CSOs themselves — for the proposed amendments before sending them to Congress.

The MOJ also wanted to begin raising awareness among magistrates on gender-based violence and the implementation of international women's human rights,

and strengthening the capabilities of the Magistrates School to provide this type of training in the future.

The strategy for a solution. In order to respond to these needs identified by a local partner, WLR Madagascar followed the same and highly successful strategy developed by WLR Guatemala using a Memorandum of Understanding. The MOU was carefully drafted by MOJ officials and finalized by the WLR legal, gender, and capacity building specialist for Madagascar and WLR Madagascar local coordinator under the guidance of the Ministry of Justice and USAID Madagascar. Through this collaborative method, WLR Madagascar set the tone for cooperation, implementation, monitoring and evaluation, and creating ownership and securing long-term sustainability of the program by the MOJ and the Magistrates School.

Methodology. The methodology designed to implement this activity consisted of three phases. Phase I laid the foundation for inter-institutional relationships and terms of cooperation between the MOJ and WLR. Phase II focused on jointly designing and implementing project activities with CSOs — the public awareness campaign in cooperation with the media, and magistrate training in cooperation with the Magistrates School. Phase III focused on monitoring and evaluating these activities and working towards achieving replicability, institutionalization and sustainability.

More specifically, the MOU laid out three major areas of cooperation. The first was to develop four regional consultations with CSOs regarding the proposed amendments to the family code. The second area was to develop, together with FDA, a public awareness campaign through the development of brochures, radio spots, and posters about the proposed amendments that were to be implemented by the MOJ in collaboration with the regional CSO networks. Finally, the third area focused on developing a training strategy for magistrates regarding the implementation of women's human rights treaties on the international and national levels together with the Magistrates School.

Results. As a result of this strategic partnership, a wide variety of sectors, institutions, and organizations were able to gather and mobilize themselves to implement a series of innovative activities never before seen in Madagascar. The MOJ conducted six regional consultations with CSOs on the amendments to the family code, reaching out to 300 participants. Almost 200 magistrates and legal professionals and 200 law students attended training conducted by U.S. Federal Judge Diane P. Wood and Georgetown Law Professor Susan Deller Ross at the Magistrates School and the University of Tana Law School in cooperation with the MOJ's Legal Reform Unit.

More than 3,000 brochures and additional posters, and radio spots were developed in Malagasy and distributed by the regional CSO networks in cooperation with the local media. The MOU and the Magistrates School evaluated the magistrate training, and, the school is now offering this training as part of its gender awareness and human rights trainings for magistrates, thus achieving institutionalization, replicability, and sustainability.

The MOJ and the Magistrates School demonstrated an openness to discuss traditionally delicate issues such as gender equity and the role of women in Malagasy society and the role of the MOJ in providing access to justice for women. Lastly, the MOJ has shown its commitment to continue with public awareness campaign efforts to raise awareness about gender equity after the new legislation reforming the family code is approved by congress.

Materials. The MOU with the Ministry of Justice can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PDACI232.pdf.



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A student of WLR Guatemala's gender and the law diploma program implements an advocacy project of conducting women's rights awareness trainings for indigenous women. The trainings were held in March 2005 in Guatemala City, in cooperation with the Indigenous Women Ombudsman Office.

CHAPTER TWO

ENHANCING JUSTICE SECTOR CAPACITY TO ENFORCE WOMEN'S LEGAL RIGHTS

The responsibility for implementing laws protecting women's legal rights lies with the judiciary and within the wider judicial/legal system. The existence of laws alone does not mean that women's rights will be realized or enforced. Only when the courts and other judicial actors (lawyers, prosecutors, law enforcement, and service providers) fully understand the rights of women can they enforce these rights through judicial and legal processes. In many places, judges have been poorly trained and are unaware of human rights legislation, treaty obligations, and how they may or should apply international human rights treaties to their own domestic case decisions. Too often, the justice systems face inefficiency; lack of independence; corruption; intimidation of judges, prosecutors, police and witnesses; and the lack of knowledge, will, or capacity to enforce rights that exist on paper. Also, tradition and customary law may impede the implementation of human rights of women throughout a country or region.

In Albania, Benin, Guatemala, Madagascar, and Rwanda, new efforts to enhance the capacity of the judicial sector can serve as models for other countries. This chapter reviews WLR's efforts in Albania to better prepare judges for trafficking cases and introduce coursework on gender and the law. It also discusses activities in Albania and Benin to improve understanding of new family codes in both countries, and efforts in Guatemala to develop a novel and multifaceted diploma program in gender and women's rights and a master's program on women's rights, gender, and access to justice. The chapter also details the efforts by both Guatemala and Madagascar to strengthen the role of their respective justice sectors. It concludes with a review of WLR's work in Rwanda to develop a course on gender issues in the law at the new National Institute for Legal Practice and Development.

SUCCESS STORY

Protecting Women's Legal Rights

Promoting women in Albania by training future judges and prosecutors



MAGISTRATES SCHOOL

Second-year law students at the Magistrates School of Albania learn about legal and judicial aspects of family law and domestic violence.

Albania has integrated coursework on domestic violence, trafficking in persons, and gender sensitivity into the Magistrates' School curriculum, providing future generations of legal professionals with the tools to protect women's legal rights.

Albania has passed critical laws in support of women's legal rights in recent years, including a new family code and anti-trafficking legislation, but Albania remains one of the few countries in eastern Europe without legal protections for victims of domestic violence. The few laws that do exist to protect women are inadequately enforced, due to poor judicial administration and lack of awareness about domestic violence across the legal profession.

A USAID-supported program, the Women's Legal Rights Initiative, has successfully integrated coursework on domestic violence, trafficking in persons, and gender sensitivity into the existing curriculum of the Magistrates School, which trains Albania's future judges and prosecutors. Through the new domestic violence curriculum, second-year law students are being exposed to these issues for the first time. Their studies now include 14 hours of

instruction on topics ranging from the legal and judicial aspects of family law and domestic violence to the role of prosecutors in these cases.

By all accounts, the domestic violence curriculum has been a resounding success. In their evaluations, students gave this course the highest rating. The courses on trafficking in persons and gender awareness and sensitivity follow the same format, framing the legal and judicial issues in a social and economic perspective. More importantly, judges and prosecutors carry the specialized knowledge and heightened sensitivity into their professional lives.

Ms. Ariana Fullani, the executive director of the Magistrates School, says these courses have been fully integrated into the institution's permanent, ongoing curriculum. This decision demonstrates the direct impact of USAID's work in protecting women's legal rights now and for future generations.

ALBANIA: ANTI-TRAFFICKING IN PERSONS RESOURCE MANUAL

The problem. Before the fall of the communist regime in the early 1990s, trafficking in persons, both within Albania and across its borders, was unknown to the justice system, especially to judges. In the intervening years, Albania has become a source country for women and children trafficked for the purposes of sexual exploitation and forced labor. While most victims are destined for Greece and Italy, many are trafficked onward to the United Kingdom, France, Belgium, Norway, Germany, and the Netherlands. Internal trafficking within Albania and trafficking of Roma and Egyptian children for forced labor or begging have also developed.

In response to this challenge, the Albanian government in 2004 amended its Criminal Code to criminalize trafficking and its Criminal Procedure Code to enhance the rights of victims of trafficking and limit their confrontation with traffickers during the courtroom procedures. New witness protection measures were also enacted. Legal reforms were consistent with the U.N. Convention against Transnational Organized Crime and its supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (referred to as “Protocol”), both ratified by Albania. Albania also created a Serious Crimes Court with jurisdiction to investigate and adjudicate cases of trafficking throughout Albania.

Since the enactment of these laws, the Government has had some successful prosecutions and convictions of traffickers, and has begun to implement its witness protection law for trafficking victims. Overall efforts, however, have been weak, as there have been few investigations and convictions relative to the amount of trafficking taking place.

The strategy for a solution. To better prepare judges for trafficking cases, and to familiarize them with the needs of victims and the many resources available to victims throughout Albania, WLR sought to develop a resource manual that could be used by judges and other legal professionals. WLR’s strategy was to identify areas where assistance was needed, then contract with local experts to develop the manual. WLR also recruited the services of Mark Lasser, an American attorney with extensive experience both with the Albanian legal system and on trafficking laws to review an English version of the draft manual. An updated Albanian version of the manual was then returned to the local experts for their final review and approval.

Identical final versions were created in English and Albanian languages and distributed to judges and other legal professionals and court staff involved in trafficking cases as well as to international organizations and the Magistrates School of Albania.

Methodology. To identify issues of most concern to judges, WLR and Mr. Lasser interviewed judges who have handled trafficking cases, NGO representatives, prosecutors, attorneys, and members of the donor community. Mr. Lasser also reviewed judicial decisions, and reviewed other organizations’ research. This

“ I believe I’ll offer trafficking victims friendlier treatment. I’ll try to be more understanding and avoid as much as possible prejudices against them. When victims of trafficking are called to witness in court, I’ll try to avoid re-traumatizing questions. I’ll design my examination and formulate my questions to discover the truth. In my work as a judge, I’ll always keep in mind the international anti-trafficking conventions that supersede domestic laws. ”

SECOND YEAR STUDENT AT THE MAGISTRATES SCHOOL COMMENTING ON WLR-SPONSORED ANTI-TRAFFICKING COURSE

assessment showed that some cases that appear to involve trafficking are being treated by the criminal justice system as either prostitution or smuggling cases, which are fundamentally different, and prostitution and smuggling cases are being treated as trafficking cases. Difficulties were encountered in acquiring reliable evidence from abroad in trafficking cases and many judges have insufficient understanding of, or have trouble interpreting, the required elements to convict a person for trafficking in persons.

Within this context, WLR decided to include in the manual an in-depth examination of the elements of the crime of TIP and guidance on effective methods for obtaining evidence in foreign jurisdictions. In addition, given the novelty of the witness protection program in Albania, it was decided to also cover this issue. While the decision to enroll a victim/witness in the protection program is largely left to the prosecution, under Albanian law judges have a right to recommend placement of a witness in the program, and can make these recommendations when necessary.

Results. The *Anti-Trafficking in Persons Resource Manual*, published in November 2006, includes commentaries on the law, community resources available to victims and witnesses, checklists for witness protection and issuing letters to foreign ministries, and forms for case management. The manual discusses special issues related to trial proceedings, evidence admission, and testimony of experts, and includes a thorough commentary of international standards and interpretation of various provisions of Albania’s new laws to combat organized crime.

For easy reference, the manual contains the Albanian Law on Witness Protection and Justice Collaborators (2004) and the Implementing Sublegal Acts (2005). It also includes Albanian language copies of the UN Convention Against Transnational Organized Crime (2000); the UN Protocol to Prevent, Suppress, and

Punish Trafficking in Persons, Especially Women and Children; the European Convention on Mutual Assistance in Criminal Matters (No. 30); and two Protocols (Nos. 99 and 182).

About 250 copies of the manual were distributed to judges of the Serious Crimes Court and prosecutors assigned to that court, chief district court judges throughout Albania and chief district prosecutors, the ministries of interior and justice, law faculties, the Magistrates School, and international and national organizations, among others. The national organizations include those engaging in witness protection and advocacy and prevention campaigns such as the Health Center in Vlora (southern Albania), the Gender Alliance for Development, the Center for Civic Legal Initiatives, the IOM, and Terre des Hommes.

Materials. The English version of the *Anti-Trafficking in Persons Resource Manual* may be found at http://pdf.usaid.gov/pdf_docs/PNADH452.pdf.

BENIN: FAMILY CODE TRAINING FOR JUSTICE SECTOR WORKERS

The problem. International human rights treaties, the Constitution, laws, and regulations impose specific obligations to protect and advance women's rights in Benin. However, they are seldom enforced. A noteworthy development in Benin was the adoption of a new family code in 2004, which significantly affected the rights and responsibilities of women and men. Unfortunately, the family code is not familiar or well understood by most of the population, including the legal sector, especially at the grassroots level.

In some communities, problem-solving on the ground involves "paralegals," respected individuals in the community with some general legal training who people ask for advice in solving disputes. Paralegals' and other justice sector workers' lack of knowledge of the law leaves women, who are especially vulnerable because of illiteracy, isolation in rural areas, and poverty, with no way of knowing or claiming their rights.

The strategy for a solution. When women decide to assert their rights in Benin, they usually need a knowledgeable person to advise them of the law, and, if necessary, to help them access the legal system and take their cases to the courts. Therefore, WLR Benin determined that paralegals needed training and consciousness-raising regarding women's rights in general, and about the family code in particular.

To increase impact, a public awareness campaign on women's legal rights was developed in the same geographic regions where WLR trainings for justice sector workers (paralegals, lawyers, judges, and magistrates) were being held. This was a strategic decision: women in the process of learning about their rights could discuss the law with the paralegals, and the paralegals could share their newfound knowledge with motivated and inquisitive people in the community. Paralegals trained in women's rights may influence those they advise and, through them and their demands for equity, exert pressure on the entire justice sector to learn about the family code.

SUCCESS STORY

Women Reach for Legal Rights

USAID program provides critical support to bolster women's rights in Benin



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A teenage girl reads from a brochure on the new Benin Family Code at a public awareness event in Houekanme, Benin, March 2005.

With encouragement from the USAID-supported project, Benin has adopted national reforms that render many long-standing local customs illegal, but awareness is low and enforcement is weak. The Women's Legal Rights Benin team, with local partners, visit remote areas of the country informing women and men about the new laws.

According to Beninese tradition, polygamy is commonplace, widows must marry someone from the family of the deceased husband, women inherit nothing from their fathers or husbands, and divorce and child custody are exclusively male domains. In some areas, female genital cutting is the norm. Sexual harassment, domestic violence, and forced early marriages are widespread, with girls as young as 7 "inducted" into new families. By age 19, more than half the women in Benin have had at least one child.

One of the greatest barriers to empowering women in Benin is customary law and practice that denies women and girls basic human rights. However, an innovative family code was passed in 2004. This drastically changed the rights and responsibilities of men and women in Benin regarding marriage, divorce, children, dowry, succession, and inheritance. Passage of the code has given USAID's Women's Legal Rights Initiative a strategic opportunity to frame education efforts around the new law. Since USAID's program began in September 2004, it has conducted an intensive public awareness campaign on women's legal rights and the family code throughout Benin. This campaign has resulted in:

- Passage of four national executive orders implementing key provisions of the code
- Publication and distribution of 15,000 public awareness booklets in French and four local languages and 4,000 legal training manuals on the code
- Placement of 2,000 posters on the civil status acts and marriage in city halls
- Development of a film on the code, which was broadcast on government television
- Attendance of nearly 7,000 people at numerous public awareness events in rural areas
- Training on the code provided to 200 paralegals, 30 magistrates and lawyers, and 77 mayors, from all departments

“ Dear trainers and presenters, you didn’t spare any effort to take us out of the gulf of ignorance, but as the saying goes: ‘no one knows everything; everything that one knows is only a part of the whole.’ In the name of the paralegals that you trained, and in my own name, we ask you to trust us and to follow our activities in order to raise and to improve our insufficiencies if needed; because our mouth will henceforth be one with the poor wretches who don’t have a mouth, and our voice, the echo of those who sail in a sea of despair. With these words, we wish full success to the NGO DHPD and to WLR Benin in their activities, and ask them to think about us for other workshops or retraining in this area. ”

PARALEGAL TRAINEE’S EVALUATION FOR A FEBRUARY 2005 TRAINING GIVEN BY DHPD IN ALLADA, BENIN

Methodology. WLR gave technical and financial assistance to its NGO partners to develop and provide paralegal training on women’s legal rights and the Benin Family Code. WLR’s partners included the local organizations Association des Femmes Juristes du Bénin (AFJB); Centre Beninois pour le Développement des Initiatives à la Base (CBDIBA); and Droits de l’Homme, Paix, et Développement (DHPD); and the NGO network Women in Law and Development in Africa (WiLDAF) in Benin. AFJB, CBDIBA, DHPD, and WiLDAF-Benin collaborated on designing a training manual, so that their training would have a consistent approach and present the same information. Paralegals, in order to receive the week-long training, made a commitment to educate their communities about women’s rights and the family code, and to act as a resource to help solve problems through mediation, reconciliation techniques, and formal court procedures as a last resort.

WLR Benin prioritized training in rural areas, which have been underserved. Mini-classes were held for new paralegals in such topics as “The Role of the Paralegal in Society,” “Communications Strategies and Techniques: Sensitization with a View toward Changing Behavior,” “How the Judicial Sector is Organized,” “Paralegals and Alternative Dispute Resolution,” and “Women’s Rights and the Benin Family Code.” WLR’s partner NGOs were experienced trainers, and used participatory methods of teaching, so that trainees took part in role-plays and

CASE STUDY

Women's Legal Rights Finds a Home

A unique legal curriculum is building a new generation of gender-aware advocates in Guatemala



WJLR GUATEMALA

A representative of the Institute of Public Defenders argues a case before a mock jury using a gender-sensitive approach that she honed as a student in the master's program on Women's Rights, Gender, and Access to Justice.

CHALLENGE Little understanding and respect for women's legal rights exists in Guatemala. Social and cultural traditions impede the full participation of women, particularly indigenous women, in government and society. Prior to 2002, Guatemala had no nationally acknowledged academic curriculum on gender and the law that was accessible to civil society, lawyers, and justice sector officials.

INITIATIVE The Women's Legal Rights Initiative in Guatemala is improving legal education with its partner, the University of San Carlos Law School, the largest and oldest public law school in Central America. The activity focuses on three major areas: legal analysis and thought from a gender perspective, modern pedagogical techniques in teaching gender and the law, and advocacy for women's legal rights. For many students, this gender perspective — the different social roles that women and men play and the power relations between them — is a new concept.

RESULTS To date, nearly 50 students have completed the diploma program in Gender and the Law at the university. The students are now implementing gender plans that they developed as part of the course.

In 2005, the program was elevated to a full master's degree program on Women's Rights, Gender, and Access to Justice. Twenty-five students from the Public Ministry's Training Academy, the Institute of Public Defenders, the Office of Victims' Assistance, the Office of Permanent Assistance, and the Judicial School enrolled in the new program. Graduates now use gender and the law analysis and techniques in their everyday practice.

Jeydi Estrada Montoya, a public defender who graduated from the diploma program, is now completing the master's degree program.

"After attending the diploma program," she said, "I am now able to bring the gender dimension into my defense strategies for women who committed crimes who are usually misrepresented and lack a proper defense."

were asked questions that were relevant to their particular clients and communities. All of the paralegals were eager for new information and wanted to update their legal knowledge. They always asked for further training in the future.

WLR Benin also made available continuing education training for individuals who were already working as paralegals, to teach them about human rights and particularly women's rights in the context of the new family code. These men and women were respected in their communities and considered fair-minded. Some of them had some formal education and/or basic legal training. They usually had regular jobs, but also served, in customary fashion, as counselors for people in the villages where they lived, usually without pay. By providing updated legal information to these paralegals, WLR worked within the traditional system to ensure that conflicts were resolved according to the new requirements of the family code on important issues such as the prohibition of child marriages, polygamy, and the right of women to inherit property.

Results. WLR Benin, in collaboration with NGO partners, provided training to 484 paralegals, judges, magistrates, and lawyers on women's legal rights and the Benin Family Code, who have trained others and given countless advice to members of their communities.

Materials. The WLR Benin paralegal training manual on the Benin Family Code is available in French at http://pdf.usaid.gov/pdf_docs/PNADI216.pdf on the DEC.

GUATEMALA: DIPLOMA IN GENDER AND THE LAW

The problem. A baseline study of the status of legal education in Guatemala showed that there are a limited number of legal professionals and civil society advocates who fully understand women's legal rights and can advocate and promote social change on behalf of the disadvantaged groups. A critical factor in understanding the lack of knowledge within the legal sector about gender-related issues is the absence of up-to-date, complete or nationally acknowledged academic curricula in Guatemalan universities (both private and public) on "gender and the law" for civil society, lawyers, and justice sector officials. One judicial body, the Prosecutor for Women's Issues, plays an important role within the Public Ministry, which processes claims and prosecutes cases of women and indigenous women victimized by domestic violence.

Given the critical role of the Prosecutor's Office and the lack of properly trained staff, this activity sought to strengthen procedures for implementing the law and carrying out multicultural and gender awareness training.

The strategy for a solution. The activity sought to create a cadre of legal and social science professionals who could apply the law using a gender perspective and provide access to justice to women who suffer from gender-based violence. WLR Guatemala developed two Memoranda of Understanding with the University of San Carlos Law School (USAC) to jointly develop and implement a diploma in Gender and Women's Rights and a master's on Women's Rights, Gender and Access to Justice for legal, social workers, psychologists and justice sector profes-

sionals who work at key justice sector institutions, government bodies and civil society organizations.

Methodology. This activity was designed and implemented by leveraging resources and coordination from USAC. Phase I focused on developing a baseline analysis to identify necessary gaps and opportunities. Phase II laid the foundation of cooperation with USAC, institutions that would be nominating their staff to participate in the program, and the students themselves. Phase III targeted the recruitment of a cadre of multidisciplinary experts to teach the program. Phase IV focused on developing curricula. All of these phases involved a monitoring and evaluation system from the beginning to the end of the program to ensure the program's sustainability, and incorporated lessons learned and best practices into the master's program on Women's Rights, Gender, and Access to Justice.

Results. More than 70 justice sector professionals, government actors and civil society advocates have attended the diploma program in Gender and the Law. All of the graduates are making an impact at the institutional and community levels in terms of promoting and enforcing women's rights. For instance, one public defender is taking the lead in training her colleagues about how to incorporate a gender perspective into defense strategies, and a civil society advocate has created a network of community paralegal women to provide access to justice for women victims of gender-based violence.

More than 20 institutions (such as the Institute of the Public Defenders, the Public Ministry and its Unit of Victim's Assistance, the Ombudsman for Indigenous Women's Rights and the Judicial Branch) who were represented at the Gender and the Law diploma program benefited by nominating staff to participate and receive training in gender and the law and gender mainstreaming at

“ Many laws are passed without taking into consideration the different realities within which they will have to be enforced. By participating in this process, I have been able to understand that we need to place ourselves where we are, within our realities and see the constraints that do not allow us to give women and victims of domestic violence the proper measures to stop violence at home. ”

**JUDGE EDGAR FRANCISCO PAYES, JURISDICTION OF EL PROGRESO,
AND PARTICIPANT IN THE MASTER'S PROGRAM**

the institutional level. Instead of writing theses and dissertations, the students attending the program had to develop gender mainstreaming and advocacy projects for application in their sponsoring institutions in order to graduate.

As part of the implementation process and as a means of evaluating their performance, they used WLR's results framework to monitor and evaluate, on an ongoing basis, the successes and challenges of their projects. Towards the end of this process, they shared the lessons learned, and successes and challenges among their colleagues and classmates as means of generating a mutual learning process.

On a much larger scale, in terms of institutional impact, USAC has assumed ownership of the program by taking the lead in funding new classes and developing a sustainability strategy with the program graduates and their institutions. Through continuing replication and institutionalization, the program has achieved sustainability and contributed to the development of new institutional capacities.

Materials. Materials on the Gender and the Law diploma program and the master's program can be found at http://pdf.usaid.gov/pdf_docs/PNADH455.pdf on the DEC.

GUATEMALA: PUBLIC DEFENDER TRAINING

The problem. The Institute of the Public Defenders plays a critical role in Guatemala's legal system as it offers legal defense to perpetrators of crimes and those working within the criminal system who have insufficient resources to obtain a proper defense attorney.

Given its important role and the Institute's lack of properly trained staff and public defenders, this activity grew out of one public defender's participation at the Gender and the Law Diploma program taught at the University of San Carlos Law School. Her advocacy project, a requirement of the diploma program, examined public defenders' typical lack of sensitivity to gender issues and how this lack influenced their ability to deliver high-quality and effective services to their clients. Her activity was designed to incorporate a gender dimension, particularly when dealing with women who have committed crimes, into defense strategies.

The strategy for a solution. The advocacy project sought to strengthen the knowledge of 150 public defenders in Guatemala so that they could offer better services to women who have committed crimes.

Methodology. This activity was designed and implemented by leveraging resources and coordination with the Institute of the Public Defenders. During Phase I, the Institute of the Public Defenders submitted a request to WLR for technical assistance to raise gender awareness and incorporate the gender dimension into defense strategies through an MOU that set the terms of cooperation. This technical assistance grew out of the initial efforts of the public defender who attended and graduated from the Gender and the Law

diploma program. In Phase II, the Institute of the Public Defenders and its training academy identified 20 candidates to attend the train-the-trainer workshops so that they would be able to replicate the training for other public defenders.

This phase also focused on developing training materials and a manual on how to incorporate gender into defense strategies. The manual was developed by a Gender and the Law diploma graduate from the Institute of Comparative Criminal Studies. Phase III involved implementing the training in Guatemala City, Zacapa, Quetzaltenango, and Quiche. Phase IV focused on monitoring and evaluating the training and on achieving sustainability of the program within the institute.

Results. As a result of this process, nearly 200 public defenders were trained on how to incorporate a gender dimension into their defense strategies and designed their own plans to replicate this training with their colleagues; this was conducted in 10 different regions of the country. This second-tier training was conducted by the public defenders themselves.

As a direct result, the public defenders requested that the Institute develop an in-house monitoring system to track how they have included a gender dimension in their defense strategies. This system will enable the institution not only to track levels of gender-based violence but also assess how cases are handled and how strategies developed by one public defender can be used by others.

The Institute of the Public Defenders' Training Academy now offers mandatory courses for public defenders on how to incorporate the gender dimension into their defense strategies and uses the training manual developed in cooperation with the Institute of Comparative Criminal Legal Studies to support this process.

Materials. The *Manual on Integrating Gender Into the Defense Strategies of the Institute of Public Defenders* can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH537.pdf.

GUATEMALA: USE OF MEMORANDA OF UNDERSTANDING

The problem. The assessment prepared in 2003 by WLR team members confirmed that domestic violence in Guatemala is widespread and deeply rooted. Social and cultural traditions impede full participation of women in government and society. Women from the country's 24 Mayan groups suffer an even greater degree of domestic violence and face persistent oppression and discrimination, which creates even more difficulty in seeking proper treatment and efficient access to justice following an assault. Levels of violence against women in Guatemala have increased in recent years. There is an increased need to develop integrated approaches that target professionals at key public and private institutions working to promote and defend women's rights. Issues stemming from a lack of understanding of women's legal rights in Guatemala have had a broad negative impact on the administration of justice.

Not only are the lives of women adversely affected, but social, legal, and economic institutions have been greatly challenged and weakened. A num-

ber of factors converge to create an environment where gender inequality prevails:

- Poorly trained justice sector officials
- Lack of a legal education system that focuses on women's human rights, gender, and access to justice
- Inability of the legal and judicial system to enforce laws

The strategy for a solution. In an effort to tackle the issue from an inter-institutional point of view and to begin developing a sustainable capacity building process, WLR Guatemala's legal and gender specialist and local coordinator identified key justice sector and legal education institutions and developed a strategic collaboration with them over the past four years through the development of MOU to support these efforts. Key institutions were the USAC, the Supreme Court, the Institute of the Public Defenders, and the Public Ministry.

Methodology. The methodology designed to implement this activity was based on a three-phase strategy. Phase 1 laid the foundation for inter-institutional relationships and terms of cooperation between the University of San Carlos Law School, the Supreme Court, the Institute of the Public Defenders, and the Public Ministry and WLR. Phase 2 focused on jointly designing and implementing the different strategic approaches designed with the partner institutions during the project and securing a capacity-building process within the institutions from beginning to end. Lastly, Phase 3 focused on monitoring and evaluating these activities, with the objective of replicating, institutionalizing, and sustaining these activities and transferring WLR's legacy.

The MOU were the key instruments that captured all of these phases and produced timelines and deliverables for completion of each one of the commitments made by partner institutions and WLR.

Results. Using MOUs has been a particularly successful mechanism for achieving success for WLR Guatemala (this mechanism was then adapted for use in WLR Madagascar). Five MOUs and four amendments were signed with USAC, the Supreme Court, the Institute of the Public Defenders, and the Public Ministry. Twenty MOUs were signed with the justice sector, government, and CSOs. More than 70 individual letters of commitment were received by the diploma and masters graduates in support of their nomination to attend the gender and the law programs at USAC.

Institutions were viewed as partners and were held responsible for completing their role in implementing and evaluating the programs they chose to implement and take the lead on. Since all of WLR Guatemala's partner institutions went through several leadership training activities during their collaboration with WLR, successive administrations continued to support and implement programs under their obligations as outlined in the MOU. This led to the creation of a lasting working relationship where partner institutions were

SUCCESS STORY

Women's Rights on the Agenda

Taking women's legal rights to the highest level in Guatemala



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A justice of the Supreme Court helps launch a public awareness campaign on domestic violence.

“ It’s time to initiate a new judicial culture with a vision that includes women as well as men of every ethnicity, age, and political or religious persuasion... ”

JUSTICE BEATRIZ DE LEON BARREDA, WELCOMING U.S. FEDERAL JUDGE DIANE P. WOOD TO THE SUPREME COURT OF GUATEMALA, AUGUST 14, 2006

In the past, there has been little understanding and respect of women's legal rights throughout Guatemala. Indigenous women, in particular, who represent more than 25 percent of the population, have suffered from an ongoing culture of violence, oppression, and discrimination.

That situation is now changing due in part to the efforts of the Women's Legal Rights Initiative, which is working with all branches of the judicial sector including the Supreme Court, to train legal professionals and civil society advocates to understand women's legal rights.

In August 2006, the project sponsored the first visit of a U.S. federal judge to Guatemala to train more than 700 legal professionals (magistrates, justices of the peace, public defenders, prosecutors, law professors, and graduate law students) and nearly 50 community paralegal women about women's rights in the United States, the U.S. Federal judicial system, and judicial independence.

This training prompted the development and signing of a Memorandum of Understanding between the project and Supreme Court Justice Beatriz de Leon Barreda, the first woman ever elected president of Guatemala's highest court. Through the agreement, Justice Barreda launched a strategic public awareness campaign to train justice officials in fighting gender-based violence and ensuring women's access to justice. Seventy participants from Ixcán, Playa Grande, El Quiché, and staff from 60 mediation centers received the training. These centers are critical because they reach people at the community level and are often the first source of information, particularly for women victims of violence.

Justice Barreda also created a gender unit within the Supreme Court. The unit, the first of its kind within the highest court, will take the lead on all gender-related activities within the country's judicial sector.

Through Justice Barreda's efforts, women's legal rights have been placed on Guatemala's highest court's agenda and solidified the country's commitment to dealing with violence against women.

committed to continue to carry out the work as they developed ownership and created the institutional capacity and awareness about the importance of protecting women's rights.

Materials. The three memoranda of understanding between WLR and the Judicial School, the University of San Carlos Law School, and the Public Prosecutor's Office can be found at the following links on the DEC:

http://pdf.usaid.gov/pdf_docs/PDACI299.pdf

http://pdf.usaid.gov/pdf_docs/PDACI298.pdf

http://pdf.usaid.gov/pdf_docs/PDACI297.pdf

GUATEMALA: USE OF OUTSIDE LEGAL EXPERTS FOR MAGISTRATE TRAINING

The problem. In Guatemala, training legal and justice sector professionals on how to approach and implement the law without gender and multicultural biases is critical for addressing violence against women and strengthening the justice sector's capacity to enforce and protect women's rights. All four of WLR Guatemala's major local partners (the University of San Carlos Law School, the Supreme Court, the Institute of the Public Defenders, and the Public Ministry) identified the need to create a cadre of local legal experts that are highly knowledgeable about gender and the law and enforcement mechanisms through a series of academic exchanges with outside legal experts from academia and the justice sector. According to them, taking this step would lead to creating a local cadre of experts in Guatemala that would benefit from training and exchanging information with their peers.

The strategy for a solution. To respond to this request from local partners, and after entering into a memorandum of understanding with local partners, WLR Guatemala identified gender and the law professors and justice sector professionals from the United States who were willing to devote time to share their expertise and travel to Guatemala.

WLR hosted Susan Deller Ross, gender and the law professor from the Georgetown University Law Center and director of the center's International Women's Human Rights Clinic; and Federal Judge Diane P. Wood from the U.S. Court of Appeals, Seventh Circuit. Over the course of two years, Judge Wood and Professor Deller Ross conducted a series of training activities for legal and justice sector professionals and engaged in high-level conversations with the leadership of the participating local institutions.

Methodology. WLR's legal, gender, and capacity building specialist began the preparations for the visits of Judge Wood and Professor Ross and their training activities. The events were developed and conducted in cooperation with USAC, the Supreme Court, the Institute of the Public Defenders, and the Public Ministry. The topics covered were the independence of the judiciary, the role of the judicial branch in enforcing women's rights, implementing international human rights treaties at the national level, and harmonization of laws.

Results. The presence of outside judicial and academic experts helped women's legal rights receive further attention from the press and helped ensure that partner institutions would make a long-term commitment to sustaining the activities and programs developed through the collaboration with WLR. The presence of these outside legal and academic experts has helped elevate gender-based violence as a critical issue in Guatemala that needs to be addressed, and has encouraged leaders within the partner institutions to continue their commitment to working on the issue.

From 2004 to 2006, 1500 justice sector and legal education professionals were trained in gender and the law by outside legal experts in cooperation with partner institutions.

In order to achieve greater impact and sustainability, WLR's local institutional partners assumed leadership in organizing these events and created the conditions for developing a cadre of gender and the law experts who are now taking the lead on this topic in Guatemala within the judicial sector. Justice sector institutions evaluated the training, and, as a result, the Judicial School is offering it as part of its gender awareness and human rights trainings for magistrates, thus achieving institutionalization, replicability, and sustainability. Those magistrates and judicial professionals who attended this training now take the lead in sharing this knowledge in their regions with their colleagues, staff, and the community.

Materials. The Magistrates School training curricula can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH457.pdf. Further information about the curricula can be found in the July 2006 trip report for Guatemala at http://pdf.usaid.gov/pdf_docs/PDACH996.pdf.

MADAGASCAR: USE OF OUTSIDE LEGAL EXPERTS FOR MAGISTRATE TRAININGS

The problem. In Madagascar, legal and justice sector professionals have not had the chance to be properly trained in viewing the law through a gender lens, especially in drafting gender-aware legislation and implementing the law without gender bias. The Ministry of Justice identified as a priority the need to begin creating a cadre of legal and judicial professionals who could implement both international and national law without gender bias, assist in the process of drafting gender-aware legislation, and develop the capacity of the Magistrates School to incorporate a gender perspective into its curricula.

The strategy for a solution. WLR Madagascar followed the same and highly successful strategy developed by WLR Guatemala: for a local partner to become an implementing partner, it would need to enter into a Memorandum of Understanding with WLR. This MOU was carefully drafted by MOJ's officials and finalized by the WLR legal, gender, and capacity building specialist for Madagascar and the WLR Madagascar local coordinator under the guidance of the Ministry of Justice and USAID/Madagascar.

In this way, WLR Madagascar set the tone for cooperation, implementation, monitoring and evaluation, creating ownership and securing long-term sustainability of the program by the MOJ and the Magistrates School.

Methodology. The methodology that the legal, gender, and capacity building specialist designed to implement this activity focused on working with Judge Wood and Professor Deller Ross to develop a series of training activities in French for Malagasy justice sector professionals and law students. These events were developed and conducted in cooperation with the MOJ, the Magistrates School, and the University of Tana Law School.

As in Guatemala, the topics covered by these included the independence of the judiciary, the role of the judicial branch in enforcing women's rights, implementing international human rights treaties at the national level, and harmonization of laws.

Results. The two training workshops led by Judge Wood and Professor Deller Ross were designed and conducted in cooperation with the MOJ, the School of Magistrates and the University of Tana Law School. Almost 200 magistrates and legal professionals and 200 law students attended the trainings, conducted at the Magistrates School and the University of Tana Law School in cooperation with the MOJ's Legal Reform Unit.

The MOJ and the Magistrates School evaluated the magistrate training, and, as a result, the school is offering it as part of its gender awareness and human rights training for magistrates, thus achieving the three WLR pillars of institutionalization, replicability, and sustainability.

The magistrates who attended this training now take the lead in sharing this knowledge in their regions with their colleagues, staff, and the community and are highly engaged in disseminating the public awareness campaign designed by the MOJ in cooperation with WLR Madagascar to raise awareness on gender equity after the new legislation reforming the family code gets approved by Congress.

Materials. The MOU with the Ministry of Justice is available on the DEC at http://pdf.usaid.gov/pdf_docs/PDACI232.pdf. Further information about the curricula can be found in the July 2006 trip report for Madagascar (see http://pdf.usaid.gov/pdf_docs/PDACH995.pdf on the DEC).

RWANDA: COURSE ON GENDER AND DOMESTIC RELATIONS IN THE LAW

The problem. Most legal professionals in Rwanda do not know what gender means, are not familiar with a gender analysis of laws, and do not know how to integrate gender considerations into their professional work. There are no formal courses for judges, magistrates, lawyers, or other kinds of legal professionals in Rwanda on gender or women's rights in the new National Institute for Legal Practice and Development (ILPD).

The strategy for a solution. The way judges interpret the Constitution and laws passed under it will have a lasting impact on women's legal rights in Rwanda. Women need lawyers as advocates who understand women's rights and gender bias in legal decision-making. Empowering women is a valuable goal in itself, but it is also central to the more specific goal of women's participation in development and economic growth.

WLR Rwanda began discussions with the Ministry of Justice and the Institute of Legal Practice and Development (formerly the National Legal Training Center/Magistrates School) to develop a course on gender in the law to be included in the curriculum for legal professionals at the ILPD.

A semester-long course that would include the international law on women's rights and focus on gender analysis did not fit into the curriculum of the new Institute, so the WLR Rwanda team supported the development of a required short (four-hour) course on gender and domestic relations, and left open the possibility for a more comprehensive course in the future.

Methodology. The ILPD is envisioned as a post-graduate institute independent from the Rwandan Government. However, its creation was dependent upon an act of Parliament, as was its organization by the MOJ, and the collaboration of other ministries, the Supreme Court, universities, the Bar Association, and others.

Therefore, when WLR recruited two national consultants to develop the course on gender and domestic relations, the project requested the participation of the President of the Forum of the Rwandan Women Members of Parliament, and the consultant to the MOJ in charge of the creation of ILPD, to sit on a panel for the hiring interview. Collaboration and transparency are especially important when dealing with the Government of Rwanda, where proper deference must be given to the authorities in charge.

The two national consultants are legal professionals in Rwanda. One is particularly knowledgeable about gender, and one has expertise in domestic relations law. Each wrote sections of the course materials, and then merged their sections, after which they received input from the WLR Rwanda coordinator and the legal and gender specialist, both of whom are lawyers. The consultants then worked on a final draft, which was given for final review and approval to the WLR Rwanda team.

The Gender and Domestic Relations course is an introduction to the concept of gender and how it relates to Rwandan law and society, specifically domestic relations law (family law). The course briefly covers the definition of gender and how it is evident in the law; international and constitutional guarantees of equality between women and men; incorporating the context of women's social and legal position in judicial interpretation of the law; whether national laws and practice comply with international obligations; and how laws affect men and women differently in Rwandan society, especially those concerning marriage, divorce, dependents, and succession.

Results. The course materials were finished after several drafts, and will be presented to the ILPD, which will print them and use them in the first gender and domestic relations course, which is integrated into the ILPD curriculum. It is too early to tell what results the course will actually have, but WLR Rwanda hopes to give judges and magistrates the requisite knowledge and skills to make gender-sensitive decisions in their courtrooms, particularly in the area of family law, and to show all legal professionals how to integrate gender sensitivity and eliminate gender bias against women into their legal strategies and analyses.

Materials. The draft gender and domestic relations course material for the ILPD is available in English at http://pdf.usaid.gov/pdf_docs/PNADH911.pdf on the DEC.

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Men and boys in Allada, Benin receive booklets on the new family code at a training held by Droits de l'homme, Paix, et Développement in August 2005.

CHAPTER THREE

STRENGTHENING THE ABILITY OF CIVIL SOCIETY ORGANIZATIONS TO ADVOCATE FOR WOMEN'S LEGAL RIGHTS

Well-developed civil society organizations in Albania, Benin, Guatemala, Rwanda, and southern Africa work on a variety of issues related to women's legal rights. Many are particularly active on issues of violence against women. Yet many civil society organizations need further capacity to contribute effectively to a country's political, economic, and social development. More women are demanding that their voices be heard at all levels of decision-making and that their rights be advanced and protected by governments. WLR has used various methods to strengthen the ability of CSOs to advocate for women's legal rights, and these methods can be used as models for other countries.

This chapter discusses efforts in Albania to use an innovative tool developed by the American Bar Association/Central Europe and Eurasian Legal Initiative to assess the state of women's rights as compared with CEDAW. It also outlines activities in Benin to develop local-language materials and educate the public on women's legal rights and the new family code, and training for community members in Guatemala as paralegals to help address high rates of domestic violence.

Finally, the chapter discusses efforts to empower local groups in Rwanda to address gender and social justice issues more fully, and activities in Swaziland and Mozambique to improve the effectiveness of already vibrant and growing CSOs through the use of an accessible advocacy manual.

ALBANIA: CEDAW ASSESSMENT REPORT AS ADVOCACY TOOL

The problem. Similar to other countries in eastern Europe, post-communist Albania has seen the status of women deteriorate with the application of “shock therapy” to the economy and the unmooring of the political system. Unemployment skyrocketed among women — who were the first to be fired by state industries — making women dependent on income from male family members. At the same time, social services were cut. After land privatization and withdrawal of state funding, women’s workload became particularly overloaded. Traditional views and prejudices, which had been suppressed under communism, reemerged. In rural areas, the situation of women worsened as limited financial resources pushed families to substitute machinery work for women’s manual labor. Male migration placed an additional burden on women who also cared for the household, children, and the elderly. Dwindling opportunities for employment and greater domestic workloads have distanced women from participating in political life and limited their access to information, opportunities, and social activities.

The deterioration of the status of women has given rise to the creation of women’s NGOs whose advocacy work has focused on women’s health and domestic violence. Other issues, such as employment discrimination, lack of political representation, and access to equal education, have not received as much attention, in part because of lack of information about how women are faring in these areas.

To address this gap, WLR sought to develop a comprehensive assessment of the state of women’s rights in Albania as compared with international standards embodied in the U.N. Convention on the Elimination of All Forms of Discrimination against Women. The resulting study, the *CEDAW Assessment Report*, can be used as a tool for NGOs as they advance existing causes and seek new opportunities for advocacy work.

The strategy for a solution. CEDAW articulates a state’s responsibilities in ensuring and promoting women’s rights and equality, regardless of nationality, religion, or ethnicity. The convention addresses a broad range of issues, including political representation, education, health care, economic rights, rural women’s concerns, employment, and family relations. In 1994, Albania ratified CEDAW and is therefore bound under international law to adopt national measures to eliminate discrimination against women and take affirmative steps to promote equality between men and women.

WLR borrowed heavily from the CEDAW Assessment Tool developed by the Central European and Eurasian Law Initiative of the American Bar Association (ABA/CEELI). This tool, which can be applied in any country, measures the extent to which Albanian legislation complies with CEDAW as well as the extent to which women actually enjoy the rights and protections set forth in CEDAW. WLR’s goal for the assessment was to provide help to the Government of Albania, Albanian NGOs, international organizations that support women’s advancement, and individual citizens in their collective quest to enhance women’s equality and increase the opportunities for women to contribute fully to Albanian society.

“ We do not need to search deeper. Here it is, our government gender strategy.”

MARJETA ZACE, DEPUTY MINISTER, MINISTRY OF LABOR, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES, GOVERNMENT OF ALBANIA, FEBRUARY 2006

Methodology. WLR recruited two legal experts to prepare the *de jure* portion of the CEDAW assessment. Consistent with the ABA methodology, each was given a template table with 70 relevant questions covering the range of legal protections. Experts described whether Albanian legislation complies or fails to comply with the CEDAW requirements and recommended legislative reforms to ensure compliance.

The *de facto* analysis was based on field interviews and a review of existing literature on gender issues in Albania produced by international entities including the United Nations, International Organization for Migration, and International Labor Organization. WLR recruited and trained a team of five individuals who conducted focus groups throughout Albania in urban and rural areas. The team also interviewed 50 representatives of the central and local government, local NGOs working on women’s issues, professionals, and lay people not otherwise engaged in women’s rights work. Interviews addressed the status of women in Albanian society. The report refers to observations made by “professionals” and “interviewees” but does not attribute specific quotes to particular individuals to protect the confidentiality of those interviewed.

WLR Legal Advisor Ms. Emira Shkurti and Albanian consultant and gender expert Dr. Aida Orgocka collected the data and produced a first draft that was vetted by other Albanian gender specialists. The specialists’ comments were incorporated into a second draft, which was then presented at a roundtable of gender activists and experts.

Those organizations that participated in the public review, some of which gave written comments, were USAID/Albania; the Ministry of Culture, Youth, Sports and Tourism; members of the Albanian Parliament; the Constitutional Court of Albania; the Magistrates School; the OSCE; UNICEF; the Gender Equality Committee; SNV Netherlands Development Organization; the Women’s Millennium Network; UNDP; the Kvinna Till Kvinna Foundation; the Citizens’ Advocacy Office; and Refleksione Women’s Association. The final assessment was based on comments and/or additional information received at that roundtable discussion.

The *CEDAW Assessment Report* was finalized in December 2005 and describes the gender situation in the country as of October 2005. Ms. Shkurti

and Dr. Orgocka together assumed major responsibility for collecting and analyzing the research and reviewing the findings and writing the report in English and Albanian.

Results. Overall, Albania's laws satisfy many of CEDAW's recommendations. The laws provide general guarantees that all Albanian citizens are entitled to equal treatment, regardless of gender. However, the laws rarely go beyond a basic statement of equality.

The *de facto* reality for women is more problematic. The existing general laws on gender equality are rarely implemented or enforced, and there is little confidence in the legal system's ability to deal with the problems affecting women, such as gender-based discrimination. The patriarchal nature of Albanian society continues to define the role of women in society. Although they exist in many realms, inequalities between men and women are most pronounced in politics and family relations. Unfortunately, the Government of Albania has not taken many meaningful steps to address discrimination and other obstacles that women encounter.

In conclusion, Albania's efforts to improve the status of women have been modest. Albania has not undertaken special measures to educate its citizens about CEDAW or to ensure its implementation. Many of those interviewed expressed a desire to know more about CEDAW and receive training and information on women's rights. Finally, many recognize that while the NGO community, in which women are widely represented, is robust and is capable of effecting positive change, coordination of efforts is paramount in achieving this change.

The *CEDAW Assessment Report* has already become a tool for NGOs in Albania. In November 2006, WLR learned that the Center for the Rights of Children, an NGO based in Tirana, had organized a coalition of NGOs to develop a "shadow report" on Albania's compliance with CEDAW, and will be using the WLR-sponsored report as a guideline as they develop their report. WLR anticipates other NGOs will follow suit.

Materials. The English version of the *CEDAW Assessment Report* is available at http://pdf.usaid.gov/pdf_docs/PNADF960.pdf. The Albanian version is at http://pdf.usaid.gov/pdf_docs/PNADG312.pdf.

BENIN: COLLABORATIVE MATERIALS DESIGN AND DEVELOPMENT

The problem. In Benin, women are subjected to many forms of discrimination, especially in the area of family law. WLR Benin focused its efforts on a public awareness campaign and training for individuals from all levels of society regarding the rights and obligations of women and men found in a new, more progressive family code. While some materials were available on women's rights, nothing existed for the general public on the new law. Every group that conducted trainings or public awareness work used its own materials and style, resulting in methods and messages that were inconsistent, duplicative, or covered topics in an unsystematic way.

The strategy for a solution. WLR Benin needed to develop understandable, high-impact public awareness and training materials as the foundation for all future activities. Because WLR worked with local CSOs with different capacities and expertise, all of whom had experience in training, project staff felt that partners should act as a team to write and use the same materials to give consistency to training activities, avoid confusion, and put forward the WLR Benin identity to establish the project's credibility.

Instead of hiring a consultant expert to create materials on the family code, WLR Benin held a week-long Materials Development Workshop with its CSO partners to give them the experience of working together toward a common goal, and demonstrate that they each had something unique to offer in the development of these educational tools. All of the groups in the workshop contributed to the materials, and were enthusiastic about using the new WLR materials and approach rather than their own. This process of becoming part of the WLR team was as important as the tools themselves.

Methodology. WLR Benin sponsored the Materials Development Workshop with four representatives from each partner, plus a facilitator and the WLR Benin coordinator and staff. The participants worked together and in small groups with a shared commitment to produce materials that would help guarantee the law's accessibility to everyone. WLR's partner representatives came from throughout Benin, and some were lawyers and some were not, so the materials reflected diverse perspectives.

Workshop participants wrote and rewrote text, argued about the meaning of words and sections, brainstormed about creative ways to present legal points in a practical, easily accessible way to people with no legal training, and came to a compromise on how much information could fit into a public awareness document. The grassroots advocates helped the lawyers focus on meeting the needs of people at the local level, and the lawyers conveyed valuable rights information and legal arguments to the activists.

By the end of the workshop, the participants had created a comprehensive training manual to educate paralegals and other justice sector workers about key provisions of the family code, and an attractively illustrated, simple-language booklet, emphasizing changes in the laws governing marriage (especially the elimination of polygamy), divorce, succession and inheritance, and the requirement to officially register or "declare" a child's birth. Since they participated in the process from the beginning, WLR's partners understood the purpose of the materials, how to use them, and the rationale behind every part of the text. Later, they were closely involved in ensuring that the local language translations were as clear, concise, and understandable as the original French.

To ensure that as many people as possible learned of the availability of these materials, the WLR Benin field office planned a well-publicized event to officially present them to government officials, WLR's CSO partners, international donors, and others. A five-minute video was produced (in French) to introduce WLR Benin, the local partners, and the materials. The materials launch was

covered by five newspapers, the national government, and privately-owned television stations, which ran stories on the local news several times a day for several days.

Results. WLR Benin's written public awareness materials are very popular. The project has disseminated almost half a million copies of booklets, pamphlets, and paralegal manuals, and the local office regularly receives requests for additional copies.

Many organizations use and distribute WLR's materials on the family code. One newer WLR partner, Institut National de l'Alphabétisation et de l'Education des Adultes (INAEA), is a government-sponsored literacy agency. They have translated WLR Benin's public awareness booklet into two local languages, Lokpa and Foodo, which are spoken in the northern part of the country. INAEA has asked the government to include the family code booklets in the curricula of the local language literacy courses for the next academic year. This inclusion would give official approval to use WLR Benin family code public awareness materials to teach adults to read throughout Benin. The Danish International Development Agency signed an MOU with WLR Benin, agreeing to translate the family code booklet into Yoruba and to use it for their "Advancement of Women and Children's Rights" program.

Thousands of people, including mayors, traditional and religious leaders, city hall workers, midwives, paralegals, CSO and community leaders, and teachers have been trained using the WLR Benin materials, and thousands more have received them at public community meetings. The booklet was used as a model for other local and WLR country programs.

Materials. The family code public awareness booklet and paralegal manual, which were used for training and informational meetings, are found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH770.pdf and http://pdf.usaid.gov/pdf_docs/PNADI216.pdf. The booklet is 54 pages and contains five chapters, each of which was turned into stand-alone brochures and used extensively in WLR Benin trainings on the family code.

BENIN: TRAINING CIVIL SOCIETY ORGANIZATIONS ON WOMEN'S LEGAL RIGHTS AND THE BENIN FAMILY CODE

The problem. Even if women in Benin become aware of their rights, without broader knowledge and support, nothing will change. Women need allies in their communities, organizations, and civil institutions who can back them up when they assert their rights and encounter hostility or resistance. Very little has been done in Benin to make the public aware of women's rights or the family code, which includes many new rights and responsibilities, or to train the people who are responsible for carrying out the law embodied in the code.

The strategy for a solution. The importance of educating community and religious leaders on women's legal rights cannot be overstated. To build sustainability and reach the greatest number of people possible with limited time and resources, WLR has focused on training individuals at the grassroots level whose jobs are

affected by the changes in the law, those who provide services or advice to many people, and those likely to pass their knowledge on to others.

WLR Benin consulted with its partners to determine what groups in Benin society would be the most strategic to give training on women's rights and the family code. The program chose those who have the authority, respect, and recognition to apply the most influence on society.

For example, religious and traditional leaders are important authority figures in Beninese communities, and give advice to many people on issues that affect women on a daily basis. Midwives and city hall workers collect and report information regarding births, marriages, divorce, and deaths that differ from those required before the family code existed. This information affects such rights as a woman's right to inherit property, choose her own husband, have a monogamous marriage, and make decisions about her children. WLR trained members of these groups along with NGO leaders. All participants committed to incorporating their new knowledge about the family code into their work.

Methodology. WLR executed a strategic, high-impact series of activities designed to be duplicated throughout Benin. Training consisted generally of workshops of one or more days, implemented by one or two of WLR's partners, using participatory methodology. Training activities concentrated on women's rights and particular requirements in the family code relevant to a targeted group of people. Participants were expected to then share the knowledge gained from the training with others in "informational meetings."

These meetings were less structured gatherings of a full or half-day, led by those who attended WLR-sponsored training, and provided basic information on the family code. Question-and-answer sessions often ran for hours. Trainings were designed to have the maximum effect possible, with a heavy monitoring and evaluation component, including follow-up site visits.

WLR Benin began implementing activities with members of four local NGO partners, but eventually partnered with:

- Association des Femmes Juristes du Bénin: donates their time and money to train paralegals, advance the legal rights of women and girls, and promote legal literacy
- Centre Beninois pour le Développement des Initiatives à la Base: offers legal aid to poor rural people, especially women, and legal literacy education to rural women's associations
- Cinéma Numérique Ambulant: travels in vans to remote areas with generators and equipment to draw audiences into a shared experience, presenting films on such issues as health, women's rights, female genital cutting and child trafficking, and then facilitating a community discussion on the issues

- *Droits de l'Homme, Paix, et Développement*: promotes an integrated approach to human rights, peace-building, and the development of democracy by working in conflict prevention and resolution and education on violence against women as a way to protect and advance human rights
- Institut National de l'Alphabétisation et de l'Education des Adultes: works throughout Benin on literacy (government-sponsored)
- Union des Femmes Methodistes du Bénin: members work outside the cities, going to villages and into people's homes and churches, explaining women's rights to men and women and helping them resolve disputes
- West African Network for Peacebuilding: a regional network of religious and civil society organizations, with good connections to Muslim and traditional religious communities, that seeks to promote cooperation and peace-building in West Africa
- Women in Law and Development in Africa/Benin: a pan-African network of NGOs that gives training and technical assistance to strengthen the capacity of local groups and individuals to design and carry out effective rights education

These partners were trained and retrained by WLR Benin and, with WLR oversight, provided training and facilitated informational meetings for other key groups of people, such as teachers, midwives, religious leaders, civil authorities (e.g., mayors, city hall workers), literacy coordinators, other NGOs, paralegals, and international donors, on various aspects of the family code and women's rights.

WLR Benin also built the capacity of its partners by working with them to develop proposals and budgets, implement consistent and high-quality training and other activities, learn monitoring and evaluation techniques, become familiar with using the fixed price subcontract mechanism that held them accountable to timelines and deliverables, and write detailed and consistent activity reports.

Results. In two years, approximately 8,000 people were trained on women's legal rights and the new requirements of the family code, with many more people reached through informational meetings and informal means. WLR Benin will leave behind a cadre of trainers from different sectors of society who will have a continuing and far-reaching impact on policy regarding women's rights, and on the implementation of the family code. In addition, the project's work to build the capacity of organizations to be more efficient, collect more accurate information, and better respond to funders' requirements, will help them to obtain funding to promote women's rights beyond the life of WLR.

Materials. The family code public awareness booklet and the paralegal manual, which are used for training and informational meetings, are found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH770.pdf and http://pdf.usaid.gov/pdf_docs/PNADI216.pdf, respectively. Five brochures were

created from the five main chapters of the booklet and were also used extensively in trainings; other WLR Benin materials included copies of the Benin Family Code, questionnaires, evaluations, and shirts and hats with slogans. To order a copy of the film *Promesse de Mariage*, which is in Fon with French subtitles, please contact docorder@dec.cdie.org.

GUATEMALA: WORK WITH THE VILLA NUEVA JUSTICE CENTER AND THE WOMEN'S COMMUNITY PARALEGAL NETWORK

The problem. Gender-based violence and domestic violence has become one of the major issues that threaten women's lives in Guatemala. Several areas such as Villa Nueva, a community outside of greater Guatemala City, have seen even further escalation of the problem and no clear means of resolving it. WLR Guatemala began addressing this issue as part of the advocacy project of a Gender and the Law diploma graduate who worked together with a group of community leaders who received training on violence against women and access to justice.

The strategy for a solution. Vilma Dinora Morales, a therapist and graduate of the Gender and the Law diploma program at the University of San Carlos Law School, identified as part of her advocacy project a group of community women from Villa Nueva and began training them on the legalities of violence against women and access to justice. After concluding these trainings, the women wanted to become certified paralegals, and through their own network began assisting women suffering from domestic violence in Villa Nueva.

Methodology. The methodology designed to implement this activity focused on several phases. In Phase I, WLR Guatemala developed a strategic alliance with the Justice Center of Villanueva to serve as the primary host for the trainings for the community leaders. In Phase II, WLR Guatemala and the Justice Center of Villa Nueva worked with the Institute of Comparative Criminal Studies (it also had a participant who attended the diploma in Gender and the Law Program at USAC and supported the Villa Nueva process) to develop the curricula and materials to be used as part of the trainings for the network of community paralegal women.

During Phase III, graduates of the Gender and the Law diploma program gave technical assistance to the paralegal members of a network that gives services to women victims of gender-based violence in Villa Nueva and helped monitor their performance through a series of participatory workshops, individual interviews, and other forms of technical assistance.

Results. This process emerged as the result of one diploma graduate's implementation of an advocacy project at the grassroots level. It was successful because it targeted women who are well respected and known within the community of Villa Nueva and are well positioned to offer aid and support to women victims of gender-based violence. The process initially targeted 25 women, ultimately reaching 50 community members who formed the network of community paralegal women that gave paralegal aid services and support to more than 500 women from Villa Nueva.

SUCCESS STORY

Helping Victims of Domestic Violence

WLR graduates train 50 Guatemalan community leaders as paralegals to help their communities



PHOTO: KARI GOETZ/CHRONICS

A women's rights advocate attends a domestic violence training in Guatemala.

“ Ms. Morales taught me how important it is to change for yourself and others. I used to be an aggressor and she taught me how important it is to evaluate my own behavior in order to better myself and my ability to help others.”

**EUFRACIO GÁLVEZ
LÓPEZ, A NEWLY
CERTIFIED PARALEGAL**

Through her work as a trained therapist, Vilma Dinora Morales learned that violence against women in Villa Nueva was a serious problem that received little attention and often went unpunished. Community leaders and justice center professionals wanted to help women access justice but did not know how. Few cases of domestic violence and sexual assault are reported; many women live with violence as a normal way of life. To help them break the silence, Ms. Morales sought to build awareness of the problem, educate leaders about women's legal rights, and help them develop the capacity to assist victims.

A graduate of the gender and the law diploma program of the USAID-funded Women's Legal Rights Initiative, Ms. Morales successfully implemented an advocacy project at the Justice Center of Villa Nueva to fight domestic violence. She trained 50 community leaders from 14 communities in Villa Nueva on women's legal rights. Inspired by her commitment and their new knowledge, the community leaders pursued further education and earned paralegal certifications to help meet the needs of the community.

According to the paralegals, Ms. Morales's support and leadership served as the driving force behind the success of the projects and their work. Nearly 50 community leaders are now applying their knowledge to implement advocacy projects in each of their communities. They worked together to develop a paralegal manual for responding to intra-family violence. They facilitate the provision of better services with justice sector institutions and use the manual on intra-family violence to raise awareness, educate the public about the law, understand legal mechanisms and resources, and help victims in crisis.

“The authorities are willing to help, but they cannot do it alone,” said María del Carmen Aguilar, another Villa Nueva community paralegal. “We must help them help us.”

Five thousand training manuals were developed in cooperation with the Justice Center of Villa Nueva, the Institute of Comparative Criminal Studies, and graduates of the Gender and the Law diploma program. The diploma and master's graduates devoted their time to helping design and teach the training curriculum for the paralegals. As a result, other justice centers in Guatemala are now replicating the methodology.

This process demonstrates the importance of self-initiative, community empowerment and providing opportunities and knowledge to help communities cope with local problems that need local solutions. The network of paralegal women from Villa Nueva assumed a leadership role in providing services to women who suffer from gender-based violence and ultimately, mitigating the problem in the community.

Materials. The Villa Nueva paralegal manual is available on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH536.pdf.

RWANDA: HELPING CIVIL SOCIETY COOPERATION AND COLLABORATION

The problem. The problems of limited capacity, duplication of efforts, and lack of coordination reduce the influence of Rwandan civil society and affect its relationship with the government. Generally, although international aid has been available to CSOs for a variety of programs, there is little or no coordination or institutionalized method to share information. Almost all the groups WLR interviewed in both the CSO sector and the government felt that women's organizations could be more effective with more collaboration.

The strategy for a solution. A functioning civil society is one in which organizations are not isolated from each other or the larger community, and when they have the autonomy as well as the capacity to collaborate. WLR Rwanda took a three-pronged approach to achieve this type of society. First, the project worked with the umbrella network of women's organizations, Profemmes/Twese Hamwe (Profemmes), to build its capacity to assume the role of coordinator of association members.

Second, the project supported the research, writing, printing, and distribution of a report on gender-based violence to provide organizations working on this issue with information. Third, the project facilitated regular meetings of several groups made up of CSO representatives (a media strategy group and a gender and social justice thematic group), and helped them to work collaboratively on activities.

Methodology. The WLR Rwanda coordinator helped Profemmes change direction in its five-year strategic plan as well as to undertake fewer activities and more facilitation and coordination of its member associations. With WLR's support, Profemmes hired a coordinator, who has begun to implement the new strategy, coordinate its members' activities, and help members devise tools for better information sharing.

A gender and social justice thematic group was started by a Canadian project to encourage NGOs to meet to discuss projects on shared interests. However, this

project shut down and the group appeared to be dissolving. With WLR's help and some financial support, the Profemmes coordinator provided facilitation services for NGO networking for this thematic group, which is composed of representatives of nine CSOs and meets at least once a month to share ideas about anti-gender-based violence and women's rights activities.

WLR Rwanda supported an assessment on the past, present, and future activities of CSOs and government agencies in Rwanda on the issue of GBV. Gender-based violence is common in Rwanda, and after consultation with our local partners, WLR determined that a better understanding of the number and scope of CSO and government anti-GBV activities would help CSOs and the government better plan, coordinate, and effectively implement these activities. The idea for this assessment was developed in response to complaints by the Ministry of Gender and Family Promotion, the Ministry of Justice, and CSOs about the lack of information and coordination around GBV.

The field research was carried out by four graduate student consultants from George Washington University's Elliott School's International Development Studies Program, with the assistance of the WLR Rwanda coordinator and the legal specialist. The assessment included face-to-face interviews by the students with over 40 government representatives and local and international organizations throughout Rwanda on what activities against GBV have been implemented and planned, and whether the groups collaborate on these activities.

The final report contains a literature review, the field research data, analysis, and recommendations. This important tool was written in English but translated into Kinyarwanda to make it more useful on the ground, and was given to the Ministry of Justice, the Ministry of Gender and Family Promotion, and participating CSOs as a source of information and a tool to help groups coordinate and collaborate on anti-GBV activities. With funding from USAID/Rwanda for printing and dissemination, WLR Rwanda distributed the report to the participating entities and other interested parties throughout Rwanda.

WLR Rwanda identified partners to create a group to collaboratively design a media strategy to raise public awareness on GBV. The aim was to encourage the members to develop and implement a media strategy in a coordinated manner, making it more effective than smaller, random efforts by any single group. WLR Rwanda facilitated (but did not lead) this group, so the members would become used to working together and the group would continue after WLR closed.

The media strategy group is composed of groups that have not traditionally worked together, including Profemmes, Association Rwandaise des Femmes des Médias, Haguruka, Seruka, Youth Association for the Promotion and Protection of Human Rights/ Association de la Jeunesse pour la Promotion des Droits de L'Homme et le Développement, Kangurirwa, La Ligue des Droits de la Personne dans la Région des Grands Lacs, Rwanda Women's Network, Réseau des Femmes, National Women's Council, Rwanda Network Against Domestic and

Sexual Violence, Association Nzambazamariya Veneranda, Hope Media Group Irengo; a representative from USAID/Rwanda, and WLR Rwanda. The first activity that the group organized was training for journalists on the definition of gender and how to write stories on GBV.

Results. By offering structured forums where groups learn about each other, gain skills, and work on different aspects of an issue of importance to all of them, WLR Rwanda encouraged collaboration and cooperative activities among CSOs on the issue of violence against women. Linkages among civil society organizations working on issues of importance to women will result in less duplication of effort, a better chance of sustainability, the increased capacity to manage their own development, improved citizen involvement, and more efficient use of scarce resources to this sector. A stronger and more effective civil society will contribute to the promotion and enforcement of women's legal rights and to the development of Rwanda as a whole.

Materials. The report on activities against gender-based violence is available in English and Kinyarwanda at http://pdf.usaid.gov/pdf_docs/PNADH456.pdf on the DEC.

SWAZILAND AND MOZAMBIQUE: DEVELOPMENT OF ADVOCACY MANUALS

The problem. Both Swaziland and Mozambique have vibrant and growing civil society organizations that work collectively to improve the lives of citizens facing various social, economic, political, and legal problems. Their advocacy activities have had limited effectiveness given weak — and at times uncoordinated — approaches to advancing their respective causes. To improve the quality and effectiveness of their campaigns and reach their full potential, CSOs in Swaziland and Mozambique must build their capacity.

The strategy for a solution. To strengthen the capacity of Swazi and Mozambican CSOs, in 2005 WLR embarked on parallel projects in both countries to support the adaptation of the easy-to-use manual *Advocacy in Action: A Guide to Influencing Decision-making in Namibia*. WLR supported the 2004 publication of this manual in Namibia.

The manual can be used by experienced CSOs or those new to advocacy and is composed of three parts. Part A covers the basics of advocacy, explains its importance in a democracy and describes how to use and update the manual. Separate chapters are dedicated to planning an advocacy campaign, how to meet with decision-makers and follow up after the initial meetings, and the benefits and mechanics of letter-writing campaigns and citizens' petitions. The manual also includes chapters on planning public events and peaceful protests, methods for using the media, and using computers and communications technology to assist in advocacy efforts.

Part B of the manual charts a brief history of Namibia through colonialism and the struggle for independence to enactment of its new constitution, and describes the fundamental rights and freedoms embodied therein. Part C, which

is also focused specifically on Namibia, describes in detail how the Namibian government works at the national, regional and local levels, exploring in depth each branch of government, and identifying points of access for advocacy. Much attention is paid to the parliamentary procedure, committee operations, bill tracking, and the development of national budgets.

While all CSOs would benefit from using the manual, in the context of WLR the ultimate objective is to support and enhance the efforts of those organizations seeking to improve access of women to justice and to advocate for more progressive laws for women.

Methodology. WLR sought local partners in Swaziland and Mozambique with the greatest experience conducting advocacy campaigns on behalf of women, as these groups would be best positioned to share their experiences with their counterparts. In Swaziland, WLR partnered with Women and Law in Southern Africa Research Trust-Swaziland (WLSA) and in Mozambique with Muleidi. WLSA is a regional organization engaged in research, public education, training, lobbying, and advocacy on behalf of women and has active programs in Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia, and Zimbabwe. Muleidi advocates for gender equality and the promotion and protection of women's rights, particularly for the economically disadvantaged.

To adapt the manual to their respective countries, WLSA and Muleidi had to replace the country-specific parts (parts B and C) with information about the Swazi and Mozambican governments, parliaments, and judiciaries, and, in the case of Swaziland, the Swazi monarchy. WLSA and Muleidi identified and collected data on similarly successful advocacy campaigns in their countries to serve as examples. Muleidi had the additional challenge of having to first translate the entire 336-page document from English to Portuguese.

The partners launched these projects by first convening stakeholder meetings in which they introduced the project, distributed some copies of the Namibian manual, and sought and received commitments of assistance in developing this manual. Organizations were asked to contribute examples of their own successful advocacy campaigns to include in the manuals so others might learn from their successes. Both reported enthusiasm for the project, and agreed that this type of manual was long overdue. After WLSA and Muleidi researchers and writers in Swaziland and Mozambique had developed first drafts of their manuals, they vetted the drafts with other CSOs, soliciting their input and securing their "buy-in" so they would more readily use the manual after its completion.

WLR entered into fixed-price subcontracts with each NGO with a well-defined timeline of activities and deliverables. WLSA and Muleidi each conducted at least two stakeholder meetings at which they reviewed evolving drafts of the manual, and researchers shared their experiences and progress in collecting data. The research was difficult in Swaziland, because some governmental agencies reacted with suspicion to WLSA's requests for input.

WLSA was able to find a good local printing company to produce copies of the Swazi version. But Mozambique lacks good quality printing companies, and Muleidi contracted with a printing house in Johannesburg.

Results. Both organizations produced high-quality manuals that are ready to be disseminated to NGOs throughout the country for their use in improving their advocacy campaigns. WLR funded the production of 700 manuals for Mozambique, and 300 for Swaziland. Both organizations developed comprehensive dissemination plans and multi-phase training programs to build NGO capacity based on the manuals which was to include direct training as well as training of trainers. NGOs, Muleidi and WLSA also learned much in the process of adapting these manuals.

Materials. *Advocacy in Action: A Guide to Influencing Decision-making in Namibia*, which was used as the basis of adaptation for both the Swazi and Mozambican versions, is available at http://pdf.usaid.gov/pdf_docs/PNADH813.pdf on the DEC.



WLR BENIN

Invitees receive training manuals and public awareness brochures on the new family code at the WLR Benin materials launch in Cotonou, Benin, March 2005.

CHAPTER FOUR

INCREASING PUBLIC AWARENESS OF WOMEN'S LEGAL RIGHTS

Public awareness is critical to creating change in the way a society operates and governs itself, particularly regarding long-standing discriminatory practices with strong traditional and cultural roots. Women, especially in rural areas, often have no awareness of the rights that have more recently been guaranteed to them by new constitutions, legislation, and international conventions. Even women who know about the Convention on the Elimination of all Forms of Discrimination against Women and similar instruments may be unaware of services and processes that will give them access to justice against violence and discrimination.

Academic institutions, public organizations, the media, individual citizens, and even government representatives need to learn about human rights and share this information with others, both in formal and informal settings. Legal literacy campaigns, legal information and aid centers, and media campaigns all raise public awareness of women's legal rights. Women need to be trained in political and legal participation, advocacy, coalition building, and networking to ensure that the general public becomes more aware of women's legal rights.

This chapter reviews WLR's efforts in Albania to develop a comprehensive public awareness campaign regarding CEDAW, which Albania ratified in 2004. This chapter also discusses a community paralegal training program in Lesotho that raises rural women's awareness of their rights and informs them of basic laws, and outlines a Benin grassroots public awareness campaign and comprehensive media strategy designed to spread awareness of women's legal rights and the Benin Family Code. The chapter also details efforts in Guatemala and Madagascar to promote awareness of domestic violence and women's access to justice through multi-media campaigns aimed at various audiences.

CASE STUDY

Giving Voice to Women's Legal Rights

WLR and its partners spread knowledge of women's rights in Albania



Municipal public administrators participate in a seminar on women's rights in Pogradec, Albania, in May 2006.

Thanks to a wide-reaching USAID-sponsored public information campaign, the Albanian population now has a better understanding of women's legal rights and how to promote them.

CHALLENGE In Albania, women's rights are on the political agenda but little has been done to encourage women to vote, protect victims of domestic violence, or promote women-owned businesses. Lack of awareness about women's rights guaranteed under international legal norms, such as the Convention on the Elimination of All Forms of Discrimination against Women, impedes efforts to combat this type of bias. While the Albanian government ratified the convention in 1994, it has been slow to disseminate its vital messages.

INITIATIVE USAID's Women's Legal Rights Initiative took up this challenge. The project and its partners conducted a thorough assessment of Albania's legal compliance with the convention. The report was widely shared with audiences in Albania, the United States, and international organizations. In addition, USAID and its partner, Refleksione, a women's advocacy organization in Albania, designed and implemented a broad public awareness campaign to educate citizens about the convention and its implications for the country. The campaign disseminated its message through media outlets such as televised public service ads, talk shows, roundtables, publications, and a targeted seminar series.

RESULTS The public awareness campaign spread information about the convention in the capital city of Tirana and throughout the country. The televised messages announced: "Prohibition of gender discrimination and attainment of gender equality are fundamental conditions to building a society that is just and developed!" Approximately two million people viewed the broadcasts. The project also conducted seminars about the convention in three major Albanian cities, attended by more than 300 Albanian professionals. The seminars helped attendees become more aware of women's rights.

This campaign planted seeds for change in Albania. In January 2006, a draft law on domestic violence was introduced in the Albanian parliament as a citizens' petition. Hearings were held in the fall, and on December 22, 2006, parliament adopted the law.

Finally, the chapter reviews WLR's work in Rwanda to elevate women's legal rights through a national conference designed to facilitate debate about women's issues and changing roles within the Rwandan family.

ALBANIA: REFLEKSIONE'S CEDAW PUBLIC AWARENESS CAMPAIGN

The problem. Albania ratified the United Nations Convention against All Forms of Discrimination against Women in 1994. CEDAW establishes international standards for the treatment of women, both under law (*de jure*) and in fact (*de facto*). By ratifying CEDAW, Albania committed itself to uphold its international standards and implement them nationally. For the most part, Albanian laws and regulations, as written, comply with CEDAW, but there is a wide gap between the law and the realities of women's lives in Albania.

Women's political participation has fared no better since the fall of communism, and women in every socio-economic group and region suffer gender-based violence. Albanian women can only benefit from greater awareness of international standards regarding the treatment of women. These trends legitimately cause a sense of insecurity among women and girls. All of these practices are barred under CEDAW.

The strategy for a solution. The first step in any progressive movement is raising awareness of one's rights and collectively identifying those rights that are not being protected. To raise public awareness of CEDAW among both women and men, WLR contracted with Refleksione, a vibrant, experienced, well-managed NGO based in Tirana and led by Executive Director Monika Asllani. WLR chose to partner with Refleksione given its solid track record in advocacy campaigns on women's rights issues. Also, with branch offices in Pogradec (in Albania's eastern province) and in Shkodra (the north), Refleksione has the capacity for developing and implementing programs throughout Albania.

Methodology. To raise public awareness of CEDAW, Refleksione designed a comprehensive public awareness campaign aimed at men and women throughout Albania. The campaign used TV, newspapers, and targeted seminars as its tools.

First, the NGO subcontracted with a reputable TV production company, Deliant Association, to produce a 35-second spot to inform viewers of the existence of CEDAW and the rights it protects. Using real actors in various scenarios, the spot conveys three messages regarding CEDAW: first, that domestic violence constitutes battery, and battery is wrong and illegal; that women have a right to get their jobs back after maternity leave; and that any violation of these or other rights can be redressed in court.

The TV spot appeared during a morning talk show popular with women on both TVSH, the national public station, and Top Channel. It also appeared on private stations during the evening news to reach men as well. On TV Klan, Refleksione arranged for a daily broadcast of the spot during that station's popular soap opera.

Second, to reach the reading audience, Refleksione commissioned seven newspaper articles on different aspects of CEDAW and published them in *Korrieri*, a newspaper with wide distribution in Albania. Five were written by attorneys active in women's rights, and two by gender experts. The articles gave an overview of CEDAW and explored particular issues in depth. Topics included the government's obligations to implement CEDAW domestically by virtue of its ratification, the need for a more effective governmental agency promoting gender equality, the relative absence of women from politics, girls' equal rights to education, the ban on elimination of discrimination against women in marriage and the family, and the right to maternity leave.

Third, Refleksione conducted a series of seminars for targeted groups across Shkodra, Podgradec, and Tirana. Ms. Asllani worked with Ms. Aurela Anastasi, a professor of law at the University of Tirana Law Faculty and the executive director of the Center for Legal Civic Initiative, to prepare a different five-hour training module for each group. They then "trained the trainers," bringing in four Tirana-based attorneys who are active in women's rights to assist. Separate seminars were tailored to local government officials responsible for social programs, unemployed women actively seeking work, members of the Roma community (in Shkodra only), health care workers, representatives of local community-based organizations and NGOs dedicated to social justice causes, and educators.

The seminars provided in-depth coverage of CEDAW and presented Albanian compliance with its provisions using the CEDAW Assessment Report developed by WLR. The team presented another more comprehensive training on CEDAW to 48 social work students from the Faculty of Social Sciences, 43 law students at the University of Tirana Law Faculty, and 85 law students at Luarasi Law School, a private institution in Tirana.

Supplementing the above activities, Ms. Asllani and other gender experts appeared on three editions of a popular morning television talk show, "A Coffee With...", broadcast on the Albanian public TV station TVSH, in a one-week period in July 2006. The first installment featured Ms. Asllani and Ms. Emira Shkurti, WLR's legal advisor, who gave an overview of CEDAW and summarized the findings and recommendations in the CEDAW Assessment Report. The second installment featured Ms. Asllani and Ms. Eralda Methasani, a professor of law at the University of Tirana Law Faculty, who addressed maternity leave, equal education, and women's freedom of movement. (Often jobs are not kept for women who have taken maternity leave, in clear violation of Albanian law. In some professions, such as teaching, women are made to stay at home the whole academic year, even if they wish to take less maternity leave, as it is administratively easier for schools to go without the teacher for the entire academic year.

In addition, rural women lack freedom of movement, also a norm embodied in CEDAW.) The last installment featured Ms. Asllani, who addressed the most controversial aspiration of CEDAW: the elimination of discrimination against women in marriage and the family, embodied in Article 16 of the Convention.

The last component of Refleksione's public awareness campaign, a roundtable of stakeholders, gave NGOs an opportunity to give constructive feedback to help Refleksione design a second phase, which was to have been funded by WLR.

Results. Refleksione public service announcement was broadcast on the three major TV stations in May 2006, reaching nearly two million viewers. Given limited funds, Refleksione was not able to purchase more broadcast air time, nor could it conduct an impact assessment.

The roundtable elicited many helpful suggestions about how to adjust and expand on the many activities undertaken by Refleksione, including bringing the message to younger audiences such as high school girls and boys, and taking the activities to secondary cities throughout Albania.

Materials. Refleksione's final report on the CEDAW public awareness campaign can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PDACI243.pdf.

LESOTHO: RURAL LEGAL LITERACY PROJECT

The problem. Lesotho has a dual legal system of Sesotho customary law and common law (Roman Dutch law). Customary law applies to those who lead a traditional way of life while common law applies to those who have abandoned Sesotho customs and embraced a Western way of life. Until recently, women have had the legal status of minors in both systems.

In the last few years, however, Lesotho has enacted laws to better protect women's rights or to benefit working women. In 2000, for example, changes to the Labor Code granted all employees, including women, greater rights in employment disputes. In 2003, Lesotho enacted the Sexual Offenses Act that changed the definition of rape, broadened the types of sexual offenses, and expanded victims' rights. Advocacy groups have drafted and lobbied for passage of other pieces of legislation that would eliminate discriminatory laws that prevent married women from owning property, gaining employment, signing contracts, or engaging in any legal transaction now reserved for adult males, whether they are married or not. Knowledge of these legal reforms and advocacy efforts is not widespread outside the capital of Maseru, and understanding of legal rights in general is poor, particularly in rural areas.

The strategy for a solution. To raise rural women's awareness of their rights and give them knowledge of basic laws, WLR partnered with the Lesotho affiliate of the Federación Internacional de Abogadas (FIDA) to develop and implement a legal literacy project in the rural areas of Lesotho. FIDA is a nonprofit, membership-based organization formed in 1988 by a group of women lawyers to lobby for elimination of discriminatory laws and advocate for the promotion and protection of women's human rights. It is the longest surviving NGO in the country, and was instrumental in passage of the 2003 Sexual Offenses Act, Lesotho's ratification of CEDAW, and laws beneficial to women's inheritance and pension rights.

SUCCESS STORY

Giving Legal Aid to Rural Communities

Training paralegals in Lesotho's remote areas improves legal rights for women



© CHEMONICS/ BHAVNA LAL

Community leaders train as paralegals in Mofale's Loek as part of WLR's initiative to increase public awareness and spread legal resources in Lesotho.

“ The paralegals are very useful and have been of great assistance, especially in dealing with cases relating to women and children's rights violations. Thanks to the paralegals.”

**CHIEF KOMA TLALI OF
MAKENENG, IN THE
MAFETENG DISTRICT**

In Lesotho, a small and mountainous country in southern Africa, women have not had the same legal rights as men. They could create a will and sue for divorce, but under common and Sesotho customary law, a married woman was considered a minor during her husband's lifetime and could not enter into legally binding contracts without his consent. Domestic violence occurs frequently, but few cases are brought to trial. The country's rural population in particular lacks access to legal education and resources, and most women are unaware of basic rights under the law.

To better protect women and girls' rights and improve equitable and sustainable legal service delivery to poor communities, community leaders were trained on law and women's legal rights through a USAID-supported program, the Women's Legal Rights Initiative. The program is increasing public awareness of the law and improving the availability of legal resources in Lesotho.

The project has partnered with the Lesotho affiliate of the Federación Internacional de Abogadas to train 60 rural community leaders as paralegals so that they can give free legal services to the community. The training curriculum includes understanding the court system, learning about women's rights under common and customary laws, and reviewing laws ranging from inheritance and marriage law to laws against domestic violence.

The ongoing trainings include a broad representation of key community leaders, including members of the police's Child and Gender Protection unit.

“The trainings have been an eye-opener to me on sensitive issues regarding children and women,” one male police officer noted. “Now I have the knowledge of the referral mechanisms available to me.”

The trainings have given women and community members critical tools for taking action. Thus far, the trained paralegals have successfully handled more than 210 cases involving land, inheritance, property rights, labor, domestic violence, and matrimonial issues.

FIDA had conducted a similar program to raise awareness among rural women in the early 1990s with funding from the Danish government. Given the many new law reforms since then and the need to alert rural women and men to advocacy efforts in Maseru to repeal laws that continue to discriminate against women, it was time to repeat the program.

Methodology. FIDA's method is to select and train approximately 20 community leaders as paralegals within a district with the understanding and expectation that these leaders will serve as a resource to their communities. They are instructed on those laws that have the most impact on daily life and are trained on how to interview "clients" and identify the legal issue involved. To monitor their activities and give them guidance, FIDA appoints a committee of four or five paralegals. The committees assist the rest of the trainees, but serve as liaisons to FIDA attorneys in Maseru, alerting them to interesting legal cases that FIDA can litigate as a means to create precedent that would help future litigants (impact litigation).

Lesotho is divided into 10 districts. In 2005-2006, FIDA conducted the paralegal training programs in Berea, Mafeteng, and Hoek. To choose the participants, FIDA volunteers, who are attorneys who practice or teach law in Maseru, made two trips to each district. On the first trip, FIDA approached local government officials and heads of community groups and requested that they nominate 40 people to receive the training throughout the district. The nominees were given questionnaires and requested to travel to the provincial capital for a screening. On the second trip, FIDA volunteers met the nominees and evaluated each nominee's suitability to receive the training based on their commitment to community service as gauged by their answers to questionnaires and their perceived reliability. FIDA also selected participants based on occupation and geographical location to ensure a representative mixture.

By the end of January 2006, FIDA had chosen 60 people to be trained, 20 from each district, 70 percent of whom were women. Those chosen were among the most influential members of their communities and included chiefs, educators, leaders of local NGOs and community-based organizations, representatives of youth organizations, Red Cross staff, city council members, local government employees, members of village burial societies (a highly respected position), prominent business owners and street vendors, and health professionals.

Trainers were FIDA volunteer lawyers who donated their weekends to conduct the trainings. The trainings were held in Berea District in January-February, in Mafeteng in July, and in Mochale's Hoek in September 2006. Each module was given over four consecutive weekends, starting on Friday afternoon and ending Sunday afternoon.

Results. In the training, participants were instructed on laws with the greatest impact on the daily lives of community members. They were also given skills training. Topics included land laws and laws governing inheritance and intestate succession, workers rights and labor law, types of marriages (traditional vs. common law) and the rights of women within traditional marriages as compared to

common law marriages, dissolution of property in divorce within the two types of marriages, and methods of solving land disputes.

Participants were also briefed on FIDA's and others groups' advocacy in support of the critically important "Married Persons Equality Bill," which converts the legal status of married women from minors to adults with full legal capacity. In November 2006, the Parliament of Lesotho enacted the law, after re-naming it the "Legacy Capacity of Married Persons Act." As a result, for the first time in Lesotho history, a married woman is no longer barred from owning property, receiving loans from banks, inheriting and disposing of real property, and may now hold a job without the express authorization of her husband. Women who do not marry have always had these rights, and will retain them.

Participants also developed paralegal skills. They learned how to take statements from citizens who have legal problems and identify the legal issue involved. FIDA attorneys alerted trainees to the cases that FIDA's volunteer lawyers could use for high impact litigation. At the end of the modules, FIDA established "paralegal committees" within each district composed of about six individuals. Their mandate was to work closely with FIDA to identify challenges faced by paralegals in serving as resources to their communities and to assist with collecting data to evaluate the effectiveness of their work.

To monitor the success of the training and ensure its utility, paralegals were required to submit monthly reports to FIDA on the number of cases heard as well as their action plans. In addition to reviewing these written reports, FIDA conducted field visits during which the trainers conducted focus group discussion with the respective communities.

According to FIDA, there has been a steady increase in the number of cases handled by paralegals. These data are affirmed by the records kept by the paralegals, which contain the number of cases reported, pending, and cases under investigation, cases where restorative justice was carried out, and the number of cases completed.

“ This training has instilled confidence in myself and has made me feel more empowered to advocate for myself. ”

FEMALE PARTICIPANT, EMPLOYEE IN THE OFFICE OF THE CHIEF, MOHALES HOEK, LESOTHO

In an interview with the focus group in Mafeteng, the monitoring team learned that the numbers of cases brought to the local chief's attention were decreasing. The chief reported that the paralegals are very useful and have been of great assistance in dealing with cases concerning violations of women and children's rights, which meant he had fewer to handle.

The numbers of cases reported in the Berea area are higher than the other two areas, which can be attributed to the paralegals' advocacy work as well as victims' greater willingness to explore legal remedies. Since more cases are reported, investigated and resolved in Berea than the other two districts, FIDA is planning to use it as a pilot district on which to model other training programs.

FIDA's paralegal training program has been highly successful due to the professionalism and dedication of the organizations' volunteers.

Materials. FIDA used various materials in the course of its legal literacy project. For instructors, FIDA developed a training manual to assist in presenting the material. The manual is available in English on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH458.pdf. These manuals were given to the 60 trainees to guide them in their community-based work. A report on the paralegal training conducted in the Leribe district can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADI361.pdf. FIDA also developed and disseminated hundreds of brochures and booklets, in English and Sesotho, to raise awareness and understanding of important legislative changes. Six of these brochures and booklets can be found on the DEC:

To download a copy of the *Inheritance Law* brochure, see http://pdf.usaid.gov/pdf_docs/PNADI185.pdf (in English) or http://pdf.usaid.gov/pdf_docs/PNADI209.pdf (in Sesotho).

To download a copy of the *Last Will and Testament* brochure in English and Sesotho, see http://pdf.usaid.gov/pdf_docs/PNADI215.pdf.

To download a copy of the *Marriage Law* brochure, see http://pdf.usaid.gov/pdf_docs/PNADI210.pdf (in English) or http://pdf.usaid.gov/pdf_docs/PNADI211.pdf (in Sesotho).

To download a copy of the *Land Law* brochure, see http://pdf.usaid.gov/pdf_docs/PNADI188.pdf (in English) or http://pdf.usaid.gov/pdf_docs/PNADI213.pdf (in Sesotho).

To download a copy of the *Simplification of Sexual Offenses Act* brochure, see http://pdf.usaid.gov/pdf_docs/PNADI187.pdf (in English) or http://pdf.usaid.gov/pdf_docs/PNADI212.pdf (in Sesotho).

To download a copy of the *Law of Equality of Married Counterparts* brochure, see http://pdf.usaid.gov/pdf_docs/PNADI186.pdf (in English) or http://pdf.usaid.gov/pdf_docs/PNADI214.pdf (in Sesotho).

SUCCESS STORY

Now Showing: Women's Legal Rights

WLR uses a film to engage audiences across Benin on the new family code



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Cinéma Numérique Ambulant travels by van to rural villages, bringing the film Promesse de Mariage and encouraging discussion of the film's issues.

“ Using the film to introduce training and showing it in rural villages, it's as if we handed the law to them. The film is a summary of the code. The training is better and it's easier to debate all the changes to the law, using examples from the film. ”

**BLANCHE DE SONON,
ADVOCATE, CENTRE
BÉNINOIS POUR LE
DÉVELOPPEMENT DES
INITIATIVE À LA BASE**

In 2004, a new family code was passed in Benin. The code establishes greater protections for women concerning inheritance, child custody, finances, and physical integrity. The challenge was how best to share the information with the Beninese public.

As part of a grassroots public awareness campaign, USAID's Women's Legal Rights Initiative developed a short educational film, *Promesse de Mariage*, which illustrates the change in national law through the story of a young school girl who becomes pregnant by a married man. The film explores important issues in everyday life, including delay in declaring births and violation of women's inheritance rights, and how the law differs under the new family code.

The project worked with three local partners (Association des Femmes Juristes du Bénin, Women In Law And Development In Africa, and Union des Femmes Methodistes-Benin) and a local media company to develop the script.

The film, which was launched at the American Cultural Center in December 2005, has become wildly popular among audiences and trainers. The project distributes the film free of charge and encourages people to copy and show it. It has been shown twice on national television; in more than 60 training events by NGO partners; and to over 20,000 villagers by Cinéma Numérique Ambulant, a local nongovernmental organization that shows films in rural locations using a generator, projector, canvas screen, and audio speakers. Films are followed by community discussions and question and answer periods.

Promesse de Mariage is in Fon, a local language, and features known actors in the community. Its success stimulated demand for the project's other legal literacy materials on the family code. Other donors now want to distribute the film and create others on topics such as the newly passed sexual harassment law.

Through the wide distribution of *Promesse de Mariage*, USAID has successfully contributed to reducing violations of women's legal rights by helping to educate Benin's population about the requirements of the family code.

BENIN: PUBLIC AWARENESS CAMPAIGN ON WOMEN'S RIGHTS AND THE BENIN FAMILY CODE

The problem. Women, particularly in rural areas, are ignorant of their rights. They are isolated and illiterate in communities that have followed customary law for generations. Issues such as forced marriage, rape, polygamy, *levirat* (forcing a widow to marry her dead husband's brother), domestic violence, barriers to girls' education, female genital cutting, absence of reproductive rights, the inability to inherit, and women's lack of self-determination are considered family and customary matters, and therefore not worth protesting or reporting. There is enormous social pressure to follow tradition, however unfair or unhealthy, and to accept even severe human rights violations against women. The public is generally unaware of the changes that the new family code includes and of their legal rights and responsibilities.

The strategy for a solution. Women must be aware of their rights before they can assert them. The new family code contains significant changes from the old French Civil Code and customary law regarding the right to consent or refuse to marry, rights within marriage, rights at divorce, child support and custody, inheritance, ownership and control of property, polygamy, and other family issues — many of the areas where women in Benin are most oppressed.

WLR Benin's focus has been a grassroots public awareness campaign on women's rights and the new family code, taking into account the multiplicity of local languages, the high degree of illiteracy and poverty, and the local context. WLR conducts training on the family code for community leaders at the same time as it is implementing its media strategy, because a key part of the public awareness campaign is to use existing networks to spread information on women's rights. WLR also developed a media strategy and often called upon newspapers and radio and television stations to cover meetings, training, roundtable discussions, and events to spread public awareness of women's legal rights and the family code.

Methodology. WLR Benin has spread the word about women's rights in many ways: distributing illustrated, simply worded booklets and brochures in local languages and French; developing and showing a film (*Promesse de Mariage*) that incorporates everyday situations and solutions from the family code into an interesting story; organizing community meetings to debate and discuss the new law; participating in roundtables on women's legal rights broadcast on television and radio; and holding well-publicized public events such as launches of new materials and commemorating International Women's Day. WLR Benin's materials and messages raise women's rights issues with men and women on a practical, day-to-day level, making it more likely that women's lives will actually improve because of them.

To reach a larger population in rural areas throughout Benin, WLR Benin works with local NGOs that already work and are known to the people in the region where it has been working. WLR's partners receive permission from local authorities to hold community meetings, and traditional, religious, and

political leaders are invited to participate. Meetings are held outside or in a large building in the customary manner, usually with drumming, singing and dancing to open and close the assembly, which lasts most of the day and draws hundreds of people.

Often, a group of women and men who are literate in their local language are identified before the event, given WLR T-shirts and public awareness materials, and placed prominently in the front of the audience. These people read sections of the materials, so that the first information that the audience hears about the family code comes from a known, local person, in their own language. This approach emphasizes that the family code is a law that was developed and advocated by the people of Benin, and was passed by the people's representatives in the National Assembly, not imposed from the outside. Benin is still a fledgling democracy, and WLR's approach has encouraged people to speak out and express their views.

At one rural community meeting, a local singer/storyteller/bard greeted the speakers and local authorities and summarized what was being said at various points in the program. The trainers from Centre Beninois pour le Développement des Initiatives à la Base (CBDIBA) had worked with him in the weeks before the meeting to teach him about the family code, so he was able to effectively turn the discussion into a story, encourage the local people to learn about the law and women's rights, make funny comments about it, and explain what they should and shouldn't be doing now that customary law should no longer be followed.

Using this approach reinforced information for a low literate population unfamiliar with the new ideas and requirements in the family code. After presentations and examples by the NGO representatives, there was a question-and-answer period, which usually lasted for hours, and then food, drink, and music to close the meeting.

WLR strives to build relationships between organizations and agencies that do not usually collaborate to reach people who are not ordinarily targeted with information about the family code. WLR has partnered with groups that are not "women's organizations," but that include women, such as the Institut National de l'Alphabétisation et de l'Education des Adultes (INAEA), a government-sponsored literacy agency working throughout Benin. Through various NGO partners, WLR has provided the INAEA with family code training and local-language public awareness materials; the students learn about women's rights while they learn to read.

Working with CBDIBA, Droit de l'Homme, Paix, et Développement, and Women in Law and Development in Africa, WLR has trained 60 elementary and secondary school teachers on the family code and women's legal rights. Training teachers is important because teachers are in a unique position to pass on information to other teachers and to their students, as teachers incorporate their knowledge into the classroom and begin legal literacy for the next generation of Beninese citizens. The teachers are eager to use WLR family code public aware-

ness materials and pamphlets, which are colorful supplements to their usual books and classroom materials, and schools are critical sites for carrying out a public awareness campaign.

Results. WLR public awareness materials on the family code and women's legal rights are being disseminated and used at an astonishing rate. The educational film *Promesse de Mariage* is especially popular. In the past year, it was shown twice in each of 20 rural townships by NGO partner Cinéma Numérique Ambulant, reaching an estimated 27,300 people. After watching the film, attendees participated in community discussions about the family code.

WLR's partners regularly use *Promesse de Mariage* to begin WLR-sponsored trainings. WLR has also distributed many copies of the film to international donors, local NGOs, teachers, and others, who have begun to show the film and do trainings of their own.

More than 30,000 persons have been reached by WLR's public awareness events in the past two years, and about half a million tools — brochures, booklets, posters, manuals, CDs, T-shirts with printed messages — have been distributed throughout central and southern Benin offering information on women's legal rights and the family code. Hosting grassroots public education events has given WLR Benin credibility on the ground, a reputation for caring about local needs, and the appreciation of rural communities, all of which contribute to local “advertising” of the family code. The high-quality local language and French print materials and films will guarantee that information on women's rights and the family code will be available to even more people after the project has ended.

Materials. The family code public awareness booklet, in French, can be found at http://pdf.usaid.gov/pdf_docs/PNADH770.pdf. To order a copy of the film *Promesse de Mariage*, which is in Fon with French subtitles, please contact docorder@dec.cdie.org.

GUATEMALA: PUBLIC AWARENESS CAMPAIGN ON GENDER-BASED VIOLENCE AND WOMEN'S ACCESS TO JUSTICE

The problem. Public awareness is critical to changing the way a society operates and governs itself, particularly in dealing with long-standing discriminatory practices with strong cultural roots. Women in Guatemala have little awareness of their rights, especially in rural areas and among indigenous communities, and often accept violations of their rights as a normal way of life. The extent to which women are socially conditioned to accept domestic violence is reflected in the Guatemalan saying, “He who loves you beats you.” The general public also has little understanding of the importance of upholding women's legal rights, due in part to the machismo culture that pervades Guatemalan society. Unless efforts to promote legal reforms or enforce women's rights are supported or demanded by society as a whole, they will not become sustainable or embedded within the culture.

The strategy for a solution. In order to respond to this need, WLR Guatemala entered into two strategic MOUs with the Public Ministry and the Supreme Court, both of whom are focused on developing a nationwide public awareness campaign on gender-based violence and women's access to justice. By working with two major institutions in the country, WLR Guatemala created a public awareness campaign that would ensure ownership and achieve long-term sustainability.

Methodology. The methodology designed to implement the MOUs with partner institutions focused on several strategic steps. First, WLR entered into MOUs with the Public Ministry and the Supreme Court to jointly develop the public awareness campaigns, which included designing the materials and disseminating them through their own institutional networks and promoting ownership and institutional sustainability.

The second step involved contracting a well-known communications company, Triton Communications, who took the lead in the production of the brochures, posters, and radio spots in Spanish and five Mayan languages (Q'eqchu', Kich'e, Cakchiquel, Mam, T'zutuji'l) under the guidance of the Public Ministry and the Supreme Court.

Triton also helped with the design of the dissemination strategy, which involved a network of community radio stations from across the country, the Ministry of Education's nationwide schools, and UNICAP (Public Ministry's Training Academy). UNICAP conducted a series of training activities for prosecutors on how to use these materials in their own communities and to help facilitate women's access to justice by making the materials available in their regional offices.

In addition, the Supreme Court partnered with the network of 14 justice centers and 60 mediation centers spread throughout the country. This strategy helped the Supreme Court reach out to justice sector professionals involved in providing legal aid to women victims of gender-based violence, and to the community through a holistic approach that united justice sector groups with grassroots organizations.

Lastly, an important step of this overall strategy focused on monitoring and evaluating all of these institutional-led efforts. Specifically, the partners used the monitoring and evaluation system based on WLR's results framework to monitor how the materials were used to reach out to different communities throughout Guatemala and how many local institutions were involved in the process.

Results. The public awareness campaign involved the production and nationwide dissemination of 35,000 brochures; 30,000 posters; and five radio spots in Spanish and five Mayan languages, developed in cooperation with the Public Ministry, the Supreme Court, and Triton Communications. All the materials were disseminated through the Public Ministry's prosecutors across the country, 60 mediation centers, the Supreme Court, 14 justice centers and their committees on gender-based violence, a na-

tionwide network of community radio programs, the Ministry of Education, and graduates of the Gender and the Law diploma program as part of their advocacy campaigns. Three hundred prosecutors, community radio representatives, mediation center staff, and justice center leaders were trained on how to develop their public awareness campaigns at the local level by using WLR Guatemala materials. The Public Ministry now includes an electronic version of the WLR brochure on gender-based violence on its official Web site (<http://www.mp.lex.gob.gt./infopress/campanas/promujer/promujer.htm>).

Finally, this program was successful precisely because the major partner institutions were involved in the process from the very beginning, took the lead, and had ownership of both lessons learned and successes. All these materials constitute part of WLR Guatemala's legacy, as the institutions were able to raise awareness among justice sector professionals and community leaders and continue to develop new public awareness campaigns on women's rights, gender-based violence, and access to justice.

MADAGASCAR: SURVEY ON WOMEN'S LEGAL RIGHTS AND ACCESS TO JUSTICE

The problem. During its initial assessment and country analysis, WLR Madagascar identified violence against women as a cross-cutting issue in ensuring greater protection of women's rights. However, it had never been as fully addressed as other issues such as poverty and political instability.

In 2002-2003, Madagascar, with support from the United Nations Development Programme, began to comply with its obligations under CEDAW by sponsoring a report documenting VAW's prevalence and impacts on women. Unfortunately, general opinion held that VAW was not a problem in Madagascar despite mounting evidence that women were held captive in unsafe situations subjected to multiple forms of violence. Women did not dare denounce violence and they did not know how to access the justice system, due to high illiteracy and a judicial sector insensitive to women's problems, especially those of married women. Malagasy culture expected married women to keep home matters private.

Further, little if any knowledge existed on recent laws regarding domestic violence or laws that addressed discrimination in terms of community property, inheritance rights, and nationality. Even the courts usually apply customary laws that favor men.

The strategy for a solution. WLR Madagascar wanted to base its program on existing programs and build upon work already completed by local and international CSOs. The national government plan, PANAGED (2004-2008), included a component to improve the social and legal status of women, including VAW, and was looking for financial support to implement the plan. This meshed with WLR's strategy of working with institutions, ensuring the necessary political will of the Ministry of Population and the Ministry of Justice to carry on the work.

SUCCESS STORY

Training to End Domestic Violence

USAID supports local Malagasy association that counsels couples affected by cultural changes



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A member of Association Miangaly offers services to couples in the Ambohijanaka community, which is experiencing shifts as women begin working and earning more money.

“ I am happy to help troubled couples and provide them with counseling before they consider divorce. ”

**BODO
RAZAFINTSALAMA,
GENERAL SECRETARY,
ASSOCIATION
MIANGALY**

While Malagasy law prohibits domestic violence, it remains a persistent problem for as many as 50 percent of women in the country. Association Miangaly (“to nurture”), which is based in Ambohijanaka, near the capital of Antananarivo, is addressing the problem by offering legal counseling and other services to Malagasy couples.

The 17-member association, headed by Bodo Razafintsalama, offers counseling, family planning, and social services to the Ambohijanaka community, most of whom are new workers at a nearby industrial park. Women may earn more money than their husbands, the traditional heads of household. This disruption in roles has led to a rise in domestic violence.

In June 2005, the USAID-supported Women’s Legal Rights Initiative began a series of training-of-trainer workshops for associations and civil society organizations in Madagascar, including Miangaly. Topics included laws about marriage, property rights, children, and violence against women found in the Convention on the Elimination of all Forms of Discrimination against Women, the Madagascar Family Code, and the country’s constitution.

Future trainers and advocates have used materials in simple text to raise awareness across Madagascar about recent laws. One law states that spouses must “support, respect, and nurture each other” and women who have been abused by their husbands now have the right to sue them. By sharing information with their communities, associations and organizations trained by the project have convinced women to speak out about domestic violence and seek legal protection.

The Association Chrétienne et Confessionnelle, of which Miangaly is a member, attended the project’s training and then trained each member of Miangaly. Since then, Miangaly has begun offering legal counseling. Members use the project’s legal brochures to teach community members about domestic violence laws and the potential consequences for violations such as fines and/or imprisonment.

Focus Development Association (FDA), a CSO experienced in gender and development and conducting socioeconomic surveys, became the major partner in gathering solid data that proved that violence against women exists in Madagascar, and that action must be taken to remedy the problem.

Methodology. WLR/Madagascar began working on an extensive survey that would focus on VAW and identify the causes that prevent women from participating in public life and the legal obstacles they face in the process. The survey was conducted in two target areas: Antananarivo and Toamasina, the most populous provinces in Madagascar.

Some of the major issues that were identified as part of this process were related to women's perceptions regarding Malagasy family law and their actual situation within the family, especially regarding the husband as head of the family. Do these perceptions and realities prevent women from participating fully in decision making/sharing in the household? Do women receive an equitable share of their communal property? Do they assume a disproportionate share of labor? What happens when marriages dissolve? Do women have a say in educating and keeping their children? In terms of violence against women, are Malagasy women subject to violence and if so, what are the forms and types of violence most likely to occur, and what are the legal recourses and/or social mechanisms available to them?

The interview process involved local authorities, including mayors, regional community leaders, and members of the judicial branch. More specifically, it consisted of local town hall meetings gathering authorities and people from the community, radio programs with the objective of reaching out to the majority of Madagascar's population, and other regional CSO-led events. The results of the survey were published in a booklet in French. A summary of the results was also included in a booklet in Malagasy that was used to raise awareness and to spur action. Now battered women know they are not isolated and can seek help. They can also learn about relevant national and international laws that protect them.

Results. In November 2004, 1,000 pamphlets were produced for the campaign with the slogan "Women's Rights are Human Rights." One thousand copies of this booklet, and an accompanying report, were printed and distributed nationwide, and 500 summaries were printed in Malagasy to be disseminated and used as training materials for CSOs. Three hundred public conference debates were held during the 16 Days of Activism Against Gender Violence Campaign.

As a result of reading the survey findings, The MOJ realized that it needed to increase its public awareness activities on relevant laws since citizens, particularly women, were lacking proper information about their rights. This process served as a foundation for the regional CSO training workshops on women's rights and advocacy that WLR conducted in partnership with the MOJ and that led to a reform of the family code.

Materials. The survey on women's rights and access to justice completed by FDA can be found on the DEC at http://pdf.usaid.gov/pdf_docs/PNADH450.pdf

MADAGASCAR: PUBLIC AWARENESS CAMPAIGN

The problem. Violence against women is one of the issues least understood or discussed in Malagasy culture. Compounding the problem, CSOs are not used to working as part of networks or coalitions and there is a large need for collaboration to raise awareness about women's legal rights through a range of activities using information and communication technologies, rural radio, literacy training, and other media throughout the country.

The strategy for a solution. In order to respond to this need, WLR Madagascar developed a strategic alliance with Focus Development Association to conduct a series of CSO training activities at the regional level (Antananarivo, Tamatave, Fort Dauphin) on advocacy and awareness regarding women's rights.

This process set the stage for developing an MOU with the Ministry of Justice that had as two of its strategic goals the development of a public awareness campaign and the discussion with CSOs at the regional level proposed amendments to the family code. Together with FDA, WLR Madagascar helped a network of regional CSOs build their capacity to develop and implement a nationwide public awareness campaign on women's rights.

WLR also helped the Ministry of Justice develop consultations with regional CSOs on the proposed amendments to the family code as a means of building legitimacy and facilitating exchanges and debates before sending them to Congress.

Methodology. The methodology focused on various steps, beginning with development of a strategic alliance with the MOJ and FDA. Then the project designed a series of trainings on advocacy, women's rights, and developing public awareness campaigns for CSOs in the country. The regional CSO networks disseminated brochures, radio spots, and posters on gender equality and women's rights that had been developed in Malagasy. The next step involved implementing six consultation sessions between CSOs and the MOJ to build the final draft amendment to the family code that was sent to Congress. Finally, the project created a monitoring and evaluation effort for the entire process.

Results. Focus Development Association, the Ministry of Justice, and WLR were able to mobilize a wide variety of national and regional CSO networks that had the opportunity to interact with the MOJ for the first time. This process involved developing three regional training activities for 100 CSOs in Antananarivo, Fort Dauphin, and Tamatave on advocacy, gender equality, and women's legal rights that ultimately reached 200 participants. After concluding this first step, the network of 100 CSOs, in partnership with FDA and in accordance with the MOU, conducted six regional consultations on the amendments to the family code.

“ We believe that this conference is concluding with viable strategies that will promote the role of women in family welfare and national development, in particular in making use of law to defend women’s rights. As influential people in your respective areas, we urge you to build upon the skills and knowledge you have gained from this conference and help others to understand what you learned from this conference.”

USAID/RWANDA MISSION DIRECTOR KEVIN MULLALLY IN HIS CLOSING REMARKS AT THE NATIONAL CONFERENCE ON WOMEN’S LEGAL RIGHTS AND THE RWANDAN FAMILY, SPONSORED BY WLR RWANDA, IN KIGALI, RWANDA, MARCH 16, 2006

In addition, one final national consultation event was organized by the MOJ, attended by 80 congressional representatives and public policy makers to discuss the results of the six regional consultation events. This process also involved the development of public awareness materials that included 3,000 brochures, 2,000 posters, and TV and radio spots in Malagasy on gender equality, which were disseminated through the regional CSO networks trained by WLR Madagascar and FDA. Lastly, the MOJ submitted the final amendments of the family code to Congress, who, for the first time, began addressing issues related to gender equality as a result of the highly innovative process that reached out and engaged citizens, communities, and policy makers.

RWANDA: NATIONAL CONFERENCE ON WOMEN’S LEGAL RIGHTS AND THE RWANDAN FAMILY

The problem. Although many legal and societal reforms have been made since the genocide in Rwanda, no real forum has been created for a national public discussion regarding the changing roles of women and men in families. During the WLR initial assessment visit, local CSOs, the ministers of justice and gender, and several parliamentarians expressed their conviction that Rwandans needed to discuss publicly the many societal changes they have experienced in the past decade, including how to achieve equality between the sexes, and how to create harmony in families and communities so that the people and the nation can develop and prosper.

The strategy for a solution. WLR Rwanda sponsored and organized a national conference on “Women’s Legal Rights and the Rwandan Family.” The project’s intentions were to make the conference and the topic accessible to the public, partner with the relevant ministries so that people would see that the government was encouraging discussion of the issues, and achieve practical follow-up.

Methodology. WLR Rwanda, working with the Ministry of Gender and Family Promotion, the Ministry of Justice, and well-known national CSO Haguruka (the Association for the Defense of the Rights of Women and Children), held the “Women’s Legal Rights and the Rwandan Family” conference in March 2006. The conference was held in the local language of Kinyarwanda and broadcast live by government radio to reach the widest possible audience. Eighty-two participants from a variety of fields (government personnel, teachers, scientists, civil society organization representatives, business people, lawyers, media people, and law enforcement) attended.

Panels were held on a variety of topics, including presentations on the roles of women, men, and children in safeguarding family welfare and tranquility; women’s rights in international human rights instruments and Rwandan law; progress in promoting women’s rights; and the role of different organs of society in preventing and fighting violence against women and children. A lively question and answer session followed, including radio call-ins from districts throughout Rwanda. The discussion publicly addressed concerns about how women’s and men’s new roles have changed the traditional family structure, and how violence against women and children is not being reported or punished. The callers urged their neighbors and lawmakers to do more to promote the rule of law in Rwandan society.

In the afternoon, participants broke into three working groups and developed recommendations for civil society groups and government on ways to strengthen the Rwandan family, prevent violence against women, improve family welfare, and encourage development. The recommendations were read to government authorities and broadcast to a wide radio audience.

Results. The conference furthered the national discussion on women’s rights in the family and Rwandan society. WLR Rwanda received many calls from organizations interested in developing proposals to implement the recommendations from the conference. Some suggestions were to build and operate women’s shelters as a refuge from domestic violence; hold public awareness campaigns to inform the public about why gender-based violence is bad and to encourage reporting; “sensitization” of police, religious leaders, and other authorities on GBV; and family counseling on how to resolve problems peacefully, without violence.

WLR Rwanda supported the continuation of the “gender and justice” thematic group, a group of CSO representatives whose organizations work on gender and justice issues. This group collected and reviewed ideas and proposals stemming from the conference, and discussed the possibility of working in collaboration with the groups that proposed activities. Unfortunately, the early closure of WLR Rwanda cut short these discussions.

WLR Rwanda’s partner ministries expressed satisfaction about the event and interest in follow-up activities, and the project encouraged CSOs to present their proposals to the relevant government departments for possible funding and other support.

Materials. The project produced a summary report, the *Report on the National Conference on Women's Legal Rights*, written in Kinyarwanda and translated into English. The WLR Rwanda team developed a dissemination plan, and with assistance from USAID/Rwanda, printed and distributed the report throughout Rwanda for greater exposure and further discussion of the issues of gender-based violence and the changing Rwandan society.

The *Report of the National Conference on Women's Legal Rights* can be found at http://pdf.usaid.gov/pdf_docs/PNADH915.pdf (English) and http://pdf.usaid.gov/pdf_docs/PNADH914.pdf (Kinyarwanda).



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Women victims of gender-based violence participate in a dance and singing presentation at Village of Hope in Rwanda, October 2004. Village of Hope is a project of WLR partner Rwanda Women's Network and provides shelter, medical care, HIV/AIDS education, legal rights education, and psychological counseling.

CHAPTER FIVE

COMMON STRATEGIES TO PROMOTE WOMEN'S LEGAL RIGHTS AND SUSTAIN REFORMS

ROLE OF ASSESSMENTS

After the WLR Task Order was awarded in 2002, WLR, in cooperation with USAID offices in Washington, D.C. and in the field, chose to develop programs in Albania, Guatemala, Benin, Rwanda, Madagascar and the southern Africa region. The strategic objective of the task order is broad — “women’s rights strengthened” — as are the constituent intermediate results (IRs): improving the legislative framework to better protect women’s legal rights; enhancing justice sector capacity to enforce and interpret women’s legal rights; strengthening the capacity of civil society organizations to advocate for women’s legal rights; and increasing public awareness of women’s legal rights.

To determine the best focus of WLR activities within the context of the four interdependent IRs, WLR conducted comprehensive assessments in each country, meeting with a range of stakeholders including local civil society organizations and community-based organizations working in the area of women’s rights, women’s rights leaders, government officials, attorneys, judges, and international organizations as well as donor organizations. In practice, not all WLR target countries received assistance in all IRs; instead, WLR’s programming in each country was tailored to those IRs that would most effectively promote the overall strategic objective of strengthening women’s legal rights, given the country’s particular set of circumstances and priorities. The depth of the assessments varied across countries, depending in large part on whether the local USAID mission had specific goals for the use of WLR’s resources and whether the mission sought WLR to take the lead in identifying areas of intervention.

WLR’s first assessment was of Guatemala. During two visits, WLR held in-depth meetings with key government, academic, and civil society leaders and representatives of international organizations. It became clear there was a lack of

understanding and respect for women's legal rights throughout Guatemala and lack of compliance with international standards and norms of women's rights. Guatemala also suffered from weak implementation and enforcement of laws by justice sector institutions, and there was a low level of awareness by women and civil society of women's legal rights. WLR's intervention, therefore, focused on capacity building of justice sector institutions, to be implemented in a holistic and multidisciplinary approach that included the development of a graduate level program on gender and the law for justice sector professionals and civil society advocates, along with advocacy and awareness campaigns.

The most comprehensive assessment was conducted in southern Africa, where five countries (Botswana, Mozambique, Namibia, South Africa, and Swaziland) were originally slated to receive WLR programming. The results of that assessment indicated that priorities would be strengthening the capacity of civil society organizations to advocate for women's legal rights and increasing public awareness of these rights.

The results of the WLR assessment in Albania, in contrast, revealed significant gaps in that country's legislation, such as lack of legislation banning domestic violence and inadequate capacity of judicial institutions to enforce recent laws prohibiting trafficking in persons. In Albania, therefore, WLR focused its activities on sponsoring the development of domestic violence legislation and assisting in its implementation, training judges, and developing legal resources for judges to assist them in implementation, particularly of the new law on trafficking in persons.

WLR also conducted an assessment visit to Madagascar with visits to the capital city, Antananarivo, and to the secondary city of Fianarantsoa. The assessment team met with international donors, government officials, and representatives of civil society organizations. Their findings revealed that women in Madagascar in general, and those working on women's issues in particular, had many challenges to contend with in their struggle to establish a viable role for women in the country's political, economic, and social arenas.

As a response, WLR proposed focusing on violence against women, civil society capacity building, and public awareness and education. As the project developed, however, WLR began to focus more on civil society capacity building, advocacy, and awareness and capacity building of justice sector and legal professionals.

WLR found a thriving civil society in Benin, with many organizations working on issues of importance to women. Also, a new family code that drastically changed the rights and responsibilities of women and men and their relationships in the family and community had just been passed. In this environment, WLR chose to focus its activities on solidifying the strength and cohesiveness of CSOs, while promoting public awareness of the new family code. It was a perfect opportunity to tie education and advocacy on women's legal rights to the promotion of the new law.

Once the projects in Albania, Guatemala, Madagascar, and southern Africa were underway, WLR turned to Rwanda, where problems facing women, even (then) eleven years after the genocide, were daunting. Rwanda was still in a post-conflict situation. The high number of widows and orphans; the many women whose husbands had been in jail for years; the rapidly changing society; and the emotional, physical, and psychological fallout from the violence of the genocide plagued the country.

And yet, there had been many recent improvements in the legal framework of Rwanda to support women's legal rights, including a new constitution mandating a minimum of 30 percent women in decision-making positions, and 49 percent representation by women in the Chamber of Deputies. The political landscape in Rwanda was and is still complex, and many international donors were working on women's rights issues.

WLR's assessment in Rwanda led to programming designed to fill in gaps other international donors missed: providing technical assistance to help organizations working on women's rights, particularly gender-based violence; coordinating their efforts; and raising public awareness about violence against women. By understanding the activities of other groups, WLR Rwanda avoided duplicating their efforts and was able to concentrate on filling in gaps left by other projects.

Throughout its assessments, WLR relied extensively on the guidance and support of USAID mission staff in the target countries. Their input was critical in developing effective programming tailored to individual country needs.

FOSTERING LOCAL OWNERSHIP OF LEGISLATIVE REFORMS

In developing countries, many government-led legislative initiatives are conducted in a non-transparent, and frequently haphazard, fashion. Often, NGOs and other stakeholders are afforded few opportunities to provide input into the development of draft legislation, resulting in incomplete and at times poorly written laws.

Similarly, reforms spearheaded by NGOs can be handled unpredictably and in an equally non-transparent manner. For example, an NGO seeking legislative reform may have particularly close ties to one or more government ministries, so that any legislation it drafts is readily adopted by that ministry and makes its way to Parliament without the benefit of input from other, less politically connected NGOs or stakeholders. Usually, laws developed in non-participatory and non-transparent environments are poorly implemented because stakeholders and those government offices and agencies charged with implementation had little to no input or "buy-in." This process is counterproductive and slows reforms.

WLR was mindful of these potential pitfalls when tailoring its interventions in support of the development of legislative reforms to advance and promote the rights of women. WLR employed a number of strategies to ensure widespread input and acceptance of laws. Two techniques are noteworthy: engaging local partners in the drafting of legislation, and taking advantage of the citizens' petition.

Engagement of local partners to draft legislation. In Benin, sexual harassment of women and girls is endemic. However, no legislation banned the practice, and no appreciation existed of its damage to the mental and physical health of women and girls. To develop legislation banning sexual harassment, WLR convened a workshop of two dozen key stakeholders from government, civil society, the private sector, schools, and the judiciary. Using laws from other jurisdictions and shared experiences and perspectives, and through heated discussion and thoughtful consideration, this diverse group drafted a bill banning sexual harassment in schools, workplaces, and even in homes.

To sensitize decision-makers and prepare them for dealing positively with the draft law, WLR facilitated educational sessions for members of the Benin National Assembly on the harmful consequences of sexual harassment. Those organizations instrumental in advocating for Benin's new family code took part as well in the campaign to promote women's and girls' freedom from sexual harassment. This WLR-sponsored legislation was passed, without changes, after one year of activities, and was signed into law by the President of Benin in September 2006.

Introducing citizens' petitions to parliament. The Albanian Constitution allows three methods of introducing legislation to its national Parliament: by the Cabinet of Ministers, by a Member of Parliament, or by a "citizens' petition." The draft domestic violence legislation was the first bill introduced to the Albanian Parliament via a citizens' petition. This breakthrough was engineered by WLR in partnership with the Citizens' Advocacy Office. The legislation, which bans domestic violence and provides for civil protection orders, was developed using well-tested participatory and transparent methods, drawing upon expertise amongst the CSO and government stakeholders.

Once a technically sound bill had been drafted, CAO, in cooperation with like-minded CSOs throughout Albania, collected 20,000 signatures as required under the Constitution and presented the petition to Parliament as a Citizens' Bill. This act was a first in Albanian constitutional history. Organizers took the opportunity to inform local groups of the problem of domestic violence and the need for legislation. This exercise not only will enhance observance of this law once it is passed — it has strengthened Albanian democracy.

Facilitating CSO-government consultations. In Madagascar, WLR facilitated extensive input by the CSOs into the development of amendments to the family code, which was under the purview of the Ministry of Justice. WLR accomplished this in cooperation with FDA, an established CSO committed to the promotion of gender equity and to fighting gender-based violence. Both WLR and FDA organized six regional meetings between MOJ officials and regionally based CSOs to discuss needed amendments to the code. To ensure nationwide input, WLR and FDA conducted the consultations in regional capitals throughout Madagascar. WLR secured the cooperation of the MOJ in advance of the consultative sessions through a detailed memorandum of understanding.

As a result of these consultations, the MOJ dramatically improved the draft family code and CSOs established good working relationships with their regional MOJ representatives. Such cooperation will continue beyond the life of WLR, and bodes well for the future CSO-government cooperation in the implementation of the code.

Building capacity of justice sector institutions. In the course of its work in all target countries, WLR employed various techniques to engage and build the capacity of justice sector institutions with the ultimate objective of better protecting women's legal rights. WLR worked closely with the wide range of actors that collectively constitute the "justice sector," including government ministries, judges, court staff, attorneys, law schools, and judicial training institutes.

Government institutions. In order to secure strong buy-in from local partner institutions from the very beginning, WLR programs in Guatemala, Madagascar, and Mozambique employed the use of memoranda of understanding with key government ministries. The MOUs secured the design, development and implementation of agreed-upon activities, resulting in greater institutional impact. They created a "division of labor" between WLR, the ministry and, in the case of Mozambique, a third-party NGO, identifying respective responsibilities. They also identified points of contacts and clear timelines. The government institutions themselves were equal partners in drafting the MOUs instead of mere recipients of external technical assistance. As a result, the ministries became the leading partners, taking ownership of challenges and responsibilities. The understandings captured in the MOUs helped lay the foundation of collaborative work between WLR and the partner ministries.

In Guatemala, WLR entered into memoranda of understanding with the Public Ministry, the lead ministry handling law enforcement issues; the Institute of the Public Defenders; and the Supreme Court. The MOU with the Institute of Public Defenders helped the institution incorporate gender perspectives into the public defenders training strategies, both through direct training of public defenders and through training-the-trainers. WLR and the Institute also produced training materials and a monitoring and evaluation system, and disseminated studies of cases that incorporate gender perspective among the institution's nationwide network of public defenders.

The MOU with the Supreme Court focused on developing a public awareness campaign with mediation centers nationwide and leading a gender mainstreaming process within the Judicial School. The MOU with the Public Ministry facilitated the training of prosecutors on the implementation of the domestic violence law with gender and multicultural perspectives and developing and disseminating a nationwide public awareness campaign in Spanish and five Maya languages.

In Madagascar, WLR used the same strategic and detailed approach to partnership building through capacity building and applying lessons learned from Guatemala. The fact that in both countries (Guatemala and Madagascar) these

MOUs became critical instruments of implementation made possible the visits of a U.S. Federal Judge and a Gender and the Law professor, whose expertise contributed to making WLR's technical assistance efforts a success at every level of cooperation.

In Madagascar, the MOU became the key instrument the Ministry of Justice used to incorporate the gender perspective into the legislative drafting in consultation with a nationwide network of grassroots organizations that resulted in the reform of the family code and incorporating the gender and human rights approach into the School of Magistrates curricula.

In Mozambique, WLR entered into an MOU with the Ministry of Justice for purposes of developing that country's first law against trafficking in persons. The MOU secured the ministry's commitment to the initiative while delineating the "division of labor" between WLR and the ministry with respect to the law's development. In the MOU, WLR cited an NGO network that would be its partner in developing the legislation, formalizing a working relationship between the ministry and a network of interested stakeholders.

In many WLR projects, WLR formed strategic partnerships with ministries to assist them in implementing laws that promote and protect women. This assistance was provided after laws had been passed as well as before passage, to prepare ministry staff for implementation.

In Albania, after the draft domestic violence law was introduced to Parliament in January 2006 and enacted in December 2006, WLR turned to the ministries to prepare them to assume the responsibilities they would acquire with passage of the law. Victims of domestic violence need a range of legal, psychological, economic, and sometimes medical services to free them from the clutches of this problem. As such, to be effective, any legal system must coordinate with local social and health services and with NGOs that treat and assist victims.

The law creates a mechanism to protect victims that was new to Albania: the civil protection order. To grapple with this new procedure and develop a coordinated community response to domestic violence, throughout 2006 WLR conducted training for ministry staff as well as NGOs that will eventually be entrusted with implementation. WLR also assisted ministry and NGOs staff in the development of a system of protocols and MOUs amongst agencies, NGOs and the courts. WLR's strategy was to first introduce key agency and NGO staff to this coordinated approach, then work one-on-one with key individuals. This project resulted in a wholly integrated, coordinated approach to implementation, ready to be deployed when the law enters into force on June 1, 2007.

Law schools. WLR sought to expand curricula of educational institutions to include gender analysis and instruction on legal topics that have the greatest impact on women, such as domestic violence, trafficking, family laws, and gender equity law and jurisprudence. The new coursework in these areas covered local laws as well as the international standards as embodied in international conventions.

In Rwanda, genocide virtually eliminated legal professionals, destroying the formal court system. To rebuild the legal system, the Rwandan Government, through the Ministry of Justice, has made a determined effort to professionalize the judicial sector, creating a new legal post-graduate Institute of Legal Practice and Development for lawyers, prosecutors, magistrates, and judges.

WLR requested a chance to contribute to the Institute's curriculum in its critical start-up phase. WLR worked with two local consultants to develop a course on Gender and Domestic Relations, which covers methods of conducting gender analysis on family law issues and how to consider the social context when making judicial decisions, legislative interpretation, or handling a case. The course was approved by the Ministry for inclusion in the mandatory curriculum for all lawyers, judges, and prosecutors attending the Institute.

In Guatemala, WLR partnered with the University of San Carlos Law School to develop a gender and the law graduate program for men and women working as justice sector professionals and civil society advocates, the first of its kind in Central America. The program consists of two graduate level degrees: a diploma in Gender and the Law, and a masters on Women's Rights, Gender, and Access to Justice. The program accepts lawyers and non-lawyers, most of whom are employed by CSOs active in promoting women's rights and justice sector institutions. The innovation of this program is the requirement that all students design and implement gender mainstreaming and advocacy projects to graduate.

As a result of these projects, justice sector institutions began to incorporate the gender perspectives into the services they provide to citizens, particularly for women who suffer from gender-based violence. At the higher education level, the University is taking the lead in teaching women's legal rights at the graduate level.

Justice sector training. WLR's assistance to justice sector institutions extended to institutes for the training of sitting judges and magistrates, as they are entrusted with enforcing laws protecting women. In Albania, Guatemala, and Madagascar, WLR entered into formal partnerships with such institutions, and activities were designed to meet the special needs and circumstances of each.

WLR formed a strategic partnership with the Magistrates School of Albania, sponsoring coursework in domestic violence, trafficking in persons, and gender sensitivity. WLR financially supported these courses over two academic years, at the end of which the school integrated the courses into their ongoing, permanent curricula. This intervention was highly successful in that it guarantees that future judges and prosecutors of Albania will be exposed to legal issues that affect women.

In Guatemala and Madagascar, WLR partnered with a variety of justice sector institutions (the supreme courts from both countries, the Ministry of Justice in Madagascar, the Public Ministry in Guatemala, and the Institute of Public Defenders in Guatemala) to improve awareness of and the implementation and enforcement of women's legal rights amongst members of the judiciary. To meet this need, WLR recruited outside legal expertise— a U.S. federal judge and a

SUCCESS STORY

Paralegals Protecting Women

WLR graduates create resources and support domestic violence victims in Guatemala



Paralegal community leaders in Villa Nueva developed this manual to support the women of their community and to combat its high rates of violence against women.

“ The manual is useful, accessible, and easy to read. It includes material that will improve women’s lives. Many copies of the manual should be printed and used throughout the country. ”

CONSUELO NIMETH ECHERRIA, PARALEGAL

Troubled with gangs and high crime rates, Villa Nueva is a large suburb of Guatemala City and one of the most violent neighborhoods in the country. While the number of cases involving domestic violence, sexual crime, and murder of women continues to rise, few are reported or investigated. In addition, criminal justice and civil society groups lack the understanding and capacity to raise awareness of the problem and help women access the justice system.

Under the leadership of Vilma Dinora Morales, a family therapist, the USAID-supported Women’s Legal Rights Initiative is raising awareness of women’s legal rights and creating resources to help female victims of violence. Morales, a graduate of the WLR Gender and Law diploma program, and another graduate, Julissa Baldetti from the Institute of Comparative Criminal Studies, developed a program to train community leaders as paralegals. About 50 women and men who received their certifications established a network to give legal services to over 500 women from 15 neighborhoods in the Villa Nueva area.

Few materials on violence are available in their communities, so the new paralegals set out to develop some that would help victims of crime “fight back.” The paralegals developed a manual on intra-family violence that they now use to raise public awareness and assist victims of violence. The manual has colorful graphics and text that is easily understood by low-literacy readers. The manual includes two parts: one that describes violence and its effects on women and the home, and one that teaches readers how to assist victims of violence and focuses on understanding rights, legal mechanisms, and community resources.

Now the paralegals are implementing a monitoring and evaluation system to track use of the manual and to gauge the effectiveness of their work in communities throughout Villa Nueva. The paralegals record each of the cases and follow up with justice sector institutions and community organizations such as the police to ensure that services are delivered in a timely way.

While little help was previously available to victims of violence, the paralegals now help nearly 150 women every day live safer and healthier lives. “I was one of those women,” said Consuelo Nimeth Echerría, a Villa Nueva community paralegal. “I didn’t know anything about my rights or the law. I used to see my neighbors suffering from violence, but now I can assist them. I carry my diploma around to show that I have an education and can help.”

gender and the law professor— who conducted a series of highly successful trainings in both countries to arm judges with the skills needed to fully enforce the laws that protect women’s rights. WLR, with the outside experts and the local training institutes, devised a series of trainings for justice sector professionals and engaged in high-level conversations with the leadership of participating institutions.

The outside legal experts addressed the independence of the judiciary, the role of the judicial branch in enforcing women’s rights, implementation of international human rights treaties at the national level, harmonization of local laws with international standards, judges’ obligations as state actors to implement Guatemala’s and Madagascar’s international human rights commitments in their own decision-making, and women’s rights to equality and freedom from violence under international and regional human rights law. As a result of this training, the judicial and magistrate training institutes from both countries have required judges and magistrates to study these topics.

In Albania, WLR sponsored the development of a resource manual for Serious Crimes Court judges on the new trafficking in persons laws. WLR had recruited a consultant to assess the implementation of the relatively new laws on trafficking in persons and witness protection. The consultant identified many gaps in understanding and applying the laws were discovered, primarily in those courts that do not regularly handle trafficking cases (and thus should know to refer them to the Serious Crimes Court, which has sole jurisdiction of trafficking cases in Albania). The manual provides checklists; an explanation of Albanian law and international law on trafficking; and copies of implementing local regulations, methods of obtaining evidence from abroad, and local resources for victims, such as shelters.

Paralegals. The new family code in Benin provided a timely opportunity for WLR to promote women’s legal rights through the training of paralegals on the practical application of the Code’s provisions and to raise public awareness of the law in Benin. Supporting paralegal education for those local leaders who are regularly consulted by their communities on legal and other issues was an effective way to reach people throughout Benin. WLR worked in cooperation with current programs and partner NGOs to implement the program. WLR developed a manual on the new family code to educate new and existing paralegals on how the new law differs from customary practice and the outdated civil law still in use.

The project created a core group of paralegals who know the law and local traditions, and who are trained both to mediate and to use the legal system. These individuals are at the forefront of WLR’s efforts to give women, especially rural women, the knowledge and support to protect themselves from the oppression and unfairness of customary practices that violate their human rights.

In Lesotho, WLR partnered with the Lesotho affiliate of the Federación Internacional de Abogadas to implement a program to raise rural women’s awareness of their rights, to alert them to advocacy efforts in Maseru to reforms laws that con-

tinue to discriminate against women, and to arm them with sufficient knowledge of basic laws to advocate on their own behalf. FIDA vetted, selected, and then trained key community leaders from rural districts with the understanding and expectation that these leaders will serve as a resource to their communities.

The process of developing manuals for paralegals in Guatemala grew out of the need of a group of community women trained by a graduate from the Gender and the Law diploma program. This group of 50 women, with strong ties in the community, felt they needed to acquire more legal knowledge in order to better assist those women who were suffering from gender-based violence. In its response to this community-driven need, WLR recruited a network of graduates of the diploma and master's program to design and develop training manuals for the community-based trainings.

In this process, WLR involved the women trainees themselves to ensure that the materials responded to their needs. The women not only wanted to be trained, they wanted to be able to use these materials in future community training events as means of reaching out to other people — men and women — from their communities.

This participatory approach helped achieve more than the development of a community training manual on women's rights and access to justice. It became a strategic tool to generate community cohesion and mutual learning that led to the creation of a network of paralegal community women leaders who are volunteering their time to helping those that suffer from gender-based violence.

BUILDING CAPACITY AND SUSTAINABILITY OF CSOS ADVOCATING FOR WOMEN'S LEGAL RIGHTS

WLR used a variety of strategies to build the capacity and enhance the sustainability of civil society organizations that advocate for the promotion and protection of women's rights. WLR tailored capacity-building activities to the particular set of challenges and opportunities within each target country.

Train-the-trainers. In Rwanda, WLR recruited a human rights lawyer and trainer to develop and teach interactive training methodology to trainers for a partner NGO, which in turn trained others in those methods. Participatory, interactive training techniques are an innovation in Rwanda, as Rwandans generally are used to learning the way they are taught in school, with a teacher lecturing students rather than engaging them. Participatory training exercises, in which participants act out what they are learning, give feedback, and discuss the value and use of an exercise, have been shown to be more effective ways of teaching than other, more passive methods.

Twenty-seven trainers from throughout Rwanda attended the workshop. Most of the participants were lawyers, and all of them are trainers in their fields of expertise such as conflict resolution, education, journalism, sociology, economy, women's and children's rights, and the rule of law. Trainees learned and practiced a variety of participatory techniques, such as role plays, hypotheticals and case studies, "fish bowl" listening exercises, flip charts, and debates. They are now

skilled enough to teach interactive techniques in future workshops for women's rights advocates.

WLR Benin implemented most of its capacity-building programs through partner NGOs. Since WLR's partners had varying levels of knowledge of the new family code and women's legal rights, all partners received training on the code. For example, one year into the program, WLR began to work with the NGO Union des Femmes Méthodistes du Bénin (UFM), a Methodist Church women's organization. UFM has a network of members who perform community work outside major cities, visiting villages, peoples' homes, and churches and explaining women's rights to men and women and helping them to resolve disputes.

WLR and UFM held a training-of-trainers for 25 community leaders, using the same format and materials as other NGO training activities. WLR and UFM tested participants' existing knowledge of the family code and women's legal rights, and training was then tailored to fill the gaps in knowledge. Trainees learned about the most important provisions of the family code concerning family status, marriage/legal separation/divorce, family relationships, and succession/inheritance, as well as general elements of Benin's legal system. Because the participants were already giving advice and counseling in the local communities, they were motivated to learn the requirements of the new law, which were unfamiliar to most of them before WLR's training.

WLR Benin also provided public awareness booklets for the literate participants. Practical case studies and realistic scenarios discussed in small groups and then later in the larger group allowed the trainees to better understand the day-to-day implications and applications of the law. After the training, a post-training questionnaire was completed by every participant so that WLR Benin could assess whether the information presented was learned. The questionnaire was also used to collect evaluations and feedback from the participants.

BUILDING LOCAL CAPACITY THROUGH TRAINING AND ADVOCACY CAMPAIGNS

The CSO capacity-building activities in Madagascar consisted of regional training activities developed in partnership with Focus Development Association. FDA facilitated program implementation and outreach to grassroots organizations from different regions while also creating local capacity building and investing in long-term sustainability. FDA had the technical knowledge of gender and women's rights and the strategic framework to be able to work with this nationwide network of CSOs and government institutions.

Once the WLR initiative was completed, FDA decided to take the lead and continue implementing interventions on CSO strengthening, advocacy, and public awareness of women's legal rights in partnership with the Ministry of Justice.

WLR Rwanda's main capacity-building activity was to assist Profemmes in its role as coordinator of women's NGOs. WLR supported the hiring of a coordinator for Profemmes to identify obstacles to coordination and information-sharing

among member organizations and develop ways to overcome these impediments. WLR Rwanda contributed to Profemmes' strategic plan and worked with staff and association members to develop mechanisms to allow all interested NGOs to share information and strategically work together to accomplish their goals and avoid duplication.

WLR Rwanda also worked to build the capacity of civil society organizations and networks working on gender-based violence to collaborate on activities. WLR Rwanda supported field research that resulted in an assessment report on past, present, and future activities of NGOs and government agencies against GBV, available to all interested NGOs in Kinyarwanda and English. The report was a tool to help organizations better plan, coordinate, and effectively implement anti-GBV activities.

WLR Rwanda also supported and facilitated a gender and justice thematic group, a media strategy group, and a public awareness materials development group to set up sustainable ways for different groups to plan and work collaboratively.

Country program activities have been designed to strengthen local institutional and partner capacity, and foster leadership and ownership at every level possible. The WLR team is committed to seeing local partners assume responsibility for continued work on advancing women's legal rights.

Creation of user-friendly public awareness materials. WLR Benin, in its continuing efforts to implement a sustainable public awareness strategy, supported the production of a film incorporating many substantive sections of the Benin Family Code. As with all WLR Benin materials, this movie was made in a participatory way. The project's NGO partners contributed story ideas that were fashioned into a script and filmed by professionals, with input by the staff and partners through every stage. All the women in the film were actors from a local theatre troupe, and the male lead was played by a well-known Beninese actor and former newscaster.

The final product, *Promesse de Mariage*, is about 45 minutes long, and is in Fon (the local language most commonly spoken in Benin) with French subtitles. It is the story of Elyzée, a young schoolgirl who is being pursued by an older man, François. François is a lawyer and is already married, but promises Elyzée that he will marry her as a second wife, although he knows the new family code prohibits polygamy. Elyzée becomes pregnant, and her father is very angry, because she is young and in school and another man has already paid him a dowry for Elyzée, which he has spent. Complications ensue when François' wife finds out about Elyzée, and at the end of the film, a lawyer explains everyone's rights and responsibilities under the new Benin Family Code, and they sort out their problems.

To ensure that as many people as possible learned of the availability of *Promesse de Mariage*, WLR Benin and USAID/Benin held an official launch. The Minister of Family, Social Protection, and Solidarity; the President of the High Court

of Justice; representatives from the Constitutional Court and the Ministries of Justice, Education, and Health; and the U.S. Ambassador to Benin attended, as did the film's director, the actor who played the male lead, and many members of our NGO partners and representatives of other local and international NGOs. The first public audience responded enthusiastically to *Promesse de Mariage* (as have all audiences since) — laughing, gasping, booing, and clapping.

After the viewing, WLR Benin continued its participatory approach by asking the audience for its impressions, which led to several revisions to the film. Changes were also made to the versions broadcast on television, based on audience suggestions. WLR is convinced that by including many individuals in the process of development, the film became a much better public awareness tool.

WLR Benin launched a “road tour” of *Promesse de Mariage* on International Women's Day 2005 with the project's NGO partner, Cinéma Numérique Ambulant. They traveled in vans with generators and equipment through a circuit of 20 villages in rural, remote areas of Benin. With the participation of local leaders and other NGOs, they engaged the community in discussions on the issues raised in the film, the Benin Family Code, and women's legal rights. WLR has also used *Promesse de Mariage* in training activities, in schools, and for other educational events. The project has encouraged people to make copies for themselves and their communities, which they have done. Tens of thousands of Beninese have seen the film, and it has become WLR Benin's most successful public awareness tool.

In Guatemala, WLR's public awareness activities on gender-based violence and access to justice were highly successful, due in large part to the unwavering commitment of the Public Ministry, which was a dedicated partner in developing user-friendly materials. Prior to WLR's intervention, this ministry had never addressed the issue as part of a public awareness campaign and wanted to become more involved in the fight against violence against women.

The Ministry placed on its official Web site information on gender-based violence and access to justice for use by the general public and other public and private organizations. The Ministry of Education used the link to the Web site as a classroom tool, mediation centers used the site to provide information to victims of domestic violence, and the Supreme Court used the site to launch other public awareness initiatives.

WLR Benin and WLR Rwanda both worked with local partners to develop collaboratively designed written public awareness materials on women's legal rights. WLR Benin held a week-long materials development workshop with NGO representatives, some with legal backgrounds and all women's rights advocates, to write the text of a public awareness booklet and paralegal manual on the new Benin Family Code. WLR Rwanda gathered NGO partners' representatives to first do an assessment of existing materials, targeting the general public on gender-based violence and women's rights, and then to collectively discuss what messages should be contained in such materials. The participants

then wrote sections separately but came together for more discussion and consensus.

WLR considered this participatory approach crucial to the authenticity of the message and the sustainability of the materials. In both countries professional artists were hired to illustrate the booklets.

Public awareness booklets were published in local languages in both Benin and Rwanda, and distributed by WLR's local partners.

CONCLUSION

WLR has successfully designed and implemented programs to promote and protect women's legal rights in Albania, Benin, Guatemala, Madagascar, Rwanda, and in southern Africa. The project creatively employed common strategies and techniques across target countries, despite the diverse histories, legal systems, languages and cultures within which WLR was operating. The success of these common denominators demonstrates how they can be universally applied.

Cooperate with local CSOs. A key strategy of WLR programming has been to actively engage and cooperate with local CSOs that are dedicated to elevating the status of women and ensuring their equal protection under the law. Moreover, in each target country, WLR ensured that it engaged CSOs nationwide, particularly those in rural areas. Too often providers of international development assistance concentrate their efforts in capital cities and heavily populated regions, to the detriment of more isolated populations. WLR consciously chose to expand its programmatic reach to rural areas, particularly as rural women tend to suffer most from societal discrimination and legal inequalities.

Promote local ownership of legal reforms. WLR also cultivated local ownership of legal reforms through adoption of inclusive, participatory approaches to project implementation. Fostering local ownership is particularly crucial in developing legislation, as it vastly improves the chances of acceptance and implementation of the reforms. Otherwise, laws become little more than parliamentary policy statements.

Engage government institutions. To garner ownership by government ministries and state-controlled or state-funded institutions, WLR negotiated and entered into detailed memoranda of understanding. The MOUs, which were used in a variety of programs, solidified partnerships. This tool addressed a range of activities, from incorporating special gender-related coursework into existing curricula of academic and training institutions to drafting legislation in cooperation with a ministry of justice. The MOUs not only facilitated smooth working relationships between WLR and partner institutions, they often expanded connections and cooperation between the CSO sector and the governmental institutions, as CSO input was often required in the MOUs.

Train key professionals. Given the paucity of trained legal professionals in developing countries, lay people are commonly used in the rural areas of developing

countries as legal resources and problem solvers. Relying heavily on local CSOs, WLR made a conscious effort in each target country to reach non-lawyers for comprehensive paralegal training, augment the skills and knowledge of existing paralegals, and train new individuals and community leaders to add to their ranks. The interventions included training of paralegals to train others, ensuring long-term sustainability.

Foster sustainability of reforms. A critical and essential component of all WLR programming was to build the capacity of partner organizations to encourage the sustainability of projects, programs, and advances produced during WLR's tenure. By working together in all aspects of project design and implementation, and through direct training and capacity-building programs, WLR ensured that efforts to promote and protect women's legal rights will continue long after WLR ends.



U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523
Tel: (202) 712-0000
Fax: (202) 216-3524
www.usaid.gov