

WOMEN AS AGENTS OF CHANGE IN RULE OF LAW

The Rule of Law Collaborative at the University of South Carolina

February 22, 2018

<http://rolcsc.org/activities/women-agents-change-rule-law/>

Materials for CLE Registrants

Session 1: Strategies in Pursuit of Human Rights Education for All Women

Access to human rights education can enable women to develop a critical awareness of their rights, acquire the skills to exercise their rights and be empowered to catalyze social change. Panelists will have the opportunity to discuss the specific role they have played in either advocating for or implementing activities in relation to human rights education, the opportunities and challenges they faced and the specific strategies they have employed to advance their cause.

The panelists will consider the following questions:

- Panelists will provide examples of initiatives or campaigns they have implemented to promote women's human rights and will detail the strategies they have employed.
 - They will examine the change they sought and why and who was targeted as part of their advocacy campaigns.
 - The challenges they faced and how they mitigated those challenges?
 - Examples of less successful initiatives and why they weren't as successful. The broader lessons learned?
- Women are not a homogenous group; they have varied interests and are impacted differently by forces of gender, class, ethnicity, language, kinship and tribal ties. Panelists will discuss how they design effective educational strategies recognizing the diversity of women within various communities.
- The Sustainable Development Goals (SDGs) provide a broad framework for thinking about development strategies that include the "empowerment" of women. Panelists will discuss how they define women's empowerment.
 - Are there ways in which we can place women's empowerment into the framework of the SDGs to generate meaningful conversation about women's empowerment and encourage donors to support funding and programs for women's empowerment? For example, is women's empowerment best understood through simply through SDG 5 (Gender Equality), or perhaps through a combination including other SDGs?
- The more women are made aware of their rights, the more empowered they are to seek justice, fight corruption and assume leadership positions. Panelists will discuss the ways and degree they believe their efforts have empowered women to advocate for increased access to justice, good governance, etc. within their respective communities.

- Never has a symposium been more timely as women across the globe stand united against harassment, sexual violence, and inequality. As various movements, for example the #metoo movement, continues to gain momentum, panelists will discuss the advice they have for women change agents today drawing from their own experiences.

Suggested readings:

- Dr. Paval Shah: Writing against culture: unveiling education and modernity for Hindu Indian and Muslim Pakistani Women through an ‘ethnography of the particular’
www.tandfonline.com/doi/full/10.1080/09518398.2017.1379618
- Angela Lytle:
 - Women’s Human Rights Education Institute learnwhr.org/about/our-team/
- Patricia Nyaundi: Book, The Right to Say No: Marital Rape and Law Reform in Canada, Ghana, Kenya, and Malawi Edited by Melanie Randall, Jennifer Koshan, and Patricia Nyaundi, 2017
 - https://books.google.com/books?id=c7w0DwAAQBAJ&pg=PR4&lpg=PR4&dq=Patricia+Nyaundi&source=bl&ots=7XOHvhGjyJ&sig=JqSeJz_rdf4JBjly-qSLfEci40&hl=en&sa=X&ved=0ahUKEwjumbSL2aXZAhUSylMKHTIRCC84ChDoAQhEMAY#v=onepage&q&f=false
 - Federation of Women Lawyers (FIDA) Kenya: Gender-Based Domestic Violence in Kenya, http://preventgbvafrica.org/wp-content/uploads/2013/10/Domestic_Violence.pdf
- Other suggested readings:
 - <http://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>

Session 2: Strategies in Pursuit of Access to Justice

This panel will explore the strategies women have pursued in both the formal and informal systems of justice to increase access to justice for women. Speakers will discuss the opportunities and mechanisms that they utilized to empower them. Additionally, as one of the foremost challenges to women's access to justice is often their social and economic role within a society, the panel will also explore strategies for expanding social space/standing and economic opportunity for women. Lastly, panelists will consider specific strategies women have employed to increase access to justice for women victims of gender-based violence.

Panelists will consider the following the following questions/themes:

1. What is not being done that needs to be done in the communities you serve? (E.g., Who is not being reached? What subject matter or population is not being addressed by current programmatic initiatives? Do we need to be more open-minded about the ways we can use law to achieve change?). What are the difficulties in engaging in this type of project?
2. What successful strategies have been employed to promote access to justice for justice? And more specifically, what strategies have been used to create momentum for change?

Suggested readings:

- Aparna Polavarapu
 - Reconciling Indigenous and Women's Rights to Land in Sub-Saharan Africa;
http://heinonline.org/HOL/Page?handle=hein.journals/gjic42&div=8&g_sent=1&casa_token=&collection=journals
 - Procuring Meaningful Land Rights for the Women of Rwanda;
http://heinonline.org/HOL/Page?handle=hein.journals/yhurdv14&div=6&g_sent=1&casa_token=&collection=journals
 - Child Marriage and Guardianship in Tanzania: Robbing Girls of their Childhood and Infantilizing Women;
http://heinonline.org/HOL/Page?handle=hein.journals/grggen17&div=24&g_sent=1&casa_token=&collection=journals
 - Beyond Access: The Administration of Justice for Women in Uganda;
http://justrac.org/wp-content/uploads/2016/03/polavarapu_20151030_justrac_report_FINAL.pdf
- Najla Ayoubi
 - Women's Biggest Problems in Afghanistan
<https://asiafoundation.org/2010/01/27/womens-biggest-problems-in-afghanistan-2/#more-3670>
- Sue Berkowitz, SC Appleseed Legal Justice Center
 - <https://www.scjustice.org/>

Other readings:

- <https://www.icj.org/wp-content/uploads/2016/03/Universal-Womens-access-to-justice-Publications-Practitioners-Guide-Series-2016-ENG.pdf>
- <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>

Session 3: Strategies in Pursuit of Good Governance

In many societies, corruption weakens the community, impedes economic development, and undermines access to basic social services such as health and education. For women in particular, corruption denies women their rights and prevents them from achieving their full potential, leaving women more vulnerable. This panel will explore the strategies women have pursued in attainment of good governance, transparency and accountability.

Panelists will consider the following the following questions/themes:

- a) Challenges:
 - What are the specific challenges panelists faced in terms of fighting corruption and promoting good governance in the communities you serve? What is not being done that needs to be done?
 - And what is needed to reduce the impact of corruption on women?
- b) Strategies:
 - What successful strategies have panelists used to combat corruption or promote good governance? What strategies have panelists used to create momentum for change?
 - What change did you seek and why? Who were you targeting?
 - Conversely, can you give any examples of less successful initiatives and why they weren't as successful?
 - What are some of the broader lessons learned?
- c) What are the some barriers women face in your profession to effect change in the rule of law? What is needed to mitigate those barriers? Do we need to be more open-minded about the ways we can use law to achieve change?

Suggested readings:

- Fiona Mangan
 - Understanding Impact of Police, Justice, and Corrections Components in UN Peace Operations; https://www.stimson.org/sites/default/files/file-attachments/Stimson_Police_Justice_and_Corrections_Impact_Report.pdf
- Michala Mackay
 - Doing Business 2017: Equal Opportunity for All ** This is a book**
 - https://books.google.com/books?id=KxKwDQAAQBAJ&pg=PT1436&lpg=PT1436&dq=Michala+Mackay&source=bl&ots=q2D6HxefLj&sig=IMuROQj_bZ-KpQNi0RQKSyXpa9k&hl=en&sa=X&ved=0ahUKewjfiYW5oqjZAhXEqlMKHdebDcIQ6AEITDAL#v=onepage&q=Michala%20Mackay&f=false
- Other suggested readings:
 - https://www.allianceforintegrity.org/wAssets/docs/publications/Compliance-Bulletin/AfIn_ComplianceBulletin_03.pdf

Sessions 4: Strategies in Pursuit of Leadership in the Justice Sector

Panelists will consider the challenges women face in participating and assuming leadership positions in the justice sector and ways in which national justice institutions could help address these challenges. Most importantly, panelists will consider the specific strategies they have used to increase the number of women in leadership positions within the justice sector.

Panelists will consider the following questions/themes:

- Why is it so important to have women in the justice sector? When women are in leadership positions in the judiciary, what change have you witnessed or been a part of?
- Each of you are trailblazers in your own right, and you've had great responsibility in your current or past positions within the justice sector. What are the top 2 influencing factors that helped you get there? What motivated you and what change did you seek?
- What do you perceive as the barriers women face in attaining positions of leadership in the judiciary / justice sector? And what is being done about it?
 - What can national judicial institutions mitigate these challenges? What needs to be done that isn't getting done?
 - The International Association of Women Judges is made up of national associations in over 84 countries? One of those national associations is in Malawi? What kinds of impact do associations of women judges have?
- How can more women in leadership positions in the justice sector lead to greater access to justice, and reduce the impact of corruption on women, for example?
 - For Judge Doherty and Prosecutor Hollis - The Special Court for Sierra Leone is known for its prosecution and conviction of gender based violence – i.e. first tribunal to convict rebel soldiers on the issue of “forced marriage,” as a crime against humanity. What was your role? To what degree was this possible as a result of women in leadership positions at the Court? And to what degree do you believe you've inspired women elsewhere around the world to take up the fight against these issues?
 - For Judge Mwale: Judges, including yourself on The High Court of Malawi are presiding over cases related to “CashGate” (involving fiscal crimes). What are women judges doing to render decisions that will stand up in a hotly political environment?

What is a positive message you would send to young women seeking a career in law and justice?

Suggested readings:

- Lisa Davis, International Association of Women Judges
 - <http://www.iawj.org>
- Teresa Doherty
 - Improving Delivery in Development: The Role of Voice, Social Contract, and Accountability
This is a Book

- https://books.google.ca/books?hl=en&lr=&id=ieEwBwAAQBAJ&oi=fnd&pg=PP1&dq=Teresa+Doherty&ots=3mvSCeC1xA&sig=1E1WbTWDjIR2k_S5nh1fo14LSoU#v=onepage&q=Teresa%20Doherty&f=false
- Brenda Hollis
 - Evaluating the Legacy of the Special Court for Sierra Leone
 - https://link.springer.com/chapter/10.1057/9781137468222_2
- Fiona Mwale
 - GTZ Malawi Combating Gender based Violence Project–Nkhaza and the Law
 - https://www.unfpa.org/sites/default/files/pub-pdf/combating_gbv_en.pdf