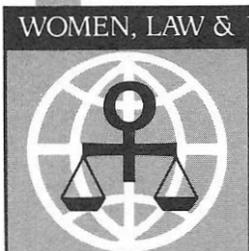


WOMEN, LAW AND
DEVELOPMENT-
ACTION FOR CHANGE



DEVELOPMENT

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Printed by: Automated Graphic Systems, White Plains Maryland

Preface

The *Women, Imo, and Development Series on Issues and Strategies* documents the discourse and the actions involved in the struggle for gender equality in the Third World. This small volume, the second in the series, is a report of a June, 1989, seminar which brought together representatives of the Asian, Latin American, and African Women, Law, and Development (WLD) networks to share experiences, compare approaches and plan for future collaboration.

The Women, Law, and Development concept and program grew out of an increasing realization by many women that the very system which was, arguably, designed to protect their rights, was, in fact, the guarantor of their continued oppression. Third World women responded by mobilizing and creatively challenging the legal system and the cultural and social attitudes embodied in it. Women activists quickly found themselves up against national governments, ideologies and world religions. In response, they developed innovative strategies that included elements of both solidarity and creative confrontation. In 1983, OEF International committed itself to support the initiatives being undertaken in the Third World by women who were struggling for equality under the law. Dissemination of learnings is one way of supporting their efforts.

I would like to thank the seminar participants for their contributions to the dialogue and to the contents of this book. I would also like to acknowledge the work of the OEF/WLD staff in producing it and organizing the seminar. Particularly, I would like to mention Barbara Stob, who coordinated the event, and Lisa VeneKlasen, who took the notes--in both English and Spanish--and wrote the summary report. Meg Kimmel's management of the book's production merits very special mention. It was she who coordinated the inputs of several other key contributors. They include Patrice Gallagher and Michelle Lytle, who designed the look, the lay-out, the cover and logo; Giles Hopkins and Linda Nazemian, who took the artists' ideas and made them a computer reality; and Maureen Aggeler and Lydia Kleiner, who contributed their editorial skills.

Finally, for their support of the seminar, I would like to thank the Royal Norwegian Ministry of Development Cooperation, Private Agencies Collaborating Together (PACT), the Asia Foundation, the Freidrich Ebert Stiftung, and the Swedish International Development Authority.

Margaret Schuler
February 7, 1990
Washington, D.C.

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Introduction: The 1989 WLD Interregional Meeting

WLD Origins

In July 1985, 14,000 women from around the world came together in Nairobi, Kenya to review and appraise the achievements of the UN Decade for Women and to formulate forward-looking strategies for future action. As part of this effort, the Third World Forum on Women, Law and Development gathered hundreds of women to share their strategies for promoting women's rights. The Forum was seen as an organizing mechanism for achieving WLD goals, which are long-range and on-going:

- To contribute to the understanding and analysis of critical legal issues facing women.
- To refine and elaborate the most effective means (strategies) for confronting those issues.
- To clarify and promote the legal and organizational processes which lead to empowerment.
- To establish links at the national and regional levels to expand the influence of individuals and local programs.

Thus, the WLD Forum was a mechanism for systematizing understandings about how the law--formal and customary--relates to development and affects women and how strategies can improve women's legal status and have a positive impact on their participation in development. In understanding these relationships, the WLD forum also contributed to the articulation of effective action-oriented strategies utilizing both the law and innovative methodologies to improve the situation of women. Finally, by focusing world attention on the role which law plays in determining women's participation in development, the Forum awakened interest and solidarity in those Third World efforts.

Organizing and Implementing the Forum

The initial stimulus and support for the WLD Forum project began in 1983 when OEF International and a small group of activists contacted women's rights workers in Asia, Africa, and Latin America to find out if they would be interested in networking and participating in the

proposed WLD Forum. During this phase, some 75 women's organizations from the Third World working in the field of women, law, and development were identified. This group formed the core network from which the planners of the Forum and key presenters were drawn. Working with OEF/WLD, two women each from Asia, Africa, and Latin America served as Regional Liaisons and formed the WLD Planning Committee. Interested organizations prepared papers analyzing their experiences and the strategies they were using to improve the legal status of women. Using a framework provided to systematize their analysis and draw on their own expertise, 50 of the organizations which prepared program case studies or papers on various topics made presentations at the Forum. Ultimately over 60 of the core group of organizations had representatives in attendance at the Forum and participated in WLD Forum activities. In addition, numerous other interested women from around the world actively participated. Approximately 500 women attended the WLD workshops daily.

Substantive discussion was structured around four major themes: 1) State, Law, and Development; 2) Custom and Customary Law; 3) Violence and Exploitation; and 4) Strategies for Collective Action. These themes were further divided into 14 sub-topics, such as constitutional issues, family, land, and labor law, religion, human rights, rape, and domestic violence. These discussions occurred in 14 different workshops and 5 plenary sessions over a period of 5 days.

The participants identified strategies currently being used and articulated the critical issues still needing attention. Following the discussions around each major theme and sub-topic, a report was prepared, presented to the assembly at a plenary session, and discussed by all in attendance. Modifications were made as a result of these discussions and a final consensus report was compiled. Case studies of the report and recommendations were published by OEF in 1986. *Empowerment and the Law: Strategies of Third World Women* provides something of a benchmark for assessing the range of issues and strategies used to expand and defend women's rights throughout the world.

The Forum participants discovered that women throughout the Third World wage similar struggles for their rights. They clearly saw that combining efforts is a critical step toward overcoming obstacles which women face everywhere. The WLD Forum, they agreed, should mature as a vehicle for continued dialogue and collective action at the international and regional levels. They recommended several proposals which eventually became the blueprint for future WLD action.

The first recommendation was to implement regional conferences as a means to bring together women's organizations for exchanging information, sharing experiences with strategies addressing women's

rights issues, and developing mechanisms to coordinate research and action at the regional level. The second recommendation focused on the importance of consciousness-raising among women about their situation and proposed the promotion of "Know Your Legal Rights" campaigns throughout the world. The goal of these campaigns would be to empower women to understand the use of law as a tool for effecting social change. It was seen that to be empowering, such campaigns would demystify and popularize the law by using mass media and other strategies to make it more accessible to the women and in the process would contribute to the development of an "alternative law" which would maximize women's rights. It would draw from the language, reality, and experiences of the vast majority of Third World peoples, whose interests historically have been ignored.

A third recommendation was to establish an Emergency Committee of Third World Women for voicing concern about and mobilizing world opinion against any violations of the civil, legal and human rights of women in Asia, Africa, and Latin America. This was seen as an immediate need, while the final recommendation, to which it was linked, was viewed as a longer-term project: that of establishing an independent, NGO advocacy body--or "International Commission on Women's Rights," as it was called. Its function would be to link the networks of women's organizations throughout Asia, Africa, and Latin America to share information and experiences about women's struggles for their rights in various parts of the Third World. It would also formulate draft legislation on specific issues concerning women at regional and international levels.

Specifically, the group expressed an urgent need to draft a uniform code on family relations which would articulate and protect fundamental rights for women vis-a-vis their position in the family. As a third function, the International Commission would conduct research in areas of special concern to women in Asia, Africa and Latin America. Finally, it would coordinate strategies of common concern, represent WLD (women's rights) interests and become a presence in international fora.

Creating an International Agenda

The WLD Planning Committee met immediately after the Forum to concretely discuss how this emerging "WLD" program should proceed. Future steps, the Committee agreed, would build upon the groundwork laid by the WLD Forum and its preparatory process. Most importantly, it would promote the development of the networks of Third World women involved in action-oriented programs to promote and improve the legal situation of women. These networks were seen as vital for implementing the Forum recommendations and other future WLD ac-

tivities. The Planning Committee felt that in this way, the Third World Forum on Women, Law and Development would be institutionalized at the international and regional levels. The establishment and consolidation of regional WLD networks or "Forums" would give institutional continuity to the work and interest that was stimulated by the initial Forum process and program. The leadership, organization, and direction provided by these forums would be needed to concretely fulfill the goals and objectives of the program as articulated by the participants. Subsequently, as a result of the initial regional efforts, an appropriate mechanism for the International Commission would be established.

The Planning Committee took this approach because it felt strongly that an effective International Commission ought to reflect the interests and needs of the participating organizations. They feared that this would not occur were it to be organized prematurely or from the top down. Rather, they felt it should rest on the work of the regional WLD organizing efforts which would catalyze the energies of the participants and provide a mechanism for the implementation of an effective, long-range program.

Finally, they requested the continued assistance of the WLD staff from OEF in designing and implementing these processes. The relationship between OEF and the Third World Forum (which as a result of the previous efforts had already begun to take on a life of its own) was carefully explored. OEF/WLD would serve a dual function of providing technical assistance in several key areas and promoting the institutionalization of the program while responding simultaneously to the needs emerging from the Third World participants.

After the WLD Forum, OEF/WLD assisted the Asian network in establishing the Asia Pacific Forum on Women, Law, and Development (APWLD) in December of 1986. Its regional office is in Kuala Lumpur, Malaysia. Similarly, the Latin American Committee for the Defense of Women's Rights (CLADEM) was formed in July of 1987. It is based in Lima, Peru. OEF/WLD has initiated parallel efforts in Africa toward the formation of a regional organization by early 1990.

The WLD Interregional Meeting

Within the overall plan for "institutionalizing the Third World Forum on Women, Law, and Development," interregional coordination and dialogue is essential. In June, 1989, representatives of the three networks met in Washington, D.C. to:

- share the results of the regional consolidation activities, including conferences, training workshops, and learnings about strategies;

- design appropriate interregional coordination and networking activities, including a proposal for the structure of the International Commission;
- discuss and plan an agenda and structure for the international meeting, to take place in early 1990.

Participants in the meeting included the OEF/WLD staff, the Regional Coordinators from Asia and Latin America, six members of the Regional Steering Committee from Latin America, including two Central Americans, five members of the Regional Steering Committee from Asia and three individuals from among the liaisons and participants in the Africa network.

Reports of regional consolidation experiences by the coordinators permitted the participants to share the obstacles, challenges, and opportunities they experienced in setting up the regional bodies. Of particular interest were the concepts of a "network," "regional organization," and "secretariat" used in the three regions, their functions and mode of operation. Participants expressed major concern about how to make the regional networks viable and dynamic tools for improving or augmenting the impact of women's rights activities at the local level. Since the regional networks were established at different historical points, they represent different levels of experience while sharing programmatic goals and approaches.

Case studies formed the basis for dialogue around commonalities and differences in the content of the work in the three regions. The discussion focused on analyzing the pitfalls and usefulness of certain common strategies and on methodological principles that appear to be valid regardless of a particular cultural context. Akua Kuenyehia's case study explores experiences of legal aid and education in the Ghanaian setting. Rosario Gomez looks at the training and role of community level educators/advice givers in Ecuador. Silvia Pimentel discusses the importance of using law reform as a mobilizing tool using the case of women's participation in Brazil's Constitutional reform process. Two case studies, presented by Rani Jethmalani of India and Irene Fernandez of Malaysia, target various manifestations of violence toward women and the approach the women's movement took to confront this, including litigation, law reform, direct intervention, and public education. These two papers reiterated the importance comprehensive, integrated strategies.

The interregional discussion also considered future collaboration among the three regional organizations and potential for the "international commission." In addition to the interregional WLD network meetings, a symposium open to women U.S. women activists, extended the dialogue cross-culturally.

The papers and conclusions of the interregional meeting are contained in this book, No. 2, of the *Series on Women, Law, and Development: Issues and Strategies for Change*. Part I, Regional Status Reports, covers the development of the three regional organizations. Part II, Law as a Tool for Empowerment, contains the case studies. Part III, Interregional Dialogue, presents the conclusions and future projections of the three networks and the issues and suggestions raised in the dialogue with the U.S. women. The appendix contains profiles of the 15 participants in the meeting and addresses of the regional offices.

PART I

REGIONAL STATUS
REPORTS

APWLD: The Asia Pacific Forum on Women, Law, and Development

*Emelina Quintillan
Kuala Lumpur, Malaysia*

BACKGROUND

The Asia Pacific Forum on Women, Law, and Development (APWLD) developed from dialogues during 1985-88 among Asian women lawyers, social scientists, academics, and activists. It is part of a network of women's organizations throughout Asia, Africa, and Latin America which share information and experiences about women's rights struggles in various parts of the Third World.

APWLD has its beginnings at the Nairobi women's conference in 1985. In July of that year, hundreds of women participated in the 5-day Third World Forum on Women, Law, and Development. The WLD Forum came about in recognition of existing efforts to use the law to improve the legal situation of women in the Third World and the need to make those efforts ever more effective. The WLD Forum addressed the need to clarify the role of law and to identify in practical terms how the law could serve as an instrument for raising women's legal, and therefore social, economic, and political status. It served as a vehicle for surfacing and making available to women's groups successful action strategies and programmatic approaches to overcoming legal obstacles facing Third World women.

Finally, the Third World Forum on Women, Law, and Development made recommendations which helped mobilize regional activity. Subsequently, at two regional meetings, one in New Delhi and one in Manila, Asian and Pacific participants elaborated the intentions of the Nairobi Forum and established the APWLD.

ESTABLISHMENT OF APWLD

With the initiative and support of OEF International's Women, Law, and Development Program, a planning meeting for the Asia Pacific Forum on Women, Law, and Development was held in New Delhi, India in July 1986. The participants agreed on the need for an Asian WLD effort and proposed that it be named "Asia-Pacific Forum on Women, Law, and Development" (APWLD). Its function will be guided by the expressed needs of women in the region and will include the following program:

- Information sharing about substantive issues and strategies through newsletters and occasional papers;
- The organization of seminars at regional and sub-regional levels on topics of common interest;
- A commitment to develop broader understanding of issues, improve skills, and strengthen network linkages in the form of internships and study tours, for project organizers and grassroots workers;
- The development and exchange of materials, methods and techniques;
- The mobilization of member organizations in response to both emergency situations and critical issues constituting an imminent threat to women's rights;
- A plan to develop model legislation and to monitor regional and local developments.

Participants also decided on the structure of the organization and agreed on a process for the regional conference, determining the following conference themes:

- Law, Religion, and Custom and their Effects on Women;
- Role of Law in Promoting or Combatting Violence Toward and Exploitation of Women;
- Women's Economic Rights.

They developed a list of possible participants and decided that the workshops would be the means for assessing current issues/needs and what actions could be taken regionally. The date was set for December 15-19, 1986, with the understanding that a copy of the proposal for an Asia Pacific WLD program would be distributed to all participants prior to the conference.

The Manila Conference

Fifty-two women from a dozen countries - lawyers, activists, and academicians from Asia and the Pacific - gathered together to discuss substantive and programmatic issues related to women and the law and to devise new, more effective strategies for improving women's rights in

the region. Following in-depth discussions of the substantive issues, the conference participants agreed to proceed with the creation of the APWLD and established basic programmatic guidelines on several issues.

First, participants agreed that the APWLD forum shall facilitate processes and activities designed to raise the legal status of women, especially those in disadvantaged circumstances. The participants drew up a set of organizing principles which states that the APWLD will be an independent, autonomous, non-governmental, non-profit organization. Membership is open to Asian and Pacific women's NGOs committed to the APWLD objectives. Individuals and organizations supportive of the Forum's objectives may be invited as observers.

The assembly voiced the primary goals of APWLD as empowering women in the Asia Pacific region in the use of law as an instrument of social change for equality and development, enabling women to use law and legal institutions in furtherance of the Forum's objectives, and promoting the basic concept of human rights in the region as enshrined in the Universal Declaration of Human Rights.

To fulfill APWLD goals, the assembly also formulated the following specific objectives:

- To work towards the development of a model code of values which reflects women's quest for equality and justice;
- To urge national governments to ratify and effectively implement the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (1981);
- To work towards the realization of the full potential of women and their position of equality within the family structure and society;
- To promote women's economic rights to ensure that they have equal access to all productive resources;
- To enhance women's participation and capacity to shape macroeconomic development strategies in their own country and in the region;
- To promote processes which will ensure women's equality in political participation;
- To facilitate and strengthen interaction among individuals, groups, and countries committed to the overall objectives;
- To share information, expertise, experiences, and sources to develop and strengthen individual and collective action;
- To express solidarity and to mobilize members of the Forum and public opinion in cases of exploitation of women and violation of their rights.

The assembly unanimously decided that the APWLD Secretariat would be located in Kuala Lumpur, Malaysia.

A Steering Committee was elected and given the mandate to set up the Secretariat and develop a program to implement the objectives. The composition of the Committee was determined: 3 members from South Asia, 3 from Southeast Asia, and one from the Pacific (Fiji). Elected in 1986 were: Mere Pulea (Fiji), Rani Jethmalani (India), Farida Ariffin (Malaysia), Emelina Quintillan (Philippines), Asma Jahangir (Pakistan), Radhika Coomaraswamy (Sri Lanka), and Virada Somswasdi (Thailand).

At their first meeting in Manila, the Steering Committee discussed and designated the tasks that needed to be done. Margaret Schuler agreed to assist in the development of the APWLD program. Her assistance took the form of proposal development, funding contacts, and program planning. At their second meeting, which was held in Bryn Mawr, Pennsylvania in July 1987, the Steering Committee discussed the APWLD project proposal. The Assembly also discussed the proposed constitution which had been prepared and circulated previously. Major structural decisions were made. One of these was the creation of the Program and Management Committee which would oversee the implementation of the APWLD program and with whom the Regional Coordinator could consult

In addition, the Steering Committee drew up a proposal for the next regional meeting which would focus on the development of a Uniform Family Code. The Committee also enumerated the task of the APWLD Secretariat for the first year and set the criteria for the Regional Coordinator and personnel. The position was offered to Emelina Quintillan, a member of the Steering Committee, who accepted the position of Regional Coordinator in October 1987, and relocated to Kuala Lumpur. It was clear that for the program to really take off, full-time staff was needed to concentrate on the administrative and programmatic operation of the organization.

From June 1988 to May 1989, the work of the APWLD staff was divided between the necessary institution-building activities and the program implementation. Strong communication between the Staff and the Steering Committee was a priority. The role of the Regional Coordinator, as overall coordinator of both the programmatic and administrative matters, kept her in touch with the Committee as well as the members through meetings, reports, and activities. She was also expected to find additional funds for the administrative and programmatic expenses that go with the operation of the Secretariat.

Initially, the tasks of the Secretariat centered on such matters as:

- Establishing the legal status of APWLD;

- Setting up the infrastructure (personnel, premise, equipment, etc.);
- Setting up office administrative systems;
- Designing logos and letterheads, brochures;
- Establishing linkages with all members of the Forum;
- Establishing linkages with local authorities;
- Cataloging available expertise (locally and abroad) and establishing linkages;
- Identifying other agencies regionally and internationally from whom information and materials can be obtained on regular basis;
- Drawing up of detailed work plan.

These tasks were accomplished by the end of March 1988. The establishment and expansion of members of the Forum, the inventory of available expertise, the identification of and linkage with other agencies regionally and internationally, however, are continuing activities.

As a result of the outreach activities of the staff, the APWLD presently has a total of 100 confirmed network members - individual and organizational - an increase of more than 100% from the original members in Manila. More membership applications are being received. Staff attendance at conferences was most productive in terms of gaining visibility for the APWLD, for establishing contact and recruiting members, collecting resources materials, and acquiring new information.

APWLD PROGRAM AND ACTIVITIES

Mobilization

The Regional Coordinator travelled to South Asia and Southeast Asia in May and July 1988. Several site visits and meetings with the Regional Coordinator were held in Singapore, Sri Lanka, India, Pakistan, Bangladesh, Thailand, Indonesia, and the Philippines. At those meetings, participants discussed issues, concerns, problems, and the needs of the local organizations. All the APWLD members asked for a regional mechanism to respond to emergency situations and to critical issues that constitute an imminent threat to women's rights. The APWLD, therefore, had to provide a forum for dialogues, workshops, and seminars with the goal of developing effective strategies for the regional network to act in concert to counter the threats to women's rights.

Specific activities taken on by the APWLD Steering Committee members and staff include:

- O Gathering data and information and data about country situations, pertinent to threats against women's rights.

- O With 25 other women's organizations filing a suit with the Supreme Court of India against 'Sati'.
- O Through the Pakistani Steering Committee member, providing legal services in seeking the release of women, men, and children who are bonded as brick kiln workers in Lahore, Pakistan.
- O Issuing and publishing a resolution calling on all women to be vigilant against policies which are retrogressive and enjoining parliamentarians to assume their duty of safeguarding the rights won by and for women. The Resolution was disseminated and published in various newspapers and newsletters through Depthnews.

Research

Members continue to contribute information to the APWLD Secretariat to promote ongoing exchanges. The staff monitors country situations through the media and gathers and disseminates publications and studies of the political, socio-cultural situation and legal system of the region.

Another area of research is gathering data on landmark cases for women and the gender implications of judicial decisions. Consultations among the Steering Committee, the Program and Management Committee, and law researchers resulted in the conceptualization of a research project. The project was initiated by the APWLD staff. Project proposals were drafted to submit to funders.

Technical Assistance

The APWLD has provided technical assistance to various members throughout the region, on request. These activities include:

1. Assistance in developing a framework for gender analysis of the policies and programs of the Philippine government. Upon request of the Executive Director of the Philippine National Commission on Women (also a member of the APWLD network), the Regional Coordinator helped develop the framework for the review of the various policies and programs of the different government departments. The APWLD Regional Coordinator and a representative from the Women and Development Program of ESCAP met with the research team of the Philippine National Commission on Women that would undertake the actual review of the policies in order to discuss and design the framework for the policy review. This was in preparation for the Philippine Development Plan for Women which will be incorporated in the over-all Philippine Development Plan of the country. The APWLD Regional Coordinator also participated in the National Planning Workshop for the Philippine Development Plan for Women.

2. The APWLD provided resource persons and materials for the development of the Legal Literacy project of the Association of Women Lawyers of Malaysia and continues to provide such services upon request

3. In Sri Lanka, resource materials were provided by the APWLD to the Center for Women's Research (CENWOR) to assist their legal literacy project, particularly the WLD analytical framework for strategies. The APWLD Coordinator attended the planning meeting of CENWOR.

4. In the Philippines, resource persons and resource materials on legal literacy were also provided by APWLD to the Filipinas for Education, Research, and Law Association (PERLAS). The APWLD Regional Coordinator participated in the national planning workshop to develop the Legal Literacy project of PERLAS, an organization of women lawyers involved in the women's movement in the Philippines.

5. The APWLD Secretariat facilitated inter-organizational exchanges. Visits to the Women's Aid Organization's (WAO) Shelter for Women in Malaysia by representatives of the Friends of Women (Thailand), by the PILIPINA Legal Resources Center (Philippines) all of whom are working on the issues of violence against women in their own countries, were arranged by APWLD personnel. Meetings and visits of some members from South India and the Philippines, Malaysia and Singapore have also been facilitated by the APWLD secretariat.

6. Educational aids, referrals to academic institutions for further training, and strategy guidelines such as the matrix for WLD analytical framework, have been disseminated to members to help develop and improve their skills and programs.

7. The APWLD staff facilitated the exchange of publications among members across countries and served as courier for the exchange of publications among the members of the APWLD during country visits.

8. Some requests for translating of training materials, posters, and films were received from the general membership. The APWLD has been able to support partial costs of translating from Hindi into English, an Indian film on dowry. To date, the APWLD Secretariat has in its resource collection the following films:

- "Dowry: Death or Wealth", produced by Nalini Singh, APWLD member, India;
- "A Candid Interview of Benazir Bhutto from Newstrack in India":
- "Who will Cast the First Stone?", a film on Zina, produced by Sabiha Sumar, APWLD member, Pakistan.

In summary, four priorities emerged from the meetings and consultations with various women's groups. First, there is a need to develop a mechanism for concerted and rapid response to violations of women's

rights, particularly where violence is involved. Second, an effective community legal literacy program must be created. Third, there is need to develop effective campaign strategies and to lobby for law reform. Finally, there is a need to acquire skills for program development and organizational management

Information Support

A great deal of staff time was devoted to the distribution and dissemination of information to the Steering Committee and to the general membership. Two issues of a regional newsletter, the Forum News, were published and distributed to members of the APWLD and other individuals and agencies. Pertinent information on women, law, and development was distributed upon request of its members, as long as the resources lasted. Excerpts from pertinent research papers, articles, conference presentations, etc., relevant to the work of a particular APWLD member were transmitted.

The APWLD has acquired informational materials and the secretariat has started to build its resource collection of pertinent information on women, law, and development. Copies of the U.N. Declaration on Human Rights, the U.N. Convention on the Elimination of Discrimination Against Women, and the U.N. Declaration on the Right to Development, in addition to studies relevant to APWLD concerns have been distributed to APWLD members.

Queries pertaining to legal matters and activities of the Asia Pacific regions have been received from the Amnesty International, from the International Center for Law and Development, from the Women's Studies International Forum in Australia, law professors, and from the International Women's Rights and Action Watch (IWRAP). Requested materials included copies of case briefs, particularly on the 'sati' petition filed by APWLD in the Indian Supreme Court.

The Kuala Lumpur Regional Conference

One of the objectives agreed to by the Assembly in Manila in 1986 was "to work towards the development of a model code of values which reflect women's quest for equality and justice." APWLD also has a mandate to work towards the development of a Uniform Civil Code. Towards this end, the Steering Committee decided to organize a regional conference that would bring together women in the Asia Pacific to draft a charter of values that would serve as guide for policies and laws affecting women.

The conference was an attempt to set standards that would harmonize, if not unify, policies and laws for women in the Asia Pacific region. We believed that the identification of commonalities was the necessary first step to the formulation of a "Uniform Civil Code." The conference also served as an opportunity for APWLD members to personally meet and strengthen the network solidarity.

Forty-two women from 13 countries participated in the Code of Values Conference in Kuala Lumpur. The conference proceeded smoothly in a highly participatory fashion. Participants contributed ideas and served as documenters and facilitators. A Charter of Values was drafted and action strategies for the consideration, recognition and adoption of the Charter were proposed by the participants. In spite of the diversity of culture, religion, and political systems, deliberations among the conferees revealed at least four bases of unity:

- D Gender - particularly around the issues of male violence against women and issues around reproduction, motherhood and parenthood;
- D Patriarchal relationships - particularly in the area of marriage, family, divorce, religion, and other social institutions;
- O State - particularly pertaining to legal rights, property ownership, division and distinction between public and private spheres of life, and modalities of development;
- O Mutual support in crisis situations - the recognition of the necessity of solidarity, mutual support and fairness.

SUMMARY OF ACCOMPLISHMENTS

In a period of eighteen months, the APWLD Secretariat accomplished the following:

1. The APWLD office has been set up, funding for the necessary infrastructure and equipment has been secured;
2. Membership has increased by more than 100 per cent from the original number in Manila;
3. APWLD has gained international visibility and recognition by international agencies of women's groups, international law, and human rights organizations, and development agencies;
4. A newsletter is published and distributed;
5. Technical assistance is provided to local organizations by helping develop tools for analysis of policies; developing legal literacy programs; providing advice and referrals on matters related to women and development, law, and development, and women and law, facilitating the exchange of materials among the members; and facilitating the inter-organizational visits and meetings among the members.

6. APWLD has supported the cost of translating from Hindi to English the film on Dowry.

7. The Secretariat has gathered data on the expertise, institution, and human resources available in the region as well as the activities and needs of its members.

8. A directory of members is being updated for publication.

9. Steering Committee and Program and Management Committee meetings have been held

FUTURE DIRECTION

It should be noted that APWLD is not merely a program. It is an organization which is still in the process of being institutionalized. Its ideological conceptions of the Law and its approaches and strategies in empowering women still need to be disseminated, understood, appreciated, used, and improved by women (lawyers and non-lawyers) in the Asia Pacific for their own behalf.

APWLD is a creation of women who believe that a regional organization can serve them. It is, therefore, in the light of what have been earlier stated by the organizers and members that the role of APWLD as a regional organization should be defined. The Interim Report of the Asia Pacific Forum on the 1986 meeting in Manila records the needs and gaps of the program. It also records the perspectives of the participants/members on the role of APWLD.

In relation to the general and specific objectives of APWLD, these needs can be addressed and the activities can be classified under the following program components: 1) Information and Communication; 2) Technical Assistance; 3) Research; 4) Emergency Mobilization; 5) Monitoring of Strategies. The program components shall be the same for at least the next two years with only the specific implementing activities changing over time.

Two aspects are implicit in the efforts to establish a regional organization: one is building the collective membership as an institution, and the other is the development of the capabilities of individual members through their involvement in the collective effort. As a regional organization, the role of APWLD is to facilitate, assist, and promote specific program activities.

There is need to deepen the understanding of the linkages of women's issues, alternative uses of the Law, and development modalities. While most APWLD members already know the women's issues, there is an obvious need to enhance the understanding of the theoretical and practical applications of alternative legal strategies and the contextual development paradigms that affect their lives. Equipping

them with the knowledge of the issues in the three fields - women, law, and development - would clarify the context of their realities and would enable them to strategize and direct their efforts more effectively. APWLD can address this need through its workshops and seminars.

The following issues continue to concern women in the Asia Pacific:

1. The influence of religion on State Law and women's rights;
2. The lack of effective mechanisms to respond to violence and the exploitation of women as manifested by domestic violence, the restriction of reproductive rights, prostitution, rape, and sexual harassment vis-a-vis the existing laws for prevention and redress;
3. Women's economic rights on the matters of inheritance, property, land, family support, employment in Free Trade Zones, non-formal and self-employed sectors, and the rights of migrant workers.

In view of these needs APWLD projects the following activities. It will assist in the development of legal literacy and alternative law programs. It will facilitate dialogues to strengthen the linkages between theory and action, and promote the development of a mechanism for a concerted regional action to respond to violations against human rights of women and address the Asia Pacific women's issues. APWLD will also initiate and promote training in the field of human rights, legal literacy, and organizational and program development. Moreover, it will initiate and conduct seminars, workshops in partnership with either a local member organization or a regional/international organization in the areas of women and alternative law, law and development modalities, or women, law, and development concepts and strategies which will enhance the perspective and direction of Women, Law, and Development (WLD) program implementors. For example, a seminar on the "Asia Pacific Women's Issues and the Law in Development Modes" is planned for August 1989 in New Delhi. Finally, APWLD will facilitate the exchange, sharing, and pooling of resources for the collective benefit of all members.

As a regional organization, APWLD is now in its second year of program operation. In January, 1989, Nimalka Fernando, a member of the original group in Manila, replaced Emelina Quintillan as Regional Coordinator. Enthusiasm and expectations continue to grow, as does the need for funds to support the administrative operation and regional program implementation. The manifest dedication of the active members of APWLD is indicative of a strong belief that a regional organization like APWLD can indeed serve women's needs.

CLAD EM: Latin American Committee for the Defense of Women's Rights

*Roxana Vasquez
Lima, Peru*

BACKGROUND

The Latin American Committee for the Defense of Women's Rights (CLADEM) links and promotes the efforts of groups and individuals who work directly in defense of women's legal and social rights in Latin America and the Caribbean. Its principal objectives are to create opportunities for discussion and to generate action strategies which mobilize women in the region against violations of our rights.

CLADEM originated from the recommendations made at the Third World Forum on Women, Law, and Development, which met in Nairobi in 1985. The Forum recognized the active participation of thousands of women in different countries around the globe who are mobilizing to defend women's rights and acknowledged that these efforts call for actions of greater scope due to the scale of the problems encountered and the difficulties in confronting them. Participants saw that while problems relating to women's rights are manifest internationally, to work effectively it is necessary to deepen knowledge, exchange experiences, and coordinate region-wide actions.

BEGINNINGS

In February of 1986--the same year that the Asia Pacific Forum on Women, Law, and Development met in the Philippines and established a regional center headquartered in Kuala Lumpur, Malasia--a group of Latin American women who had participated in the Nairobi Forum met in Lima, Peru, to discuss drawing up a plan to apply the Forum's recommendations in the Latin American region.

At a July 1987 meeting in San Jose, Costa Rica, the Latin American Committee for the Defense of Women's Rights (CLADEM) was established. The assembly named a liaison group, comprised of women from

Argentina (Cristina Zurutuza), Nicaragua (AMNLAE), Bolivia (Iulieta Montano), Honduras (Nania Melendez), Ecuador (Rosario Gomez), Costa Rica (Lidieth Madden) and Peru (Roxana Vasquez). They selected Roxana as Coordinator and Lima, Peru, as the site for the regional office. The liaison group was appointed for one year to design and guide the development and implementation of the regional program.

In 1988, the group met again in Lima to evaluate their program and to design a work plan which would facilitate regional activities and networking. The plan was based on CLADEM's objectives:

- to promote the defense of women's rights in the region;
- to contribute to the exchange of experiences among those working to defend women's rights;
- to consolidate networks of solidarity among women on national, regional, and interregional levels; to create mechanisms to enable quick response to emergency situations confronting women;
- to struggle for greater political participation of women so that their perspective is included in national and regional-level discussions and decision-making;
- to develop an alternative understanding of the law, responding to women's needs and contributing to the elimination of all forms of discrimination; and
- to become a voice for the needs and demands of women as a pressure group against Latin American governments who do not value women's rights.

DEVELOPMENT

By August 1988, the liaison group had achieved these initial targets:

- consolidation of information channels
- procurement of legal status for CLADEM
- design and implementation of a plan to publicize CLADEM
- development of a work plan
- an inventory of existing resources on the defense of women's rights
- production of a regional directory/information guide
- publication of a brochure and calendar to publicize CLADEM
- production of a monthly information newsletter
- organization of the regional archive
- development of fundraising proposals and activities

- development of a proposal for visits, internships and workshops for people and groups from different parts of the network
- an evaluation meeting of the group's work after eight months
- organization of a regional event on violence against women
- development of information channels in emergency situations.

Through CLADEM's outreach efforts, women from Brazil, Colombia, Paraguay, Mexico, Venezuela, Chile, and Puerto Rico have also joined the network. As CLADEM continues to develop its own identity, it recognizes the importance of respecting the individuality and differences among women and groups from each country as a prerequisite for strengthening the network.. With this approach, CLADEM hopes to develop a viable, effective, and authentically democratic regional coalition.

Each country forms its own national committee, which gives ongoing support to the Regional Liaison Committee in the implementation of activities included in the present plan. Communication with the regional body occurs primarily through these national groupings, although direct ties can also be established. Membership in CLADEM is open to all persons, groups, organizations, NGOs, and in special cases governmental organizations, that share the objectives of the organization and work directly in defense of women's rights in the juridical and social sphere in Latin America and the Caribbean.

CLADEM's APPROACH

In keeping with CLADEM's goals of strengthening women's awareness and practice of their rights, CLADEM's Latin American participants carry out a variety of socio-legal activities at the local level, mainly: legal assistance, training, dissemination, and research. Serious limitations arise when work is carried out in an isolated fashion. Unfortunately, this is true especially of grassroots level projects. Because of their isolation, the impact of these projects often does not extend beyond the small radius of the projects themselves. Moreover, since minimal information about them is available, there is a tendency for new projects to repeat old methodologies rather than incorporate developed alternatives. CLADEM recognizes, therefore, the need for some structured means to support development at both the conceptual and methodological levels.

In response to this need, CLADEM defines its role in terms of pressuring governments to comply with international norms protecting women's rights; sustaining public support for judicial actions of decisive importance in women's cases; and organizing educational campaigns to

create consciousness about discrimination against women. These imply enormous challenges to the individuals and groups in Latin America who are committed to defending women's rights, particularly to those struggling in situations of extreme misery and political violence. Thus, it is of utmost importance that the most effective strategies for confronting situations of discrimination be shared.

CLADEM's existence is a response to these needs. As an autonomous organization, CLADEM's proposes to be a catalyst to local group action and to become a pressure group to influence governments to comply with norms which benefit women. For example, CLADEM Peru began a campaign in early 1989 opposing violence against women. The campaign promotes debates and generates new proposals on approaches to improving women's legal and social status. CLADEM Costa Rica is focusing on a variety of activities centered on the Law of Real Equality for Women. CLADEM Honduras is organizing actions to improve civil and penal laws as they affect women.

CLADEM's regional objective is to put together a strategy of action that includes working methodologies and conceptual frameworks. Research and discussion on the issue of violence against women have yielded new concerns which revolve around five points:

- The search for channels that incorporate or legitimize extra-judicial solutions that many groups have been using for the benefit of women, but have yet to be systematized, disseminated and publicized to other Latin American groups.
- The continuous clash between judicial resolution of conflicts and methods used by the majority of people. Either exclusion or idealization of the latter hinders the development of a strategy for the defense of women's rights through transformation.
- Our backgrounds and the demands of "professional training." These tend to bias our perception of human relations and the process of resolving conflicts. In order to counteract this, specific proposals must be drawn up for university education and teaching in general.
- Analysis of laws from a gender perspective leading to modest alternatives for the development of strategies in the defense of women's rights.
- An interdisciplinary methodology as an integrated approach to understanding of the problem of women and law.

CLADEM believes that the issue of women and the law requires the design of multiple socio-political strategies. It is necessary to clearly define the theoretical perspective and focus of any strategy in order to delineate priorities for action. A first step in this direction is the analysis

of "official law" on both national and international levels. The purpose of this analysis is to clarify the internal logic of the law's extent and limitations. A second step for the development of alternative proposals in different spheres of legal work is an understanding of those areas which formally remain outside the law but which have decisive importance in affirming rights and resolving conflicts. Work must begin with the everyday lives of women. From this basis one can radically question the legal system's underlying assumptions and most frequent practices. Such analysis is indispensable to designing actions in defense of women's rights.

PROGRAM OF ACTION

Since the 1987 meeting in San Jose, regional activities have focused on two issues: 1) violence against women, and 2) the right of all people to self-determination. These issues are understood to be inextricably linked, given the Latin American reality and find expression within CLADEM's struggle against all forms of discrimination. The work plan for the 1988-90 biennium proposed specific activities, based on CLADEM's objectives and priorities. The work plan follows five lines of action.

Institutional Development Institutional development initially entailed establishing regular contact with governmental and non-governmental agencies, international organizations, Latin American organizations, networks, news agencies, etc., that can affect decision-making related to the demands involving women's rights. A regional publicity plan supports the national liaison groups in their outreach efforts to find new members and establish a standing network of collaborators that support CLADEM's objectives. Finally, the organization of two meetings to assess the work done with the regional liaison group supported CLADEM's institutional development during this period.

Communication and Publicity The principal means of communication with the members is the bi-monthly newsletter which reports on activities held and materials received, and offers one substantive article on concepts or methodologies to help the work of the members. A semi-annual bulletin reports on and assesses the work performed during that period. It contains substantial contributions from the membership or other individuals on the issue of women and their rights. The newsletter is the internal communication tool, while the bulletin has a dual role of informing the membership and publicizing the network.

Underway is a booklet explaining CLADEM's formation and consolidation as part of the Third World experience, and its linkage to the Nairobi Forum, the Asia Pacific Forum, and now the group being formed in Africa. Also in the planning stage is an annual calendar to publicize CLADEM's activities. The final activity related to communication is directed to the print and broadcast media to inform them of events, articles, essays, and reports whose publicity we consider of priority importance for the defense of women's rights.

Vigilance, Pressure and Mobilization A major focus of CLADEM's activities during this period is the design, coordination, and support of a regional campaign against domestic violence. Its purpose is to raise the public's awareness about the situation of women in Latin America. In this campaign, legal and other alternatives for action are defined. Related activities are then sponsored in each country according to its own legal circumstances. The campaign is a continuous, long-term project, promoted from regional headquarters and publicized throughout each country. A second aspect of the vigilance task is the plan for emergency action, that is, the CLADEM network is activated to mobilize public opinion in support of victims of rape, arbitrary arrest, disappearances, or torture. The network also mobilizes around trials whose outcome might affect women's status in contemporary jurisprudence. Under the plan for emergency action the national liaison group, or anyone in the country, notifies the regional coordinator, who in turn implements the plan for emergency action, using the methods required by each case. The central feature of the action is immediacy, since the requests require an urgent response. The emergency response plan includes procedural guidelines, a list of necessary documentation, a publicity strategy, and the mobilization of the CLADEM network of collaborators.

Research The research task has several components. The first involves identifying existing resource centers in the various countries of Latin America and the Caribbean and formalizing coordination with them in order to obtain information about women and law at a regional level. The purpose of this coordination is to increase the capacity for accessing information on specific issues and in this way strengthen communication between the members and the regional body.

In addition to developing a data base on women, law, and development, CLADEM will also compile or conduct research on specific issues and disseminate it to the region. First, CLADEM proposes to compile and analyze the most important studies conducted in Latin America on spouse/partner abuse, and publish a book on this work. Second, it will design and carry out a project to systematically analyze judicial decisions with gender implications in the countries of the region as a whole.

Finally, it will promote and support research by the national liaison groups on such issues as: food rights and benefits for the poor; labor regulations for domestic workers; compliance with the Convention to Eliminate All Forms of Discrimination Against Women.

Training and Technical Assistance During the next year, CLADEM will assess training needs in detail. Identified needs will dictate the content and methodology of the program still to be developed. The program is expected to include assistance to groups and institutions on the design and organization of research and action projects that will promote women's rights. Through the liaison groups in each country, CLADEM will also plan and implement national workshops and hold a regional conference on the law and violence against women where the results of the on-going campaign against domestic violence will be evaluated.

During the second year, two regional workshops will be held. The first will explore alternative legal defense strategies for women developed by either government or private organizations and analyze their theoretical underpinnings. The topic of the second workshop will be decided at the Regional Conference prior to it.

AfricaWLD: Building a Regional Network

*Summary Report
Africa Forum Planning Group*

WLD AFRICA REGIONAL PROJECT

During 1989 and 1990, a Women, Law, and Development Africa Project is being carried out in fourteen countries of Africa toward two general aims: 1) to strengthen and promote local programs which make the law more accessible and beneficial to all women; and 2) to enhance their impact by fostering links on the national and regional levels.

The year-long process will conclude with the establishment of an African regional network to provide a mechanism for interchange and mutual support between groups and individuals working to improve women's status. The project will seek to fulfill the recommendations reached at the Third World Forum on Women, Law, and Development held at the 1985 NGO Forum in Nairobi.

Phases of the Regional Program

Phase 1: January-April. This period laid the groundwork for the project through exploratory and planning meetings aimed at identifying the needs and interests of groups and individuals involved in women's rights. The First Planning Meeting, culminating Phase 1, was designed to produce a more detailed, concrete plan for the year. In this phase, country coordinators were assigned.

Phase 2: April-October. This phase involves country level activities such as workshops and seminars, to be designed and implemented in coordination with the country coordinator, local groups, and individuals. In general, these activities will aim at strengthening ongoing projects to raise the awareness and status of women, and at improving collaboration among groups. They will focus on strategy-building in

relation to legal literacy, law reform and legal services. Activities vary from country to country, and in some cases, involve more than one country at a time.

Phase 3: October-February: This period will focus the planning and implementation of a regional conference. The conference will help to identify common legal constraints, share helpful strategies for confronting them, and build links on the regional and/or sub-regional levels. The conference will issue a publication for regional distribution.

AFRICA REGIONAL PLANNING MEETING

Purpose of the Meeting

To launch the WLD regional effort, a consultative planning meeting in Harare, Zimbabwe, was called from 1- 3 April, 1989. Women who are currently involved in women's rights programs or strategies in several African countries participated. The purpose of the meeting was to assess the feasibility of activities in Africa toward the development of a regional WLD network and to plan those activities as next phase of the program.

These were the objectives of the meeting:

1. To identify and assess current organizations and programs at the regional and national level that address women, law and development issues.
2. To brainstorm parameters for a regional network that would respond to the specific needs of women working in women, law, and development issues in Africa;
3. To select substantive areas of concern, themes, or issues for the region as a whole to be key targets of regional focus;
4. To identify African women advocates/activists who should be included or involved;
5. To determine the kind of activities that should be undertaken at the country and regional levels to strengthen programs aimed at increasing women's understanding and exercise of rights and to promote the development and consolidation of a network;
6. To plan the details and timeframe for these activities and assign responsibilities, tasks and lines of communication.

Structure of the Meeting:

The meeting focused on the key tasks of information-sharing, analysis, and planning. The first activity was to identify relevant regional networks, organizations, or projects that have some bearing on women, law, and development activities. This was followed by descriptions of on-going activities in the countries of those represented at the meeting. The group worked on an analysis of the most critical legal problem areas facing women, then identified needs and limitations detected in current programs and strategies. Using this information, each participant suggested specific workshop content that would be useful as an activity in her country. The group then outlined the basic concept of regional WLD program for Africa and the purpose and content of a regional conference. Timelines were set and specific responsibilities assigned.

NEEDS ASSESSMENT

In order to lay the groundwork for planning future activities, participants in the WLD planning meeting began by analyzing existing data on the status of women in Africa and women's initiatives for improving it. First, they identified existing regional networks in order to assess the relevancy of forming another organization. Second, they identified and analyzed current women's rights initiatives from each of the countries represented. Finally, they focused on the specific legal issues affecting women in Africa and needing attention.

Organizational Commonalities

In relation to women's rights activities, the group identified five common features found among the eight countries represented.

1. Women's rights activities are being carried out, in most cases, through the joint efforts of NGOs and government. Law Reform Commissions in several countries provide a bridge between the government and NGOs.
2. The primary approach to making law more accessible to women is through Legal Aid clinics and legal education. The legal aid clinics are consistently finding that women's legal problems are best solved out of court and require a broad, not solely legal approach. Legal education has primarily concentrated on the production of pamphlets

and dissemination of information through talks, although, in some cases, there is a recognition that organization and empowerment of women require a broader approach. The use of media is not wide-spread.

3. Women's rights initiatives are primarily being carried out by lawyers, although in some countries lawyers are not active at all.

4. The primary focus of most regional networks thus far has been research.

5. The most effective form of membership in regional organizations seems to be flexible--open to affiliation of groups or individuals, and divided along sub-regional lines (at least at the initial stages).

Critical Legal Problems Facing African Women

After reviewing the scope and purposes of other relevant regional networks, and of current women and law activities within each country, the participants turned their attention to assessing the most critical legal problems facing women. They assessed the needs and gaps in the work. Using the framework developed in *Empowerment and the Law* for assessing the problem, they then identified the most critical legal issues facing women in relation to the content, structure and culture of the law. The chart on the facing pages 34 and 35 summarizes the findings of this analysis.

Special Problems of Muslim Women in Africa

While family issues are shared with other religious and cultural groups, there are special problems in the case of muslim women. They also provide opportunities for action. Among the issues identified are:

- Divorce procedures
- Limiting the absolute right of men to divorce
- Polygamy and right of men to take other wives
- Division of property at time of divorce
- Custody of Children
- Maintenance of the wife and/or the children
- Consent to marriage

Needs in the Area of Women's Legal Strategies

Education/Legal literacy At the outset, participants emphasized the need for accurate data. They identified three aspects of effectiveness in communicating legal rights. First, it is important to assess the level of understanding of the "public" or audience of the material. Second, the content and presentation of the message/material must be matched to the

level of the audience. Third, the best channels and means of communication must be identified. These goals were identified for groups/organizations involved in education or legal literacy:

1. To train the "communicators" of the message adequately, with special attention to the grassroots.
2. To strengthen the skills and organizational structures of groups and organizations that are implementing programs of legal literacy.
3. To develop law school curricula and train future lawyers in the area of women's rights.
4. To develop activists within various professions and at various levels to take up these issues.

Law Reform Participants spoke to the need for careful analysis and identification of areas which require change in the Law, elimination of inappropriate laws, or passage of new laws. They agreed on the need of accurate and timely information (i.e., research on issues), and made three recommendations. First, there should be broad-based consultations on law reform initiatives that affect women. Second, because collective efforts are more effective in the area of legislative reform, it is urgent that women's organizations develop the capacity to work together in collaboration, consensus, and solidarity. Third, support for law reform initiatives should be sought from a broad spectrum of the public including, and in many cases especially, men.

Structural Reform To make the system more accessible to women, participants addressed the need to develop alternative approaches to legal services and press the system to respond by offering the required services. The following strategies were suggested:

1. Put pressure on the courts to simplify procedures and make them understandable to women.
2. Sensitize the courts at all levels (esp. community courts and special tribunals) on women's issues in order to achieve better decisions.
3. Work to have more women in the administration of justice.

In summary, participants were in agreement that comprehensive and effective strategies must be developed, that it is important to link the law to development as well as to empowerment, and that the content as well as the structure of the law must be demystified.

COMMON LEGAL PROBLEM AREAS FOR WOMEN IN AFRICA

	Problem Area	Content
FAMILY	Marriage	Inadequate definition
	Divorce	
	Division of Property	Favors men
	Custody of Children	Favors men
	Maintenance	Set too low
	Inheritance	Inadequate and inappropriate
PROPERTY	Land Access	Discriminates against women
	Use rights Communal land	
	Credit	Discriminates against women
EMPLOYMENT	Formal sector	Inadequate laws
	Informal sector	No laws
	Benefits	Maternity benefits work against women.
	Social Security	
	Rape	Not criminal offenses
	Domestic Violence	

Structure

Culture

Requirement and procedure to register confusing, cumbersome

Women do not know about rights in marriage.

Judicial discretion by male judges favors men.

Prevalent attitude that men should have property.

Enforcement officers discriminate against women.

Traditionally fathers get the children.

Rarely enforced

Women reluctant to contest or take ex-husband to court.

Inadequate & inappropriate; language confusing; courts unsympathetic.

Traditional belief that women do not own land.

Women do not know about laws protecting them.

Administrative procedures oppressive to women.

Police harass; scapegoat women.

Unsympathetic police, courts. Do not want to interfere in family matters.

Seen as a "private" or "family" matter.

MOBILIZATION OF REGIONAL NETWORK

In response to the expressed problems and needs, the participants of the planning meeting outlined the general parameters for a regional organization/program for Africa. These ideas will be refined into a more formal proposal after input is received from interested organizations in the participating countries. The planning committee proposed the following:

1. The regional focus and purpose of WLD Africa will be to promote strategies that link law and development to empower women.
2. The major functions of WLD Africa will be first, to communicate and disseminate information and experiences to the network. Second, a regional information bank will be developed on: current laws, landmark cases, current research underway, current legal projects for women, and areas of needed reform. Also, training will be provided on women, law, and development to network groups, with emphasis on: leadership training, communication/legal literacy skills, and program development (design, proposal writing, funding strategies, etc.).
3. Membership will be open to women of different professions who are currently working in or developing programs that have a legal component (legal service, legal literacy, law reform, etc.);
4. The countries of those invited to this meeting but who could not come (i.e., those who have participated in WLD previously) will be included in the activities of the development of the regional WLD program. These include: Mauritius, Lesotho, Swaziland, and Mozambique. The others will be invited to participate at a later date.
5. Francophone countries, although they have not been involved previously, will be invited to participate so as to promote the unity of the region in this program.
6. Decisions about venue of the future center will be made later as the program develops in 1990.

Plans for Network Development

In response to the needs of the participating countries, and as a way of building the Africa WLD network, a series of activities will take place--among them workshops on issues of interest to the participating countries.

The workshops will have a dual purpose: to strengthen local or national actions/strategies for women, law, and development and to prepare for a regional conference and the establishment of a regional network. The activities will be offered between August and October of 1989. The program activities will be carried out in collaboration between the O~F/WLD staff and the one or two persons per country designated

"country coordinators." They will maintain close communication regarding the country workshops, the development of a more complete proposal on the regional network, and the regional conference.

Participants proposed several workshops to be carried out at the country level. In Zambia, a workshop should be based on the ongoing experience of women's groups in pressing for reform of the inheritance law, and its probable passage. A workshop would provide skills and ideas for one or more of the following: a) lobbying for law reform; b) carrying out legal literacy; e) the development of legal support services such as Legal Aid Clinics.

A workshop in Zimbabwe would have a dual focus: developing the techniques/methodologies for doing legal literacy-education and strengthening collaboration among women's organizations for women's rights actions. In Botswana, there is also a need to promote collaboration, particularly between legal programs and other organizations working with grassroots women.

Because of similarities in the level of women's rights activities and the predominant role of FIDA in both Ghana and Nigeria, a joint workshop for those countries should be developed. The proposed focus is on legal education techniques/methodologies that do not necessarily rely on written information and that are geared toward women's empowerment. The workshop should also try to strengthen collaboration among women's organizations.

A workshop to involve Uganda, Kenya, and possibly Tanzania might have these purposes: first, to develop skills/techniques in how to influence policy and how to propose policy changes. Second, how to educate legal officials to be sensitive to gender issues. There is also a need for research and development of a data base on women, which was destroyed in the war. Tanzania suggested two priority areas of interest: the promotion of research on women's legal rights and how to disseminate information to women about their rights.

A workshop in the Sudan would gather participants from a variety of disciplines to analyze the status of women and assess the needs in the areas of law reform, legal services and education. The women would learn techniques and approaches for dissemination of information about legal rights and build links between women's groups.

Regional Conference

A regional conference will be critical for finalizing the regional network and designing a plan of action. It will be held in early 1990. Nairobi, Kenya was selected for the venue because of its easy and less costly access to flights.

Participation

Participants set the maximum number of participants at 60 to ensure full participation and adequate representation from the countries involved in the workshops. Since a primary objective of the conference is the development of a plan of action for finalizing a regional network, the planning group agreed that participation must be limited to those individuals who will be involved in one of the workshops or who have been involved with WLD since 1985. With this criteria, countries were selected to participate. A number was determined for each country based on the level of the women and law efforts being carried out; the minimum number of representatives was set at 2, and a maximum at 6.

There was discussion about providing a slot for a representative from the ANC, PAC and SWAPO, as well as for Angola. Participants concluded that at this stage it is important to inform them of the initiative and to await their response before deciding to extend an invitation. Planners also stressed that 1 or 2 representatives from Latin America and Asia should also be included.

Content

The conference will last four days and include the following components:

- Reports from each country represented: accounts of each workshop and follow-up activities; presentation of Plans of Action for participating countries.
- Workshops on legal literacy and education, legal aid and services, and legal and policy reform.
- Workshops on how to develop links between law and development and law and empowerment.
- Refining and detailing a regional plan of action and formalizing the establishment of an Africa women, law and development network.

Conclusions

The outcomes of this first Planning Meeting in Africa for WLD activities reaffirm the recommendations reached at the Nairobi WLD Forum. They highlight the need for interchange of ideas and analysis in the area of women, law, and development and the value of pursuing the development of a regional network and program in Africa.

As an initial effort toward that goal, this first planning meeting laid the groundwork for further developments with greater input from a wider range of participants. However, the workshop and conference experiences, and other activities which precede the 1990 regional conference, will be geared toward strengthening existing efforts and building links between them. Once the regional organization is formed, it will initiate other activities geared toward reaching out to groups which have not yet begun to work on women and law issues but which have the potential to do so.

PART II

LAW AS A TOOL FOR EMPOWERMENT

In Brazil: Women Participate in Crafting the New Constitution

Silvia Pimentel
Sao Paolo, Brazil

Background

For the first time, perhaps, it can be said that the Brazilian people have written their own Constitution. Despite unsatisfactory Constituent representation and reactionary political lobbies, the interests of the popular classes, including urban and rural laborers, women, Indians, blacks, the handicapped, older people, and ecologists, found an echo from the Constituent Assembly.

Brazil is a colonized country which has had serious difficulties in overcoming its status as a cultural colony. Brazilian Law, with its seven previous Constitutions and its different Codes, is an undisputed manifestation of colonialism. For instance, the 1917 Civil Code reproduced the precepts of the 1805 French Napoleon Code and the spirit of the Portuguese Ordinances which have ruled before and even after Independence.

Although a new government overcame a 21-year-old military dictatorship in 1985, the military still represents a significant shadow behind the government's civil facade. Brazil has 145 million inhabitants, of which 35% are illiterate, and 85% are undernourished. While it has the eighth largest economy in the world, it has extremely high rates of infant and maternal mortality. In the context of such contradictions, the process of developing a Constitution contributed to widening the debate and consciousness of the Brazilian people regarding their own problems.

THE WOMEN'S MOVEMENT AND THE NEW CONSTITUTION

Two factors are responsible for the fact that the new Constitution of Brazil incorporated a large number of proposals from the women's movement. First is the consciousness and the organizational strength of

the women who understood and knew how to take advantage of this historical moment to reinforce and expand their rights. Second, the efforts of the Constituent Assembly's women's group, combined with the highly articulate proposals from the National Council of Women's Rights, resulted in a new Constitution which compares favorably with the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

The National Council of Women's Rights (CNDM) was the outcome of a proposal by the feminist movement all over Brazil. It is a federal agency created in September, 1985. Now in its third year of existence, the Council has proven successful in its initial goal to generate questions aimed at widening and supporting the struggle of Brazilian women. The Council focuses primarily on: day care nurseries, violence, education, health, culture, labor, and legislation.

To better perform its programs in each area, the Council carries out a wide variety of activities, among them: media campaigns; production of audio-visual material, films, publications, posters, dossiers, and folders; seminars, debates, encounters, regional and national meetings; lobbying respective Committees of the House of Representatives and Federal Senate, Ministries, State and Municipal Secretaries; legislative proposals to the Legislative Assemblies; systematic research about funding related to national agencies; motivation/training of specialized personnel for organizations and agencies (chiefly those in the governmental area); support for existing women's groups.

The first major action of the National Council of Women's Rights was to launch a 1985 campaign with this slogan: "A Worthwhile Constitution will incorporate women's words as well as women's rights." The women's movement, universities and educational institutions, labor unions and political parties countrywide helped in the distribution of 500,000 posters. In every state the campaign had a special launching ceremony with the presence of the CNDM staff and local women's groups. Women were urged to organize themselves in debate groups to formulate the state's proposals. These were forwarded to CNDM which then organized a national meeting in August, 1986. Some 2000 women came from all over Brazil, some traveling by bus for a week to get there. Through a participatory process, they produced a final document on the themes of Education, Health, Labor (both legislation and social welfare), family law, international politics, black women, violence, and individual rights and guarantees. They presented the document to the President of the National Constituent Assembly at a ceremony which drew six ministers and a number of senators and representatives. The document, known as the "Letter of the Brazilian Women to the Constituents" was disseminated countrywide, at airports, hotels, some governmental and non-governmental agencies, universities, schools, etc.

The campaign continued in 1987. Television messages were aired countrywide, showing the justice symbol with the words: "Let's bring the scales into equilibrium with the weight of our union" or "Hail the differences with equal rights." Posters, papers, and magazines in every state capital carried the same message, especially on the first day of the Constituent Congress. It is estimated that the media campaign, which aired as often as eight or ten times a day in spaces usually reserved for the federal government, was viewed by as many as 120 million people. The campaign did not receive any special funding. Costs were met by CNDM, which gets a small governmental allowance.

A formal delivery of the "Letter" took place on March 18, 1987 in every State Legislative Assembly. On March 21, Carmen Portinho, a 90-year old Brazilian suffragette, handed the Letter to the Constituent Congress. That same day a lobby group was constituted at a CNDM meeting, which was attended by a significant number of representatives from the various national women's groups.

The campaign then focused on Family Law. An old-time photo of a traditional family was shown on the television spot and subtitled "The Family is not the same, but the Law is." The justice balance was shown with the slogan "Hail the differences with equal rights." The next issue of the campaign was Violence. On television, a picture of a woman escaping from a violent situation was captioned "Women have a right to dignity of life without fear." Next the campaign focused on labor. Again the television ad captured the issue: a woman acrobat trying to balance herself on a tightrope symbolized women's double burden of work, inequality of salaries, and opportunities.

During the campaign, the CNDM staff, including the President, presented proposals from the national meeting to the eight thematic commissions of the Constituent Congress. Women jurists turned the "Letter" into a juridical document, a basis for lobbying, first discussed with the congresswomen (26 in a 569 member Congress) who's priority was presenting legislative proposals for the advancement of women. The leaders of political parties were contacted and voting records were closely followed. Women's organizations at the State level were urged to pressure their congresspersons to enlarge the lobby. The names of Congressmen who voted against the women's proposal were immediately passed to their states so that local groups could bring more pressure to bear.

Vigils were organized. Women held posters with the words "Women are watching you!" whenever important and controversial issues, such as domestic help, maternity leave, or rural labor, were being discussed. At the time the labor legislation was discussed, more than 500

union leaders participated in a meeting called by the CNDM. The women's lobby, perhaps the first real national lobby ever to have such an organization, opened new avenues in Brazilian politics.

The formal constitutional guarantee of women's rights is just the first step. It must be followed by a deep transformation in social values and practices. The role that the three powers (Legislative, Judiciary and Executive) must play is very important, as is the continuity of efforts by civic organizations in enlarging the Brazilian citizens consciousness to demand the rigorous observance of the constitutional precepts.

The articles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which address many of the same women's rights issues incorporated in Brazil's new Constitution, make constant reference to the necessary measures needed from the States to ensure that women's inferior status be overcome. Such measures fall into the political, social, economic, and culture spheres and consist in the establishment of sanctions, the creation of national tribunals, and public agencies which aim to impede discriminatory actions, or in efforts to modify the patterns of social and cultural behaviors. The UN Convention can function as an important foundation for further discussion on the necessary modifications of the Brazilian Civil and Penal Codes, the Labor Laws, and others which do not conform with women's reality in contemporary society.

For these reasons, it is productive to focus on the 16 articles of the UN Convention in the light of the proposals from the women's movement to the Constituent Congress. The Convention document is not only a powerful tool in the fight for women's rights, but it can work as a valuable inspiration for the next steps, either of a legislative nature or some other means, that Brazilian women might take.

THE UN CONVENTION AND BRAZIL'S NEW CONSTITUTION

UN CONVENTION: Articles 1, 2, and 3. The first three articles define discrimination against woman, set forth an agreement from the signatory States to consecrate the principle of equality, and establish political measures to eliminate discrimination.

The States are obliged to: embody the principle of equality in national constitutions, civil codes or other laws; establish legal protection against discrimination by the establishment of tribunals and other public institutions; watch that authorities and public institutions refrain from discriminatory practices; and ensure the exercise and enjoyment of human rights and fundamental freedoms.

The content of these articles finds a partial equivalence in Brazil's new Constitution (See Title I, Of Fundamental Principles). Article 3 sets forth as one of the fundamental objectives of the Federative Republic of Brazil "to promote the well being of all, with no preconceptions of origin, race, sex, color, age or any other form of discrimination." Article 5, in establishing equality for all before the law, explicates in Section I that men and women are equal in rights and obligations, and that it falls to the State to ensure the efficacy of the law. In Section XLI it is stated that the law will punish any kind of discrimination which goes against the fundamental rights and freedoms.

Paragraph 1 of Article 5 is of decisive importance, because it establishes that "the defining norms of fundamental rights and freedoms have immediate application," which means they do not depend on the elaboration of other norms. Article 4 contains provisions about the rights of women convicts, including that of keeping their children during the period of lactation.

In the UN Convention, there is a reference to human rights. The understanding of the rights of woman as part of human rights grows in the world today; this is juridically adequate and politically useful. It contributes towards overcoming serious distortions which still persist in the view of some that the struggle for women's rights is a sexist struggle.

In addition, another article of the UN states that the adoption of special measures for women is not to be considered as discriminatory and will cease whenever the objectives of equality are achieved. Neither is the adoption of special measures in order to protect maternity to be considered as discriminatory.

UN CONVENTION: Article 6. This article reads that States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in the prostitution of women and exploitation of women prostitutes.

There is no specific mention either in Brazil's new Constitution or in the proposals of the women's movement to the Constituent Assembly on traffic and prostitution. Its absence needs further study and debate. In the Penal Code, some articles deserve a review.

In Brazil, the prostitutes' movement towards the defense of their rights is still in an early stage of development. In December 1988, at the Seminar on the Rights of Women held by the State University of Rio de Janeiro, Gabriela Leite, an ex-prostitute, was one of the participants. She spoke about Civil Rights being extended to prostitutes and pointed out similarities between the prostitutes' movement and the feminist movement. In relation to the Penal Code, which does not punish prostitution itself but only its exploitation, prostitutes want to have maintained in the

Code's contents only those articles dealing with women's traffic. She added that prostitutes should be allowed to have legal labor links so as to have social security rights.

UN CONVENTION: Articles 7 and 8. These articles establish that the States Parties should take all proper measures to ensure the right of woman: to vote; to be eligible for election; to participate in the formulation and implementation of governmental policies; to hold office at all levels of government; and to participate in non-governmental organizations.

Brazil's Constitution takes a generic approach to this topic. The reference to "popular sovereignty ... with equal value for all" added to the precepts on fundamental rights, is sufficient.

UN CONVENTION: Article 9 This article ensures women the right to acquire, modify, or change their own nationality and that of their children.

Article 12 of Brazil's Constitution proposes nothing new in this regard. The rights of Brazilian women and their children, in relation to nationality, is already ensured in previous Constitutions.

UN CONVENTION: Article 10 In this article, the UN Convention establishes that the States Parties must take proper measures to ensure the equality of women's rights in relation to: vocational guidance, professional opportunities, and access to any category of study in urban or rural areas; access to the same program of study and examinations as men, with teaching staff, school premises, and equipment of the same quality. It calls for an elimination of stereotyped concepts of sexual roles in textbooks, school programs, and teaching methods; equality of opportunity to benefit from scholarships and grants; co-education and access to continuing education, including adult and functional programs; reduction of drop-out rates and organization of programs of continuing education; equality of opportunity for the practice of sports and physical education; access to information material in relation to family health and well being, including family planning.

The Constitution sets forth education to be a right for all, with no gender specification. This is already detailed in the Chapter on Individual and Collective Rights and Duties, under the title: Of Fundamental Rights and Duties. Section IV of Article 208 is to be highlighted. There, for the first time in Brazil, the provision of day care nurseries and pre-schools for children from birth to 6 years old has turned into a constitutional matter. This is an important revindication from the women's movement, arising from experience with public day nurseries and pre-schools which are more like "children storages" than places for the formation and development of persons.

Although the new formulation in the Constitution might be regarded as satisfactory, when it is compared to that in the UN Convention, it is clear that the latter's document goes far beyond it. This points to a series of questions which are very important for Brazil, questions which must be faced so that an effective equality can be achieved.

It must be noted that The National Council on Woman's Rights has developed some national programs in different states, under the title "Women and Education." This program has basically the same objectives as the Convention. One example is an outstanding work developed by the Secretariat of Education of Sao Paulo State, which has published the first book in a series: *The School in the Fight Against Discrimination*.

UN CONVENTION: Articles 11, 12 and 13. These articles establish women's rights in the fields of employment, health care, and other areas of economic and social life. They find a correspondence in various and articles of different sections of the new Constitution.

The UN Convention, in Article 11, sets forth that the States Parties are to ensure women the same rights as men, beginning with the right to work, an inalienable right of all human beings. In addition, the Article states that States Parties must ensure that women have the right to: equal employment opportunities and selection criteria; free choice of profession and employment; equal pay for equal work; equal evaluation criteria; social security benefits and paid leave; protection of health and security. The States Parties must take adequate measures to prohibit dismissal on the grounds of pregnancy or marriage; implement maternity leave; to encourage the provision of supporting social services for the family; to provide special protection to women during pregnancy in types of work proved to be harmful to them. Finally, it asks for a periodical review of labor legislation in light of new scientific and technological knowledge.

Brazil's labor legislation, dating from the 1934 Constitution, has had provisions for working women. However, the new Constitution goes far beyond it, specifically in respect to work in general and to the workingwoman in particular. Among other advances, it states the rights of rural workers as equal to urban workers; extends the paid maternity leave from three months to four months; creates paternity leave; ensures a series of rights to domestic workers (consisting mainly of female persons); foresees gratuitous assistance to children and dependents up to six years old in day care nurseries and pre-schools.

It can be observed that almost the exact proposal from the women's movement regarding such issues has been inserted in the text. On social security, the innovative constitutional text states that pension is due in

case of the decease of the insured of either sex to the spouse or partner and dependents. In addition, the "stable union" of man and woman is recognized as a familial institution.

An issue for debate is that retirement for women (at age 60) is still kept at a different ceiling than that for men (65 yrs). Such different treatment is polemical. Some take it as an unsuitable injustice; others a fair compensation for the women's double day's work. However, like of Article 4 of the UN Convention, which states that temporary special measures are not to be taken as discriminatory, the retirement age for women can be considered justified while the social roles remain so highly differentiated.

Article 12 of the UN Convention says that the States Parties shall ensure equality to the access of medical care facilities, including those of family planning. It also asks for the assurance of medical and nutrition care previous to and after delivery of a baby.

Regrettably, family planning in the new Constitution is dealt with in the chapter on the Family, not that on Health. The women's movement asked that the subject be in the field of Health, emphasizing the obligation of the State to ensure access to education, information, and adequate methods to regulate fertility. Placement of the reproductive issue in the chapter on the Family underscores the patriarchal nature of our society.

Article 13 of the UN Convention establishes that the States Parties are to grant equality of rights in relation to family benefits, such as: access to bank loans and financial credits; participation in recreational activities, sports and all aspects of cultural life. In the new Constitution, these rights are defined under Fundamental Rights and Guarantees.

UN CONVENTION: Article 14. Under this article, the States Parties shall adopt adequate measures to ensure the right of the rural woman to participate in the elaboration and implementation of development plans at all levels: to have access to medical care facilities including those of family planning; to benefit directly from social security; to have access to all types of education and training, community and information services; to organize self-help groups and cooperatives, to participate in all community activities; to have access to agricultural credit and loans, marketing and appropriate technological facilities; to receive equal treatment in agrarian reform and land resettlement plans; to enjoy adequate living conditions such as housing, sanitation, electricity and water supply, transport and communications. This Article expresses a whole program in relation to the rural woman. Like the others, it is exemplary.

The Constitution, in relation to equal treatment for woman in the agrarian reform, is precise in establishing that the land possession title and use concession shall be conferred to either man or woman, or both, independently of marital status, in the terms and conditions foreseen by law.

This is exactly what was stated in the women's proposal. Here it must be pointed out that rural women themselves have shown that social injustice in the rural areas, common to all rural workers, is even stronger in relation to women. However, women leaders have not valued this constitutional conquest of woman, because the movement for agrarian reform did not achieve their full revindication. They even perceive a regression in relation to this question which is fundamental to Brazil.

The issue of social security, foreseen at the Convention, is present in the new Constitution which sets forth the uniformity and equivalence of benefits to both urban and rural populations. This also constitutes an undeniable advance.

UN CONVENTION: Articles 15 and 16. According to these Articles, States Parties shall accord to women equality with men before the law; equal rights to conclude contracts and administer property; non-restricted legal capacity, the same as accorded men. Relating to marriage and family relations, women will have the same right to choose a spouse and to enter into marriage; the same rights and responsibilities during marriage and at its dissolution and in relation to the children; the same rights to decide freely and responsibly on the number and spacing of their children, and to have access to the information, education, and means to enable them to exercise these rights. Both spouses will have the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children; the same right to choose a family name, a profession and an occupation; to ownership, acquisition, management, administration, enjoyment, and disposition of property. The betrothal and marriage of a child shall have no legal effect; a minimum age for marriages must be set.

In Brazil, discrimination (in legal terms, in civil matters) towards woman fundamentally affects the married woman. Despite the 1962 Statute of Married Women, women remain legally subordinate. The masculine leadership of conjugal society, set forth by article 233 of the current Civil Code, as well as the exercise of the paternal power by the father, set forth by article 380, reduce woman to the function of collaborator. The family is where the Brazilian machismo is most sedimentary, even being supported by ordinary civil legislation.

In 1981, Floriza Verucci and Silvia Pimentel presented a New Civil Statute of Woman to the National Congress. This proposal, a fruit of the women's movement, presented alternatives to all Articles which treated

women unequally. This work has been incorporated, almost in full, to the project of the new Brazilian Civil Code. The House of Representatives approved it in June, 1981; it has not been discussed in the Senate, due to the work on the new Constitution. But the new Constitution has practically revoked all inequalities, which only makes the task of modifying the Civil Code more important

CONCLUSION

In concluding this analysis, I wish to stress the political significance of the constitutional provision towards violence. Its inclusion is all the more surprising because there is no mention of violence towards woman in the UN Convention. The traditional dichotomy between the public and the private is very clear in the position which used to be taken towards domestic violence, most of the time directed to women, leading to a State policy of non-interference. A main issue for the women's movement all over the world has been to have domestic violence recognized as a social problem, not as a familial one. Whether it is physical, sexual or psychological violence, each form is based in sexual hierarchy.

The creation of the Women Police Stations by Brazilian women was the biggest step in the direction of addressing sexual violence. Having a provision set forth in the Constitution that the State shall create mechanisms to avoid violence in the family is certainly a most significant victory, but not the final one, for sure.

Today, Brazil has a new President who is to take office on March 31, 1990. A new era is having its start as far as the Brazilian political picture is concerned. A new Congress, new state assemblies, new governors are to be elected. Let us hope the 90s turn out to be a decade of significant achievements for our struggle.

In Ghana: Legal Aid Services for Women

*Akua Kuenyehia
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INTRODUCTION

Over the years working on legal issues affecting women, two points have become clear: first, the general ignorance of women about their legal rights and responsibilities; and second, the inability of many women to pursue their claims or to obtain legal services due to a lack of financial resources.

To address these concerns and to fulfill one of the long standing agenda items of FIDA-Ghana, we decided in 1984 to establish a legal aid program and also to educate women about their rights and responsibilities. The target group was primarily those women who cannot afford to engage competent legal services. In order to make the program meaningful to the target group, we defined legal services in their broadest sense, including counselling and other services not normally undertaken by a law office.

THE LEGAL AID PROGRAM

A five member steering committee was set up. The primary functions of the committee are: to co-ordinate all activities undertaken by the Legal Aid Center; ensure a smooth running legal aid program; prepare a roster of legal aid officers on duty each week; and generally evaluate the program from time to time with a view to improving the services. The committee also looks out for problem areas and tries to resolve them before they become intractable.

The Ministry of Information provides office accommodation for the program. Secretarial and other services are made available through two persons assigned to the program by the National Service Secretariat.

A minimum of 3 FIDA-Ghana members work as Legal Aid Officers each week during business hours - Wednesday 3 - 6 p.m. Each Legal Aid Officer provides counselling as well as court representation and any related service that might be required by the client. The program sup-

ports a close solicitor-client relationship between each Legal Aid Officer and the cases she handles. Often the time boundaries extend beyond working hours at the center. Each Legal Aid Officer enters a summary of progress on each case in a note book at the end of the clinic day. In this way others are able to continue the matter without any inconvenience to the client. As far as possible, where cases actually get to court, there is a strong effort made to continue representation by the Legal Aid Officer who began the proceedings.

The Legal Aid Program is aimed primarily at indigent women and children of our society. Every applicant for legal aid at the center has her financial means reviewed by the Legal Aid Officer she sees in order to determine her eligibility for legal aid. Various factors are evaluated, such as: means of livelihood, level of education, marital status, number of children, approximate annual income, the kind of economic activity applicant is engaged in, etc. We realize that the "test" we use is not fool proof and that it allows some people to obtain free legal aid who might be able to afford it. We regularly review the criteria used to determine the applicants' eligibility. We also believe that it is better to make an occasional mistake than to turn away a poor woman.

When we set up the program, we enlisted the help of other social service agencies through the Department of Social Welfare and Community Development. We were able to identify a number of women needing help, mostly with paternity suits and maintenance of children. The program also works closely with the National Council on Women and Development, a state agency which refers women through their counselling department. Gradually, we have begun to forge links between ourselves and other women's groups in the country.

Since we are the only female legal group, we consider these links invaluable. Through our co-operation with other groups, especially in learning the problems that are referred to us, we are able to identify the priority legal areas that need investigation.

CLIENT CATEGORIES

Through the program, we have identified three client categories:

1. The indigent client who applies for legal aid because she is incapable of securing any form of legal services. Such a client is only required to pay the required filing fees, should her matter ever get to court.
2. The client who is regularly employed but whose salary is just a little more than minimum wage, or whose financial responsibilities are such that she cannot afford to engage the services of a lawyer. This

category of client is asked to make a contribution, however small, to the Legal Aid Fund, in addition to paying the required filing fees should her matter get to court.

3. The woman of means who decides for any reason that she would rather have a FIDA member represent her. In this kind of case, the client is referred to a member of FIDA-Ghana who is in private practice. She takes the client on as her private client and charges her regular fees. But she is expected to contribute 1/3 of the fees she charges to the Legal Aid Fund.

The above categorization enables the program to fulfill its primary objective and also to render service to women in general.

FINANCING AND EXPANDING THE PROGRAM

FIDA-Ghana bore the initial cost of establishing the program. We opened a special account so as to keep the financial administration of the program separate from the main organization. Subsequent funding came through fund-raising activities we organized by ourselves and through donations from individuals and organizations. In 1987, the Christian Council of Ghana secured some funding for the program from the World Council of Churches. The WCC provided funding for 1987 and 1988.

The program also promotes women's civic education, legal rights and obligations. Members of FIDA often speak to groups and institutions on current legal problems. Through the operation of the legal aid program, we identified problematic areas of law and directed our education campaigns to them. Our experience has shown that it is not always possible to bring the target group together in a formal setting for a seminar or similar education programs. Our most successful efforts have been outreach-oriented, where we have gone to the target groups at their places of work or regular meeting places, and entered into their activity.

Between 1986-88, we concentrated on consolidating legal services. Because of the small number of FIDA members actively involved in the legal aid program, it has always been a policy of the program to develop a strong support group for legal practitioners and other professionals (e.g. social workers, psychiatrists, psychologists) who are part of the referral network. Eventually, we would like these professionals to become available for consultations on a regular basis during our clinic time. Ideally, they would donate their services without charge.

The program also has a number of legal practitioners, especially outside Accra, who handle cases for us pro bono. Without their help, the benefit of our services would be geographically limited. Clients from all over the country come to consult us and the extended network of legal practitioners allows our services to meet these wider needs.

The program handles all types of legal issues and problems including divorce, child maintenance, custody, paternity, intestate succession, and cases of discrimination against women in employment

PROBLEM AREAS

The major problem facing the program and limiting its scope is financial. A special committee has been charged with exploring fundraising so we can expand the program into the regional capitals and reach a greater number of women in need.

The only other problem encountered initially was "acceptability." Many people found it difficult to believe that a group of women lawyers would offer their services free of charge to the poor in the society. But now, after four years of operation and with a strong record of success, we are beginning to gain acceptability. A large measure of our acceptability stems from our efforts at conciliation, rather than settling all disputes in the courts. In all cases that come to the center, attempts are made to settle first. Only when out of court settlement fails, we resort to the courts.

We have not had any specific internal problems within FIDA since the establishment of the Legal Aid Program. At present, the Steering Committee is actively exploring ways to link law and development in order to make the empowerment of women more meaningful. We are aware that providing legal services for the poor should not be an end in itself. While it is true that women who are educated about their basic rights have been able to assert their rights and seek prompt assistance if rights are violated, we believe that unless law and development are linked, we will not have completed our service to the community.

FUTURE GOALS

Our strategies for the future address several priorities:

1. **Legal Literacy.** We are working on the outline of a legal literacy project to translate all the major legislation affecting women into the local languages, along with the necessary commentaries. These translations will be recorded on audio cassettes for easy dissemination to the public. The more legally literate the women are, the easier it will be for them to assert their rights and seek redress when those rights are violated.

2. **Linking Law and Development.** Since development is basically a process of allocating resources for the social and economic benefit of society, we believe that it is necessary to link law and development in the sense of economic independence so as to improve the status of the poor women in our society. To this end, we have identified through the

legal aid program a number of women whose problems are compounded by the fact that they are not engaged in any income generating activities, for a variety of reasons including lack of capital. We are working on ways of engaging these women in projects aimed at helping them become economically independent. In this way, we expect that the economic and legal connection of their rights will become more meaningful.

3. Self-help Projects. We aim to set up legal services projects throughout the country to introduce or help strengthen self-help projects for women's groups, co-operative associations, and trade unions. Such self-help projects can help individuals and groups fight for or better use their individual and collective rights - legally, politically and economically.

DOCUMENTATION OF CASES

During the period Jan. 1985-June 1988, the center dealt with approximately 500 cases. Because of financial constraints on the center, only cases that needed attention beyond the first day of attendance are documented. Many women come to the center seeking advice and information; these encounters are not recorded.

The following charts reflect the number of cases being handled at the center during one period.

There was a noticeable increase in the number of cases seen yearly from January 1985 until June 1988. As confidence in the program has built up, the numbers coming to the center have increased. The average attendance over the last 12 months has been 16 clients a day. Based on the number of cases seen during the first half of 1988, it was projected that the center would see almost twice as many cases this year as the previous year.

Figure I shows a classification of the cases that were handled at the center over the specified period.

Figure II shows case categories as a percentage of all cases. The figure indicates that the majority of cases are focused on maintenance, on children, and on estate. Most estate cases are cases of intestacy, where in conforming to custom but contrary to the law, the family of a deceased man tries to deprive the widow and children of their share in the deceased's estate.

Figure III shows that 54% of all the cases handled at the center between January and June 1988 were either on estate, or maintenance, or children. In 1987, the two categories accounted for 60% of all the cases handled at the center. Marital problems, a heading which covers divorce as well as all disputes between husband and wife, make up the next 14% of the cases.

Conciliation is one of the important means of settling disputes at the center. Although the figures do not reflect which cases were settled in court and which were not, a substantial number were resolved without recourse to the courts.

As more women begin to understand their legal rights and become active participants in economic and social development, the legal status of women in the society will continue to improve.

Figure I

**CASES SEEN CLASSIFIED BY CASE CATEGORY
JANUARY 1985 THROUGH JUNE 1988**

Category	1985	1986	1987	1988	Total
1. Commercial	0	1	2	0	3
2. Criminal	2	0	2	1	5
3. Custody	7	3	3	5	18
4. Estate	16	15	36	24	91
5. Family	0	2	2	2	6
6. Labour Relations	1	2	3	2	8
7. Maintenance	16	22	34	24	96
8. Marital	8	5	17	12	42
9. Nonlegal Assistance	1	0	1	0	2
10. Paternity	2	0	2	0	4
11. Property	1	5	7	1	14
12. Tort	0	1	1	2	4
13. Other	3	6	6	13	28
14. TOTAL	57	62	116	86	321

Figure II

CASES CATEGORIES OF CASES SEEN SHOWN AS
PERCENTAGES OF ALL CASES JANUARY 1985
THROUGH JUNE 1988

Category	1985	1986	1987	1988	Total
1. Commercial	0.0	0.3	0.6	0.0	0.9
2. Criminal	0.6	0.0	0.6	0.3	1.6
3. Custody	2.2	0.9	0.9	1.6	5.6
4. Estate	5.0	4.7	11.2	7.5	28.3
5. Family	0.0	0.6	0.6	0.6	1.9
6. Labour relations	0.3	0.6	0.9	0.6	2.5
7. Maintenance	5.0	6.9	10.6	7.5	29.9
8. Marital	2.5	1.6	5.3	3.7	13.1
9. Non Legal Assistance	0.3	0.0	0.3	0.0	0.6
10. Paternity	0.6	0.0	0.6	0.0	1.2
11. Property	0.3	1.6	2.2	0.3	4.4
12. Tort	0.0	0.3	0.3	0.6	1.2
13. Other	0.9	1.9	1.9	4.0	8.7
14. TOTALS	17.8	19.3	36.1	26.8	100.0

Figure III

CASES SEEN CLASSIFIED BY CASE CATEGORY AS
A PERCENTAGE OF THE YEAR'S CASES
JANUARY 1985 THROUGH JUNE 1988

Category	1985	1986	1987	1988
1. Commercial	0.0	1.6	1.7	0.0
2. Criminal	3.5	0.0	1.7	1.2
3. Custody	12.3	4.8	2.6	5.8
4. Estate	28.0	24.2	31.0	27.9
5. Family	0.0	3.2	1.7	2.3
6. Labour Relations	1.8	3.2	2.6	2.3
7. Maintenance	28.0	5.5	29.3	27.9
8. Marital	14.0	8.1	14.7	14.0
9. Nonlegal Assistance	1.8	0.0	0.9	0.0
10. Paternity	3.5	0.0	1.7	0.0
11. Property	1.8	8.1	6.0	1.2
12. Tort	0.0	1.6	0.9	2.3
13. Other	5.3	9.7	5.2	15.1
14. TOTAL	100.0	100.0	100.0	100.0

In Ecuador: Training Grassroots Paralegals

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INTRODUCTION

The need for legal services at the Ecuatorian Center for Women's Action and Promotion (CEPAM) in Quito, Ecuador, has multiplied in recent years. First CEPAM identified an urgent need for paralegals and for accessible legal services centers. In response to this need, CEPAM developed a paralegal training program and opened several "Orientation Centers to Defend Women's Rights" in the southern area of Quito. This report gives an overview of the services provided in 1988-89 and describes the training process of the paralegals.

ANALYSIS OF LEGAL SERVICES

In order to have a better understanding of the extent and nature of women's need for legal services, we analyzed data on the women who had benefited from the services we provided over the last two years. Such data are part of the file we carry on each case. From the statistical analysis, we obtained some information of interest to CEPAM's work. The data show the following patterns:

- D 90% of the claimants and the defendants are from rural areas. This large percent is a result of the social, ideological, and cultural changes generated by migration, as well as the changes in the way of life created by this type of migration.
- O The cases of illiteracy are of no relevance. The main occupation of 80% of the women is house work alternated with activities in the non-formal sector of the economy.
- O One half of those who used our services are members of women's organizations in their neighborhoods.
- O The information about the services provided by the Legal Department of CEPAM was disseminated through neighborhood networks (42%), through organizations (29%), through the media (13%), and in the work place.

O During the two year period, the claims made at the Legal Department were:

Alimony	70%
Divorce	40%
Domestic Violence	28%
Sexual Crimes	9%

D Of the cases we followed, 50% were followed extra legally, while 45% went through legal channels. The remainder of the cases went through both channels.

Based on this information, we refined our program. We have always emphasized extra legal treatment, designing a strategy through mutual agreement and, only if necessary, resorting to legal channels. For example, in alimony claims we follow these steps:

1. Send a letter to summon the defendant;
2. Interview the defendant to present him with a mutual agreement document;
3. Interview both parties separately or jointly, to sign the mutual agreement document;
4. Legally certify the signatures before the Minors Court to make the document legally effective.

This kind of extra-legal experience is part of the alternative use of law and was one of our main emphases in the development of a training program for grassroots paralegals. Our own analysis of these past two years of experience in legal services, as well as in disseminating information and carrying out training events, made us aware of the need to develop new strategies that allow the decentralization of the legal services and the democratization of the knowledge of the Law and laws.

The decision to train Paralegals and to locate Orientation Centers in the neighborhoods was congruent with the ways women confront problems within the family and the neighborhood, on a daily basis. They generally seek the advice of friends, neighbors, relatives, and as a last resort, a lawyer, when they have economic means. Thus, the Paralegals have been a very good resource, because through their own experience as organizers these women have won the community's trust and have had enough information and criteria to give advice, legal or extra legal orientation/references, to existing grassroots Legal Clinics.

THE EDUCATIONAL PROCESS

We see training as a combination of action and reflection with the goal of generating transforming actions. Training utilizes the personal experience, practice, and input from the people. Their information,

knowledge, and collective reflection are an integral part of the process. Thus, the training may be described as a collective process, a result of the interaction of the participants.

Within the legal field, training becomes a means through which women reflect on their own experience, their daily life, knowledge, and the characteristics and contents of the law. It is an inductive process that goes from the particular to the general, from the simple to the complex, from the personal to the political, and seeks to articulate experience, knowledge, and critical reflection on the Law and the laws.

If we use as a point of departure Felipe Vivero's findings that "a legalistic mentality prevails in our society, it seeks to enforce the dominant system... that covers up real conflicts that the community goes through, and tends to reduce Law to the laws," then legal training must take place within the context of a new management of juridical conflicts that demystifies the laws, and unveils their classist and patriarchal characteristics.

In summary, the educational process we developed has the following patterns:

It is based on experience: All individuals in the training program have experiences and empirical knowledge and therefore, a position *vis a vis* certain legal situations. Our training program seeks to gather this experience and knowledge and contrast it with another reality: current laws in effect, institutions, etc.

It takes daily life into account: Legal training takes as a point of departure the day-to-day problems of women, their worries, and the most frequent situations they encounter: family, relationships with their children, relationships with their partners, and, in all these, women's rights with respect to their family and community life. It unveils the collective conflicts present most of the time as individual problems (for example: domestic violence) to empower the grassroots organization to confront these problems.

It is a collective process: Training is neither an individual process nor an isolated practice; it takes place as a collective experience and seeks to connect the individual to the collective in order to generate transforming actions that ultimately modify the existing reality.

It connects theory and practice: We learn by doing things and we theorize using concrete experience as a basis. Therefore, the best way of being trained is getting to work. In this sense, the daily life experience of the Promoters, as well as of the Legal Department, was tapped to illustrate the possibilities provided by the use of laws in defense of women's rights.

This method, rather than serving as a means to learn the existing laws and ways of applying them, is designed to develop women's awareness of their own rights, so they become the subjects of the law to defend and disseminate it

Therefore, a basic goal of the course is to develop a critical conscience about the law.

OBJECTIVES OF THE COURSE

Our goals in developing the course were:

- to generate in the women an awareness of their rights as persons and as women so they become subjects of the law;
- to develop women's critical conscience with respect to existing legislation and its elitist and sexist content; and
- to promote the democratization of legal knowledge, by promoting knowledge of existing laws, in particular those that address women's condition.

More specifically, we hoped to achieve the following objectives:

- Grassroots Paralegals trained to resolve problems or make appropriate referrals in dealing with day-to-day legal problems.
- Grassroots Paralegals able to respond to questions in the neighborhoods by providing them with basic information on existing laws.
- Development of appropriate printed material to assist the Paralegals in their consultation work

SELECTION OF PARTICIPANTS

Through individual contact and by checking with the grassroots and women's organizations, we learned of women interested in participating in the legal training course. We issued personal and public invitations, as well as a form for registration. A meeting was held for potential grassroots paralegals, where we explained in detail the objectives, methodology, and goals of the First Course. After that, we confirmed the list of participants.

To begin with, we trained twenty five women from five neighborhoods in the South of Quito, many elected by their own women's organizations or groups with whom CEPAM works. There were five women per group; each filled the following requirements for participation:

- Completion of elementary education;
- Recognized leadership (or a trusted member) in the organization or the neighborhood;
- Availability (in terms of time).

SCHOLARSHIPS

Taking into account the conditions and the daily life of the women from the marginal neighborhoods of Quito, their transportation and child care problems, the domestic chores they are responsible for, etc., CEPAM decided to cover part of those expenses with a 500 sucres (1 dollar) scholarship per person. This was awarded at the end of each session, throughout the whole course, and served as an incentive to encourage participation.

METHODOLOGY

We planned a four week course, which consisted of a total of 20 three-hour sessions. We developed the course using popular education methodology, which utilizes daily life experiences of the participants in order to draw collective conclusions about problems regarding the exercise of their legal rights and the application of the laws.

Each learning unit followed a work plan which included:

- Diagnosis of the status of women's rights in a specific area;
- Analysis of the causes of women's legal status;
- Proposed alternatives/ legal and extra-legal answers.
- Evaluation of the knowledge acquired.

In the first session of the course, both participants and the training team presented their expectations of the course. Throughout the course we encouraged the strengthening of friendships and relationships among the participants, and coordination between trainers and participants.

During each learning unit, and for each step of the work plan, we used different techniques to encourage participation, concentration, and analysis. Each unit required four sessions, concluding with an evaluation of participants' comprehension. This took several forms, including a written response to six test questions. In addition, we used diverse techniques which actively incorporated the participants: dramatizations, drawings, collage, etc.

The final evaluation and closing of the course was a public event attended by relatives of the Paralegals. This was designed to legitimate their participation in the course and lend more value to their efforts. Diplomas were handed out. The event, which was a party to celebrate the end of classes, was also a means to strengthen the friendship between the participants. Evaluation was presented through dramatizations the participants had prepared, as well as through songs inspired by daily situations which connect to legal issues.

CONTENT OF THE COURSE

The Legal Services of CEPAM selected the content for the course by identifying the primary concerns of local women. Each of these constituted a training unit:

- Fundamental Rights of Persons
- Women and the Family
- Women and Work
- Violence Against Women

We developed the program of the course around these units and followed this outline for each one: general objectives of the unit, objectives for each day of the week, techniques to be applied, supporting materials needed, etc.

THE TRAINING TEAM

At the beginning, we planned to hire instructors and trainers, i.e., specialists who, working with the Popular Education methodology developed during previous courses, would be directly in charge of the training. However, while working on activities prior to the course, we became aware that we could not entrust the responsibility for teaching about Law and the laws from a gender and class point of view to people who do not understand our work and philosophy. Therefore, our training team was created with CEPAM personnel. The core team included a coordinator, Rosario Gomez, social worker, and two lawyers, Victoria Neacato de Coello and Pilar Guayazamin. This team was supported by the Executive Coordinator of CEPAM, Lilia Rodriguez, psychologist, a communications coordinator, Lizie Guayazamin, sociologist, and a law student, Betty Vasquez. Bernice Polit, a lawyer and specialist in labor issues with links to the Women's Movement, also collaborated with us.

While planning and organizing the course, we received advice from Dr. Violeta Bermudez, a lawyer from the Legal Area of the Manuela Ramos Movement of Peru. This group had relevant experience, having conducted two training courses for grassroots legal promoters.

MATERIALS USED IN THE TRAINING PROCESS

CEPAM prepared some trial materials to be used by the Paralegals as resources and to conduct legal training in their neighborhoods.

To date we have produced a Resource Kit that contains all basic information on the four units taught in the course. In addition, there are materials and documents that trainers need for their work, such as: bylaws of organizations, agreement documents, tax forms, etc. We also

added the UN Convention the Elimination of all Forms of Discrimination Against Women. This resource material will have to be tested by the Promoters and by other people interested in it before it is printed in a final version.

We are also in the process of preparing booklets for wide distribution, on these subjects relevant to our context: Alimony suits, Documents (identification, birth certificates, and other required documents), and Violence Against Women. The booklets will be used by the promoters and handed to the clients.

The Legal Promoter's Resource Kit resulted from a dialogue with well known lawyers, constitutional law experts, experts in civil and penal Law, and issues related to minors. We requested them to write a document on each one of these themes in simple language, presenting a synthesis of the main aspects of each theme. After several meetings with each of the lawyers, in which we checked the language used in their work and also discussed the explanations they wrote about the contents of the laws, we had produced four bulky packets. Each packet, along with related documents, became one of the chapters in the Resource Kit.

FOLLOW UP

The follow up to this course was carried out through individual work sessions with the Paralegals. At that time, each promoter shared her experiences and together we analyzed the cases and special situations. Through these sessions, the knowledge acquired in the training course was reinforced. The sessions originally took place every month, but in the Spring of 1989 they increased to every two weeks at CEPAM. In the future, they will be held in neighborhoods or alternating places, according to needs.

SUMMARY OF THE PROCESS FOR DEVELOPING THE GRASSROOTS LEGAL PROMOTER'S COURSE

We took the following steps to develop the course:

- Discussion of the methodological proposal;
- Preparation of the Legal Training Project;
- Internal workshops on Communication, Grassroots Education and Legal Training;
- Revision and first draft of the training materials;
- First contact with the grassroots organizations announcing the legal training course;
- Selection of participants for the course from each of the organizations, according to guidelines previously supplied;

- Elaboration of Methodological Guides for each Training Unit, based on a previously discussed and elaborated format;
- Preliminary meeting with the participants to explain the objectives, the dynamics and other details related to the course;
- Holding of the course during four weeks to train grassroots paralegals;
- Closing session;
- Monthly and bi-weekly follow up meetings;
- Elaboration of a proposal to open four Orientation Centers for the Defense of Women's Rights;
- Explore the prospects of future self financing.

In India: Reasserting Constitutional Guarantees in the Struggle against Sati

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SATI

The "Sati", burning of a widow on the funeral pyre of her husband, of 18 year old Roop Kanwar on 4th September, 1987 in the village of Deorala in Rajasthan, is a contemporary phenomenon. Yet the public response and outcry, the national debate that it generated, the inertia and vacillation by the State, and the alignment of political forces and vested interests bore a striking similarity to the climate on Sati in the period prior to the abolition of Sati by British Governor-General William Bentinck in the 1820s.

The enormity of the challenge, posed to the State and women's organizations, to resist the culture of Sati requires some historical understanding of the British experience and those early efforts to abolish it. The lessons from Colonial rule also highlight the compelling urgency for an unequivocal assertion of political will and resolute determination in matters of critical social reforms.

HISTORY

British concern over the issue of Sati was largely shaped by a desire to establish legitimacy of Imperial Rule over a subject population. Hence, they adopted a policy of cautious non-interference with what they presumed would be viewed as an unjustifiable intrusion on native religious customs. For the British, it was important that law should reflect a consensus and not appear to be imposed. But they were equally keen to prevent the institutionalisation of modes of power which challenged the British State's monopoly over the right to life. It suited them to turn an ostrich eye to the sinister use of religion by the Hindu priesthood to cloak their collectively shared prejudices and self-interest.

The British permitted Sati if it conformed with the "Shastras" (Hindu Scriptures) and where it was "voluntary" in nature. The Government had no desire to bring in statutory legislation and preferred to issue orders. The measures lacked coercive authority, so it became impossible to implement any policy to prohibit or outlaw this practice.

In reality there was and is no such thing as a "voluntary Sati." Every Sati was an act of pre-meditated murder, as most evidence testified. In any event there can be no voluntariness where women sub-consciously internalise the cultural expectations of a male dominated society that denies them the right to life and sees their salvation only in death.

By the year 1824, the majority of the Judges of the courts (i.e. Nizamet Adalat) recommended abolishing Sati. The Judges had acted as magistrates earlier, and had seen the futility of the existing flabby orders on Sati. They wanted the spurious distinction between *legal* and *illegal* Satis to be dropped and all Satis to be punished.

When Bentinck arrived in India, there was a complete swing in favour of abolition because British officials knew that the Governor-General was resolute and determined to end it. When Bentinck passed Regulation No. XVII on 4th December, 1829, he made illegal the practice of Sati, that is, the burning alive of a widow, whether it was voluntary or not. This law struck at the root of Sati, relegating it to an act punishable by the Criminal Courts. Bentinck's task was made easier by the staunch support of religious reformers such as Raja Ram Mohan Roy who founded the Brahma Samaj in 1828.

The "Dharma Sabha" - the orthodox religious group - mobilised public opinion for presenting a petition to the Privy Council in England to revoke Bentinck's regulation. It was compiled with much material consisting of Hindu literature. The Sabha was opposed by Raja Ram Mohan Roy who stated that it was not religious devotion but a crude materialism which prompted people to commit Sati in Bengal, which the Brahmins and others wished to disguise under the cloak of religion.

RELIGION, MYTH, AND THE PRACTICE OF SATI

Was Sati ordained by Hindu religion? Women's journals (*Manushi*, No.42-43, 1987) have considered the debate on this issue irrelevant, since it obfuscates the real oppression of women and distorts what is essentially a women's rights issue. However, this question cannot be ignored in view of the petitions before the Supreme Court. The constitutionality of the recently enacted Commission of Sati Prevention Act 1987 is being challenged on the grounds that the state cannot interfere with the

freedom of religion guaranteed as a fundamental right in Article 25 of the Constitution. The pro-abolitionists also rely on Article 25 which is as follows:

"Freedom of conscience and free profession, practice and propagation of religion. - (1) Subject to *public order, morality* and health and to the other provisions of the Past, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion. (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law:

(a) regulating or restricting any economic, financial or political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or throwing open of Hindu religious institution of a public character to **all** classes and sections of Hindus."

This also explains the immunity and inviolability of personal laws which, though clearly discriminatory, are sought to be justified as being protected within the definition of freedom of religion in Article 25 of the Constitution.

References in Hindu scriptures of 400 B.C. to 100 A.D. contain only occasional references to Sati. None of the Hindu religious texts enjoin Sati as a religious duty. The word "Sati" in Sanskrit, literally translated, means a good woman and an ideal wife. However, when it is applied to a widow, it means a woman who sacrifices herself on the funeral pyre for the love of her husband. The custom was practiced in ancient times in Europe, Central-West Asia and the Far East. There is evidence that Sati was prevalent among the Russians on the Volga, the Teutonic tribes, the Scandinavians, the Tracians in Greece and Scythians. The Egyptians and the Chinese also practiced it, and Sati was known among the tribes in Tonga and the Fiji islands. Apparently, there was a general human tendency to adopt this barbarous practice in the early stages of civilization when spirit worship and animistic cultures were prevalent, but the practice of Sati on a fairly wide scale was indigenous to India. The larger incidence of Sati amongst the Brahmins of Bengal during 1680 to 1830 was due directly to the Dayabhaga system of law which prevailed in Bengal and which gave inheritance and property rights to the widows. The practice in India was originally confined to Royal families and

warriors who did not wish to leave their wives behind after they died. It was this idea that furthered Sati amongst the Kshatriyas (the warrior class) and was later adopted by the Brahmins (the priestly class).

The practice of Sati has been further reinforced by myth and legend. The goddess Sati is said to have burnt herself on her father Dakshya's sacrificial fire, to defend her husband Shiva, since he had not been invited by her father to a great sacrifice where others had been invited. Sati was so distressed by her father's ill-treatment that she jumped into the fire and was consumed by flames. Sati is also an aspect of the goddess Mahadevi, considered to be the ideal Hindu wife. The example of her self-immolation has mistakenly lent support to the practice of Sati or widow burning.

POLITICAL AND SOCIAL ASPECTS OF SATI

The Deorala Sati is not symptomatic of any epidemic of Sati incidents in India. It occurred in a village where the literacy rate is not low. The setting is "modern" - the village has eight schools and television. Yet even as an isolated incident, it must be viewed with apprehension in the context of the increasing violence against women in India. There are increasing numbers of dowry deaths in India in spite of stringent amendments in the India Penal Code in 1983 and 1986, and of the inclusion of Section 304-B and 498-A in Article 51-A(e) of the Constitution enacted in 1976, making it a fundamental duty for all citizens "to renounce practices derogatory to the dignity of women." Both dowry and Sati are products of a market culture in which the chief value is to get rich even if it means bullying or burying women. The practice reflects cultural biases that oppress women and overcome the dictates of a Constitution guaranteeing equality to women.

Sati temples in India have received large donations from wealthy industrialists. Every "Sati" provides a proliferating industry as a result of tourists flocking around monuments and memorials built over a widow who has supposedly gained eternal salvation through self-denial.

The Indian Government's record in dealing with dowry and Sati has been inadequate. Belatedly condemning the Sati incident, Rajiv Gandhi allowed obscurantist forces to weaken the hold of law and authority and legitimise a *conscious "illegality"* perpetrated on women. His Chief Minister Hari Dev Joshi in the State of Rajasthan was equally tight lipped and refused to make a statement on the issue. Only when public opinion was aroused by women's organizations, did the Government bow to public opinion to enact the Rajasthan Sati Prevention Ordinance 1987, applicable to the State of Rajasthan and not the whole country.

In this bleak scenario, the only silver lining was the courageous role played by women's organizations to focus attention on the violation of the civil rights of women.

On the basis of the newly constituted epistolary or letter jurisdiction of the court, women's organizations in Rajasthan initiated a petition to stay/restrain the celebration of festivities associated with the 13th day after the Roop Kanwar was immolated. The epistolary jurisdiction dispenses with technical procedures and permits access to the Courts on the basis of even a letter in cases where there is gross social exploitation of disadvantaged groups. The Attorney-General of the State of Rajasthan, Mr. Nathu Lal Jain would not commit the Government to banning the glorification and celebration of Sati. With much reluctance he eventually gave an assurance to the Court that the Government would comply with the orders of the Court.

WOMEN'S GROUP FILES PETITION IN SUPREME COURT

The Joint Action Committee against Sati, an umbrella organization comprised of 27 women's organizations, filed a Writ Petition asking the Supreme Court to direct the Government:

1. To seal all sati temples where there was worship and glorification of Sati since Sati was the celebration of a successful murder in which women had internalized expectation of a patriarchal society;
2. To direct the Government to give complete statistics of crimes against women;
3. To seize all funds accumulated by temples in perpetuation of the glorification of Sati and to utilize the same for rehabilitation of widows.
4. To call for the records of the Magistrate's inquiry pertaining to the death of Roop Kanwar;
5. To prosecute obscurantist organizations like the Sati Dharam Raksha Samiti which glorified and mystified Sati;
6. To require that the entire investigation of the case pertaining to the death of Roop Kanwar be conducted by the Central Bureau of Investigation.

The petition is pending adjudication in the Supreme Court when all the petitions pertaining to the constitutionality of the Commission of Sati Prevention Act, 1987 will be heard.

The filing of the Petition was preceded by consultation amongst women's groups to define the parameters of the points to be highlighted in Court and to arrive at a consensus which reflected all shades of political opinion amongst the various women's groups, many of which were affiliated to National Parties. It also underlined the determination to fight vested interests in order to uphold the rights of women. It

encompassed women who were not otherwise associated with formal women's organizations but who volunteered support in order to wipe out Sati in India. The petition had to be subsequently amended in view of the enactment of the Rajasthan High Court, in which the Rajasthan Commission of Sati Prevention Act was upheld.

DIRE ACHIEVEMENT OF CENTRAL LEGISLATION

Besides the filing of public interest litigations in the Supreme Court and the High Court, women's organizations lobbied their representatives for the enactment of a Central Law to govern the entire country. Ultimately, the Government bowed to the demands of women. Although the Indian Penal Code was adequate to deal with offenses pertaining to Sati, and some convictions had in fact taken place under these provisions, the demand for a Central Legislation was necessary. Only a Central Law could put an end to the specious defence that Sati was a divinely ordained act and could not be penalized under the ordinary provisions of law, i.e., murder (Section 300 Indian Penal Code); culpable homicide (Section 299 I.P.C.); abetment of suicide (Section 306 I.P.C.); attempt to murder (Section 307 I.P.C.), since a woman resorted to it under the spell of a compelling super-natural power. The reassertion of the constitutional guarantees to women against the tyranny of patriarchal and *casteist forces* was also important

Significant features of the Commission of Sati Prevention Act are:

1. That it provides definition of Sati as *not* being enjoined by religion.
2. It prohibits glorification of Sati and makes it a punishable offence with imprisonment which may extend from 1 to 7 years and with a fine of not less than Rs.5,000/- which may extend to Rs.30,000/-. This is a significant attempt to change entrenched cultural attitudes resulting in violence against women.
3. It punishes the abetment of Sati with imprisonment for life and defines what amounts to abetment.
4. It permits removal of temples and structures which perpetuate the honour or preserve the memory of Sati.
5. It permits the Collector of District Magistrate to seize funds collected for the glorification of Sati.
6. It provides for trial of offenses by special Courts.
7. Section 16 of the Act reverses the Rule pertaining to burden of proof by shifting it to the accused, who must prove that he has not committed the offence of abetment of Sati.
8. Section 17 of the Act obliges public servants to report the commission of the offence.

Section 18 of the Act disqualifies those convicted for the abeyment of Sati from inheritance of properties.

In the context of combatting social evils and evolving effective strategies, the Sati legislation raises critical questions. Is the Act an illiberal piece of legislation? Was it necessary to reverse the jurisprudential rules pertaining to burden of proof? Does the law disguise the real conflicts within society? Will the criminalization of superstitions and cultural attitudes alter social perceptions?

The criticism that the Act was an illiberal piece of legislation which reversed traditional jurisprudential rules on the burden of proof raises crucial questions. Do crimes against women justify special treatment? Does the enactment of special law promote or impede respect for the law? Will legislative efforts merely disguise the real conflicts within society? Are the efforts at combatting Sati counter-productive in the long run?

The debate in Parliament was well informed and meaningful. This was due to the nature of the discourse that had taken place outside the house in which all issues pertaining to Sati had been dissected and analysed in their totality. These centered on 1) the supposed conflict between tradition and modernity; 2) the religious and non-religious; 3) literacy and illiteracy; 4) the rational and superstitious; 5) progressives and conservatives; 6) guarantees of equality and prevalence of personal laws.

A SECOND ORDER OF THE SUPREME COURT

In spite of the enactment of the Commission of Sati Prevention Act, 1987, it was clear that the battle had only just begun. In 1988, the Collector of Jhunjhunu, Rajasthan, ordered the trustees of a Sati temple in Jhanfunu Rajasthan to refrain from the annual celebrations associated with the glorification and worship of Sati in these temples. Most of these temples were commemorated to the memory of women who had actually burnt themselves on the funeral pyre. Also within these temples were shrines and monuments to the goddess Sati, the ideal of feminine virtue. The Petitioners insisted that in worshipping the ideal, there was no "glorification" of Sati and it would be seen as an unwarranted intrusion on the freedom of religion guaranteed under Article 25 of the Constitution.

In response to a petition filed by the trustees, the High Court of Calcutta stayed the orders of the Collector to permit the annual melas associated with the celebration. The State of Rajasthan appealed against the interim stay orders to the Supreme Court. The memory of the attack on the Rajasthan Government by women's organizations a year earlier obviously had its effect. In any event, the Government wanted the Supreme Court to bell the cat to justify its actions to the powerful Rajput

lobby (within Rajasthan). Women's organizations again swiftly moved to intervene in this new litigation arising out of the Jhujhunu Collector's orders. Their presence in Court could not be ignored. The Order of the Supreme Court was a shrewd act of balancing opposing interests viz. those who insisted on the freedom of worship and those who believed that such worship only provoked and perpetuated the practice of Sati. (N.B. The order of the Court, which addresses religious and cultural nuances related to the issue of Sati is appendix ed at the end of the article.)

MORE ORGANIZING AND EDUCATING EFFORTS

In yet another Writ Petition filed on behalf of several women's Associations (the All India Democratic Women's Association vs. the Union of India and others i.e, Writ Petition No.913/88), women's organizations argued that the annual celebration in the Sati temples in Jhunjhunu be prohibited since it was in violation of the Commission of Sati Prevention Act, 1987. An affidavit of a Journalist was annexed to the petition, attesting to the preparations for celebrating the event. In response to the petition, the Supreme Court directed that the entire collection of money by the temples during the mela (Carnival) should be seized and that the Chunri ceremony should be banned. Police vigilance, which had declined along the temple premises, increased in response to the Supreme Court's orders. Meanwhile, district authorities closed two other Sati temples in Jhunjhunu town.

One does not wish to exaggerate the impact of the petitions filed in the Supreme Court. Undoubtedly the Court's orders had the salutary effect to restrain and check fanatic forces. But, educating public opinion outside the Courts is equally important, particularly in view of the Government's duplicity in the matter of combatting Sati. Startling evidence was provided when the Government chose to turn a blind eye to the provocative statement of the Shankaracharya (a Hindu religious head). The Joint Action Committee against Sati, a group of 54 organizations and the Sati Virodhi Sangharsh Manch, comprised of 9 organizations, met to discuss the new threat posed by the Shakaracharya. The group decided to write articles, arrange protest marches to Parliament, and present an open letter to the Prime Minister to highlight the Government's lack of commitment to saving Indian women's lives.

In efforts to engage wider public debates that went beyond the pages of newspapers, Swami Agnivesh and other Arya Samai sanyasis led a yatra from Delhi to Deorala. This was an important symbolic demonstration that anti-women forces cannot monopolize the definition of Indian traditions and do not represent all Hindus.

In combatting Sati, women's organizations employed legal strategies to highlight the ongoing subordination of women under patriarchal structures. The class composition and character of women constituting these organizations was an important factor in devising and initiating such strategies. In choosing the Supreme Court as the arena for public debate, they ensured immediate national attention. The law itself may substitute or shift dominant class interests depending on the composition of the Court, yet it served to generate ideas for the possible uses of law, its inadequacies, and its limitations. Above all, such strategies help to understand, explain, and demystify the law to make it an instrument for addressing the condition of women.

Creative and innovative efforts at democratizing knowledge to realize the goals of equality for women are being explored through the Women's Development Programme in Rajasthan. The program identifies village level women called "Sathins" who become the motivators and key educators. Through the joint effort of the government, non-government, and women's development agencies, the Organizational block, district, and State support and guide the "Sathins",

The fundamental premise of the programme is that improvements in the human situation are possible not by ordering change but only through an internalizing change. The "Sathins" evaluate information at every stage of activity; they evolve the programme, revise it, offer feasible and ongoing exercise in "developing" creatively within the context of the real world of the villages. At "JaJans" (village meetings) village women reflect on and discuss their suffering; such collective sharing is the catalyst for change. This process promises to transform the face of rural India, and to provide totally indigenous solutions to alter cultural attitudes that now are manifested in Sati--a celebration of death over self-affirmation and life.

CONCLUSION

Unfortunately, these remarkable efforts are somewhat neutralized by the failure of political leadership. Vested interests constitute the membership of most political parties. Many women working within the women's organizations are also affiliated to political parties. The dilemma they face is acute. Should they remain within these political parties and lobby to change these perceptions or work outside political (formal) party structures? Outside, they also confront ideological differences.

In collaborative efforts by women's organizations, the problem remains to transcend differences while remaining rooted and determined in pursuing larger liberating goals. Although they constitute 50% of the electorate, women are still not reflected in the political structures

of decision making. But when women are affiliated with political parties, they are seen as promoting the welfare of parties rather than of women. Unless this mistrust is eliminated, the women's movements will not be empowered to respond to the political challenges that affect women's lives.

APPENDIX A: THE ORDER OF THE SUPREME COURT RULING AGAINST THOSE WHO PRACTICE SATI, 1988.

"The petitioners have maintained that the Shri Rani Satiji Mandir at Jhunjhunu in the State of Rajasthan is not an institution to which the commission of Sati (Prevention) Act 3 of 1988 has application, offering Puja within the temple does not constitute glorification of Sati as defined in the Act and therefore, the District Magistrate whose order of 1st August, 1988 is impugned in the writ proceedings was not entitled to exercise powers under the Act to prohibit religious rites within the temple. Dr. Chitle does not accept this position and contends that the Puja offered within the temple amounts to glorification of Sati and is an offence. One fact which is not in dispute is that the temple has been in existence for centuries ... From the affidavit made by the Assistant Collector which has been filed in the Court yesterday, we find that regular Puja is performed five times a day in this temple. Apart from what is disputed to be an image of Sati, there are images of Lord Shiva, Hanumanji and other deities within the temple whom Hindu tradition accepts to be Gods. It is not for us at this stage to take a final view one way or the other, yet there cannot be said that the Petitioner's claim is such that it can be rejected at the threshold. It would be difficult to rule out the contention of the Petitioners until the matter is adjudicated and a final decision is reached. Petitioners have alleged interference with their rights and approached that criminal prosecution may be launched against them. We direct that for the Puja offered within the temple no prosecution be started as against those who offer Puja until the matter is finally disposed of and the correctness or otherwise of the pleas taken by the Petitioner is finally examined in the Writ Petition. We are told that on the Bhadra Amavasya which would fall on the 10th September this year an annual Mela is due near the temple. Offering of Puja inside the temple and holding of a Mela outside are certainly two different aspects and the Mela may give rise to the problem of law and order. In the matter of holding of a Mela, fundamental right may or may not be involved. In such circumstances, as an interim measure and pending adjudication of the dispute before this Court, we direct that no mela shall be held either on the 10th September or at any time until further orders. We would like to add that even counsel for the petitioners are prepared to maintain a

concerned, the police are reluctant to take the spouse's report or institute proceedings for fear that the spouse will refuse to give evidence in court. Moreover, domestic violence is often viewed as a private affair.

The Domestic Violence Act is being proposed because the present provisions do not guarantee satisfactory protection for victims of domestic violence - battery, assault, coercion, sexual assault, harassment, unlawful entry or damage to property, theft or other criminal conduct. The Act is designed to protect victims of domestic violence such as husband/wife battering or in the case of a cohabiting couple. It mainly seeks to provide a restraining/prevention order against assault and includes other reliefs such as maintenance or accommodation. The Act also extends a protection to the victim who can be a spouse, parent, child or other person within the domestic set up.

6. Family Law

While there have been inadequacies pertaining to the civil laws, it is necessary to point out that there have been advances, particularly related to Family Law for Non-Muslims as well as for Muslims who are governed by the Shariah Court.

One of the major advances for Non-Muslim women was the passage of the Law Reform (Marriage and Divorce) Act of 1976. However, it did not come into force until March 1982. The delay reflects again the lack of interest shown by a male dominated state apparatus, despite the fact that many women faced considerable hardship due to a multiplicity of unjust laws.

Considered a milestone in law reform, this Act was designed to protect women from the injustices of previous laws on marriage and divorce. It abolishes polygamy, prescribes a minimum age of eighteen for marriage, and provides for compulsory registration of all marriages. Among other improvements, the law recognizes that the only ground for divorce is the irretrievable breakdown of marriages due to adultery, desertion, separation, and the inability of the couple to live tolerably with each other. Moreover, if there is mutual consent from the husband and the wife to dissolve the marriage, they may petition for a divorce two years after the date of their marriage. Another significant provision is that a non-Muslim spouse can petition for a divorce if the other party has converted to Islam. This protects the partner, usually the female. For example, when a man has converted and decides to take another wife, the civil law still recognizes the marriage; however, the Muslim law treats the marriage as having been dissolved if the other party has not converted.

One other noteworthy provision is that which empowers the court to order the division between parties of assets acquired during the marriage. The Act recognizes the contribution made by the spouse who looks after the home or cares for the family. In effect, this recognizes the work of "housewives" and ensures that they will receive a share of matrimonial property although they may not have contributed financially to the acquisition of the property.

7. The Islamic Family Law Enactments

According to Mehrun Siraj, the President of the Association of Women Lawyers,

The poor administration of the Muslim Family Law and the resultant hardship and dissatisfaction led to the drafting of a codification of the Muslim Law combined with a few other provisions that were identical to corresponding sections in the Law Reform. (Marriage and Divorce Act, 1976)

To date, nine such laws have been passed although some states made their own individual modifications. The Islamic Family Law Enactment has given more rights and benefits to protect Muslim women particularly in the area of polygamy, divorce, and provisions upon divorce to wife and children. For example, there is control of polygamy by requiring that a special permission must be obtained from the Kathi before a polygamous marriage can be solemnized. Indeed, the Kathi must be satisfied that the man -will be able to support all his wives and dependents, that he will be able to treat them equally, that the proposed marriage will not cause harm or danger to the present wife or wives, and that it will not lower the standard of living of the wives and dependents. Even more important to a woman: when a man applies for permission, he must swear an affidavit that indicates whether the existing wife has consented to the proposed marriage.

A CASE STUDY: DEVELOPMENT OF CAMPAIGN TO OPPOSE VIOLENCE AGAINST WOMEN

IBSTORY

In 1983, I was in a group of 15 women who began to meet regularly to share their experiences and their lives as women. Many of them were women who had studied overseas and had some experience in the students movement. Others were involved in non-governmental organizations (NGOs)..

After meeting for almost two years, we felt that the group could go on discussing women's issues, but discussion would be futile if there was no action. Then we began to identify the common areas in our experience.

1. Those involved in the shelter for battered women expressed concern over an increase in cases, problems with the police, and the inadequacy of the law.

2. Union leaders expressed their frustration and inability to act in cases of sexual harassment of female workers.

3. A subgroup studying the "Portrayal of Women in the Media" emphasized that violence against women was perpetuated through the media's portrayal of women and through violence in the media

4. Lawyers, on the other hand, were concerned that rapists were getting very light sentences and that many rape cases were thrown out of court due to lack of evidence.

5. Lecturers from the universities pointed out that a number of studies and research indicated a growth of violence against women.

We saw that the common factor was VIOLENCE. Violence against women was a strong issue affecting women, but often hidden within the walls of our homes and families.

After fact finding meetings, evaluation, and analysis we decided to initiate a campaign. Since our group was an informal, unregistered group and could not organize the campaign, we created a new organization-- JAG (joint Action Group). JAG consisted of the Association of Women Lawyers, the Women's Aid Organization, the Malaysian Trade Union Congress (Women's Section), the University Women's Association, and the Selangor Consumers Association.

THE STORY OF THE CAMPAIGN

On March 23, 1985, the five organizations gave meaning to International Women's Day as the campaign to oppose "Violence Against Women" was launched. The campaign started off with publicity through articles on various aspects of violence, followed by a public workshop-cum-exhibition. The response of 1700 people was a boost to the campaign. At this workshop various resolutions were passed, proposing legal reforms to the laws related to rape and the enactment of a domestic violence act.

The five organizations were symbolic in that they reflected the cries of battered women, of workers, of consumers, of professionals, of members of the legal system. The cry was loud and it came from all sectors of the community. It gave impetus, vitality, and authenticity to the campaign.

The follow-up media blitz kept the issue alive and developed a kind of mass awareness to the fact that our society was not as peaceful as it seemed after all: that violence against women was a closet issue and there was a need for action.

The workshop was only the beginning. Motivated by the response from the public and the media, we decided to step up the pressure to get the resolutions realized. We increased the campaign for ideological and attitudinal change.

The women lawyers worked on the legal reforms. The NGOs affiliated with the National Council of Women's Organizations (NCWO), the umbrella body for women's NGOs, decided to move NCWO into a commitment to the campaign.

In June 1985, three months later, 50 national women's organizations came together to look into the issue of violence against women and at all laws that discriminate against women. A memorandum was unanimously adopted which called on the authorities to amend all laws that discriminate against women.

Throughout the year organizing workshops and seminars met at state levels.

In early 1986, this memorandum was officially presented to the Minister of Justice, to the Attorney General, to the Police, to the Women's Affairs Division in the Prime Minister Department and other relevant Ministries like Labour and Social Welfare. The publicity was again stepped up especially on the need for legal reforms.

The Campaign was developed in the following ways:

1. Raising mass public consciousness through education programs.
2. Lobbying the authorities to adopt the legal reforms as stated in the Memorandum.
3. Training NGOs to understand the issue from a new perspective, with methods to develop and monitor the campaign.
4. Producing publications on the issue.
5. Blitzing the media

Throughout the campaign, new women's groups with a feminist perspective mushroomed throughout the country. This helped tremendously in that the campaign was not only focused in the capital but in various other states, too.

However, the campaign began to focus more and more on the issue of Rape. The papers were reporting more cases; judges were speaking out on the issue and passing heavier sentences on rapists; the police responded positively and were changing their procedures of handling rape survivors. The intensity developed as reports of rape and murder of children were played up by the media. The public expressed concern.

The fever of anxiety and the need for legal reforms were further ignited through a demonstration in May 1987, organized by Citizens Against Rape (CAR). This group consisted of women, men, and children. The demonstration received wide media coverage and added pressure on the authorities.

During this period, the police not only changed their procedures for handling rape survivors but set up a special squad consisting of women officers. It was decided only women police officers would handle rape cases. With the assistance of the Canadian Mounted Police, brought with the help of the Commonwealth Secretariat, training was given to police officers in the handling of cases of rape and domestic violence.

The NGOs, through NWCO, organized a training on rape crisis services, to focus on the need for support systems and counselling of rape survivors.

The medical authorities responded positively by setting up a task force at the Health Ministry to study ways of making the medical services more effective and supportive to the survivor. Consequently, today, all major hospitals have set up a rape crisis unit, where only one gynecologist examines the survivor. Previously, the traumatized survivor went through no less than three internal examinations by doctors.

A special Investigation Kit was developed. The police would come to meet the survivor at the hospital for police investigation. A woman volunteer would be present with the rape survivor during the initial crisis intervention period to give support and information, so that the survivor could begin to make decisions for herself and thus gain confidence and self-worth.

However, in an evaluation workshop carried out in September 1987 by 12 national women's groups directly involved in the campaign, we saw that changes in policies and laws would be meaningless if women and men did not understand the issue, the implication of the policy, and the response of authorities. The Investigation Kit would be useless if the victim washes away all evidence when she has an immediate bath. It is equally important for women to know their rights and the legal protection available. However, despite the changes, there was still a tendency to blame women for the violence. Thus there remains a need to continuously debunk the myths.

Towards this end, All Women's Action Movement (AWAM) developed the campaign kit on Violence Against Women - Action Pack for Legal Reforms in Malaysia. The Kit was also a means for groups to get involved in developing legal literacy programs.

Changes to the laws related to rape were passed in April, 1989 by Parliament. This was owing to our continued pressure on the authorities, lobbying other NGOs and the women's wing of political parties, as well as members of Parliament.

Although we won the legal reforms on the issue of rape after four years, we were still very concerned about prevailing attitudes towards the issue and towards women in general, by members of Parliament, and the general public.

Very recently, the women's groups changed the focus of the campaign on "Domestic Violence". The pressure now is to recognize the extent of the problem and the need to enact a Domestic Violence Act. The women's groups are also calling for changes in police and medical services procedures in handling domestic violence cases. They want to see the development of support systems by authorities and NGOs.

In summary, the campaign was multi-pronged and took a holistic approach. It emphasized legal reforms and developed consciousness in the public about support services for victims of violence. This was the collective effort of various groups, from grassroots to professionals. The national perspective on the issue of violence against women was sharpened. Regular national evaluations strengthened networking. Recognition grew that unless agencies involved in the issue had definite policies, decisions would be on an individual basis.

IMPACT OF THE CAMPAIGN

The groups involved in the campaign realized that the issue must be tackled at its root causes. We recognized that the campaign is a long term one. In attacking the root causes, we evaluated: the value base on which society developed, the ideological reasons for determining relationships, and the structures and systems that strengthen and perpetuate the values that continue to subordinate and oppress women. We questioned the whole socialization process, especially the upbringing of our children, boys and girls. We recognized that the development of an alternative value system was crucial. It must influence all changes so as to ensure dignity, equality, and freedom to all women.

LESSONS LEARNED FROM THE CAMPAIGN

It is important to share the lessons we have learned and to see how the campaign has contributed to our growth as persons.

1. In developing a campaign, it is crucial for the group to have proper analysis, understanding and perspective relative to the issue. It is important to understand the position of women in regard to the issue, and for the group to relate to the issue's setting within the social, cultural,

economic, and political realities of our country. The analysis should uncover the root causes and the value system on which the issue is developed and sustained.

The many socio-cultural and religious factors that strengthen the subordination of women must be defined. The way structures and systems are used to subordinate and oppress women as a whole must be clarified.

2. The strength of the campaign and its motivation will be understood when the consequences for women, children and society as a whole are defined. Why should the public be concerned with the issue of domestic violence, when it has been always a private family matter?

3. In developing the campaign, the group must recognize and be sensitive to the level of consciousness and experiences of women's groups and the target groups in the campaign. The sensitivities of the groups are crucial to the development and sustenance of the campaign.

4. Legal reforms, per se, understood solely in terms of changes to existing laws, cannot bring about effective changes. Without a change in consciousness and values, the laws will have no teeth; access and usage will be weak, and implementation will have little or no impact

The consciousness raising programs have to be holistic and targeted at all levels, from the rural/squatter women to the judges and attorney general.

5. The campaign on legal reforms must go beyond amendments and enactments of new laws. It must become critical of the present legal system to obtain redress. It has to search for alternatives and redefine justice. For example, in Sarawak, within the Iban native community, a man who commits rape has to give a certain percentage (to be decided by the elders) of his property to the survivor as compensation. The community feels that this will give the girl some economic security. At the same time, it is painful for a man to part with his property. Also in some places, community pressure is used to control wife-beating rather than laws.

It is important for groups to study these forms of action developed by the people and to work towards alternatives. For women to have access to justice, the costs involved in seeking redress should be minimal. Thus the legal system has to become simple, straightforward and easily accessible.

6. From the experience of the campaign, we raised the following questions related to the development of women:

- Through these actions and changes, are women becoming equal?
- Is the dignity of women upheld?
- Are we giving control back to the women?

From the perspective of the campaign, it is good to look at the reforms made to the "Evidence Act" on rape. Clause 1550 of the Evidence Act allows the defense counsel to question the survivor on her past sexual relationships and on her character. Due to this, many a time, the survivor was put on a trial. The counsel attempted to shred her character to prove she was of "loose" morals.

When the group questioned the principle behind this law, we saw the double standards of morality for men and women and the woman's right of control over her body.

In bringing about the withdrawal of the above clause, we in the women's group said, in effect: "A woman has the right to say "No" to a sexual relationship and the man has the responsibility to respect that decision. A woman has control over her own body. She is no one's property. A woman has the right to decide on her relationships."

Through our action to change the law, we respected and upheld the dignity and freedom of women. We are determining equal rights for women.

For the campaign to be effective, we needed the participation of women from all sectors: from grassroots groups, activists, and feminists, to professionals like lawyers and researchers. We worked together as a collective, thus enriching the campaign and sharpening its focus.

PART III

IN*1'BRREGIONAL
DIALOGUE

Conclusions and Future Directions

*Lisa VeneKlasen
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INTRODUCTION

The 1989WLD Interregional Meeting represented a first and modest step toward fulfilling the recommendation from the 1985 Third World Forum on Women, Law, and Development for interregional linkages to be forged. The identification of similarities in relation to the problems women face and the challenges of using the law to confront them reaffirmed the value and the need to institutionalize this exchange and also to build links beyond the Third World to include U.S. and European women. At the same time, the participants in the dialogue acknowledged the barriers posed by vastly different cultural, social, and political experiences. These differences strained discussion at times, and at other moments, helped to illuminate the nature of problems or the complexity of solutions. Although the meeting's conclusions were few and incipient, the gathering helped to concretize a commitment on the part of Asians, Africans and Latin Americans to finding ways to collaborate on women's rights, and edged them closer to that goal.

The common problems facing women in all of the regions were discrimination of women in the workforce, access to land, violence against women, and the feminization of poverty worldwide. Differing problems pertaining to global policies or trends have undermined the efforts of women to achieve development for each region. For example, the Latin Americans included the destructiveness of U.S. policies, the Africans added Structural Adjustment imposed on African nations by the International Monetary Fund, and the Asians stressed the treatment of women workers in free trade zones. The most prevalent and common challenge facing women, however, remained social, cultural, and religious attitudes. All participants agreed that women's self-perception, dependency, and powerlessness block her from participating in and benefitting from her society. However, the cultural context of each region influences women's awareness and behavior to different extents. In Africa customary law functions parallel to the state legal system and doubly reinforces women's lower status. In Asia, personal law, derived from different religions, similarly operates autonomously to regulate

such important issues for women as marriage and divorce. The depth and strength of cultural and religious practices have influenced the strategies used to address women's legal problems.

The discussions which followed each of the presentations, rather than leading to the formulation of firm conclusions about Legal Services, Legal Education, Legal Reform and Legal Research, served to highlight practical and theoretical points about organizing with the law.

Legal Aid

Legal services fill a critical gap by providing poor women access to the legal system, but are not adequate for empowering women to defend their rights on their own behalf. Legal education and organizing for the legal reform are essential elements to achieve that goal.

When possible, legal aid must promote extra-legal solutions, thus encourage women to seek community based solutions or resolve issues on their own behalf. However, reconciliation must be challenged as a standard first approach by lawyers dealing with divorce and domestic violence cases.

For legal aid to be effective for women, a comprehensive approach should be used, involving for example, psychological counselling, as well as legal advice. As Akua Kuenyehia pointed out in her presentation, often women simply need someone to talk to about their problems.

Legal Education

Training community level legal educators is a preferred method for carrying out legal education that truly empowers women because it builds the leadership skills of grassroots women and provides them tools to access the legal system independently. The risk that these additional skills will make women elites in their own communities can be mitigated by requiring that they also be a member of a community-based organization, as illustrated by the case presented by Rosario Gomez of Ecuador.

Legal information must emphasize fundamental rights. Rights are much more than law. In order to promote women's rights one must link the content of laws to how people live day to day.

Placing law in the hands of the community is beneficial only to the extent that the law and legal structures are useful. Educating women and providing them with skills to use the legal system directly helps them to understand the kind of justice that the system dispenses. Their gradual awareness of the flaws in the system helps lay the groundwork for challenging the structures. They also develop extra-legal solutions which can eventually become practical forms of justice.

Since judicial power is part of the apparatus of the state, it is ultimately not geared to serve the population. It may be necessary to organize for policy and legal reforms simultaneously with legal education to achieve real change for women.

Legal Research

Legal action must be solidly based on adequate information about laws, the legal system, and people's attitudes. However, research should not be carried out independently from action. It is not enough to simply hope that the information will be used by activists at some point. It is frequently too difficult to make research available to activists in a usable form if the research was not carried out in relation to their actions. One participant pointed out that numerous academics have studied their experiences and gained Ph.D.s while the women are still without legal protection.

Researchers must challenge themselves to look at who is being served by the research. If it is not linked to action to benefit women, they must ask: "how will it be used?" If legal research is to be used in legal strategies, it should be multidisciplinary, thus encompass an analysis of both law and the social context.

Legal Reform

The most contentious and thorough discussion of the conference centered around legal and policy reform.

Silvia Pimentel made three crucial points in her presentation:

- For law reforms to succeed, feminists must build alliances with other sectors and interest groups. The Brazilians carried out a difficult campaign to sensitize trade unions to women's concerns, but after a five year struggle, male-dominated unions participated in the fight for maternity leave.
- The media, while difficult to gain access to, can be a valuable tool, but it also has risks. In Brazil, women found that they had created an opening which could be easily exploited by conservative women against their cause.
- Women's rights activists need access to state power to achieve their goals. State power can only be achieved by women if it is backed by "Popular Power" (i.e. mass mobilization). The impact of law reform on women's lives depends on how the reform is achieved and how many women participate.

- Even if a law reform campaign does not succeed in changing laws, law reform provides an opportunity to mobilize women to understand and challenge structures while developing leadership and organizational skills for future struggles. For example, while Brazilian women have never succeeded in legalizing abortion, their initiative has succeeded in sensitizing the public and strengthening the leadership skills of women.

The debate that followed her presentation contrasted the use of legal reform to raise consciousness and organize women vs. the limited capacity of better laws alone to provide women dignity and better lives. Most participants agreed that women's rights advocates must look for openings to organize women. Law reform campaigns can lead to piecemeal changes that eventually benefit women. For example, in the Philippines, activists fighting for the legalization of divorce had to compromise. They accepted annulment as a temporary legal mechanism for dissolving the marriage. However their campaign continues, and they consider the provision of annulment as an important first step. Similarly Felicitas Chiganze explained that in Zimbabwe, activists have achieved three changes in the law governing maintenance for children over a three year period. They would not have succeeded had these changes be introduced all at once.

This perspective on law was also critically challenged in the course of the discussion. One participant asked: "are legal reforms effective in a patriarchal, oppressive system?" She suggested that legal reform, as a tool for consciousness raising, can be dangerous in the wrong political climate. Moreover, incremental change can cause a backlash. For example, women workers in Malaysia are concerned about their victory of achieving a 90-day maternity leave because they know that in an inevitable economic crisis, women will be denied jobs because of it. The Zimbabwean experience also illustrates the risks of incremental legal reform without sufficient clarity about the political climate. The Legal Age of Majority Act was passed in 1983 so that women could vote. It gave women numerous rights as majors that they had not had previously. Public debate focussed on a few key issues: under the new act, a father was no longer able to claim damages for the seduction or rape of his daughter, and it also challenged the brideprice by giving a young woman of 18 years the right to decide if she will marry or not. In the face of great resistance, the Act was revised and in the end, reinforced the customs that women's rights activists were hoping to challenge. Pimental argued that part of the challenge is to develop arguments that are practical. While women's rights activists fight for equality, that cannot be their public argument. For example, although Brazilian activists believe that women should have the right to choose whether or not to have a baby, the argument of the campaign has centered on the

number of deaths caused by abortion and raised the matter as public health issue. Fernandez then questioned whether a law can actually save a life. In India, for example, there is a dowry law, but this does not prevent dowry deaths.

Christine Zurutuza from Argentina suggested that women's rights activists should analyze the ideological effect of legal reform. If law reform serves to reinforce regressive attitudes, then perhaps activists must look for an alternative response from the state.

Irene Fernandez's presentation helped to direct discussion toward some agreement about the basic components of organizing for law reform. Her presentation proposed that the following components be a guide to legal strategies for women. An effective law reform strategy must:

- Be built upon an adequate analysis of the problem it addresses including an examination of the legal, political, cultural, and social context.
- Reflect a clear understanding of the root causes and consequences of a problem, including a recognition of the level of consciousness of the women who are being organized;
- Challenge the structures which subordinate women;
- Remain sensitive to the cultural and religious factors shaping attitudes;
- Be holistic in its approach, i.e. cut across sectors and disciplines;
- Redefine justice and be prepared for the negative reactions this will provoke;
- Include collective participation at all levels;
- Involve constant evaluation;

Changing laws will not solve problems. A critique and challenge of the legal system is necessary. Any kind of law reform should be linked to the struggle for fundamental and human rights.

Networking

The presentations on APWLD and CLADEM highlighted the challenges of consolidating the regional networks. The experience of APWLD offered useful lessons to the Africans as they begin to construct a network. Latin America is still working to develop a strategy which will bring cohesion to the network. The critical difficulties and challenges for networking are:

- How to serve and not compete with the local and national level activities. Issues and needs must be consistently determined by the local organizations involved in the network.

- Membership must be selective: the groups and individuals involved in the network must share a similar commitment to social change and women's rights, must be actively working with women to achieve that goal.
- Evaluation is a constant process: a regional organization must always be defining what it is. It can easily become elitist by falling into a pattern of organizing seminars which are attended only by elite women.
- There must be a fundamental commitment to bridging the gaps between educated and uneducated women, urban and rural women.

The issue of violence against women, raised by Rani Jethmalani's presentation on the problem of sati, framed the discussion of future importance of networking to address local problems. All forms of violence against women, especially rape and wifebeating, cut across cultural and class barriers. The cause and solutions to violence are so complex that a multi-dimensional approach must be applied. Organizations throughout the world have struggled to identify what role the law can play. In addition, this problem cannot be addressed without a long process of proliferating public perceptions. Both the challenge of defining the role of the law in combatting violence and the campaign on people's consciousness to address violence must draw on the collaboration of other countries. In order for this tightly guarded secret to be sufficiently raised to the public arena -- a critical step toward addressing violence -- societies and governments must feel that they are not working alone with this problem, thus the important role for networking.

In addition, networking at both the regional and global levels are critical to addressing a range of problems stemming from global policies. Free trade zones, migration policies, structural adjustment, the international sex trade, and pornography are but a few that have had a major impact on women throughout the world, and the most egregious impact on women in the Third World.

These important issues underscore the need to establish links with women in the U.S. and Europe. Although initially it was the goal of WLD to establish Third World networks, the process of identifying problems and looking for legal solutions has led to the desire to expand the network. The absence of the Nicaraguan delegate to the meeting because the U.S. government denies Nicaraguans visas as part of its ongoing harassment of that country is another example of the need for linkages. Latin Americans also expressed their concern over the potential repercussions of a reversal of the Roe vs. Wade decision by the Supreme Court. At the time of this meeting, the battle for the right to abortion in the U.S. was in full pitch. Brazil, which has been fighting for its decriminaliza-

tion, would lose all possibility of victory if this were to occur. As Silvia Pimentel eloquently explained, U.S. women must understand that other nations look to them for leadership on women's as well as other social issues. She urged North Americans to understand that in the Third World lack of access to abortion signifies human lives.

Conclusions

1. While it is essential to build interregional linkages, the consolidation of each regional organization must take precedence. Therefore, it is proposed that while prioritizing the regional initiatives for the next year, all three regions will undertake a modest effort to begin a process of exchange built around the issue of violence.
2. Each region will hold a regional meeting to examine the issue of violence and explore strategies that have been used to confront it. The conclusions of each of these meetings will form a basis for an interregional exchange on violence. The first regional meeting will be held in Latin America in May 1990.
3. The interregional meeting on violence will establish a common definition of violence against women, identify effective responses and develop a basis for collaboration.
4. The interregional network, which will be strengthened through common action on the issue of violence, will then be utilized to address issues of migrant labor, free trade zones and human rights in general.
5. No timeline was given for these activities. However, there was a clear commitment to working toward future global collaboration for women's rights.

distinction between the offering of Puja within the temple and holding of the Mela outside. Since there is concern over possible disturbances of law and order, the State authorities are free to regulate the gathering of people around the temple even for offering of Puja, but those who intend to offer Puja within the temple may not be physically obstructed. No impediments other than for regulating may be placed by the State Government and its officers in the matter of offering Puja within the temple. We were informed that if the annual meeting of the Society is held within the temple complex but outside the temple there will be no objection from the State Government. Some applications for intervention are said to have been filed. The same may be numbered in due course and placed for directions in due course before an appropriate Bench.

In Malaysia: Mobilizing to Combat Violence Against Women

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INTRODUCTION

Malaysia, comprising peninsular Malaysia, Sabah and Sarawak, is one of the most prosperous and rapidly developing nations in South East Asia. Malaysia has many member countries with a multi-ethnic character: Malays, Chinese, Indians, Indigenous Groups, Aborigines, Pakistanis, Sri Lankans, Eurasians and Europeans. Development planning needs to be sensitive to this diverse composition, with special attention to socioeconomic differences within and among ethnic groups and regions.

Women in Malaysia have made significant progress in contributing to the social and economic development of the country, particularly in education and employment. However, the subordinate position of women is still prevalent in nearly all spheres, reinforced by cultural and religious values and by norms of the various ethnic groups which uphold the patriarchal ideology.

For women to contribute more productively and equally in the development process, their marginal societal role needs to be addressed.

LEGAL STATUS OF MALAYSIAN WOMEN

The State affects the status of women in at least two important ways. First, in passing laws which support or negate gender equality, the State can legitimize women's equal or secondary position in relation to men. Second, in drawing up policies and implementing programs, the State can choose, for example, to reinforce women's reproductive role through the mass media, or it can seek to free women from domestic responsibilities by providing child care facilities.

The Federal Constitution states that all persons are equal before the law and are entitled to equal protection of the law. However, even though there should be no discrimination on the grounds of religion, racial descent or place of birth, the Constitution is silent regarding discrimination on grounds of sex. While the Federal Constitution does not differentiate between male and female citizens in terms of political and administrative rights, one cannot simply assume that men and women have the same rights or that the law is not biased against women. Although there have been some advances made to improve women's status legally in areas such as equal pay for both genders in the public sector (1%9) and the admission of women into the Diplomatic and Legal Services, there are still many laws today which discriminate against women.

Recognizing the need to pressure for further reforms, women's groups scrutinized and evaluated all civil laws in the country which discriminated against women. Various amendments to such laws were proposed and compiled into a memorandum, which was presented to the government. Also included was the proposed enactment of a Domestic Violence Act. Some of these laws and amendments are discussed below.

1. Guardianship of Infants Act 1961

Section 5 of the Guardianship of Infants Act 1961 declares that the father is the legal guardian of an infant/child (a Muslim who is under 18 or a non-Muslim who is under 21 years of age) and his/her property. Before the enactment of this law, mothers and fathers had equal rights to the child, but now only the father has the legal guardian status. The woman's rights as a mother have been taken away. This causes much hardship to the woman who is divorced or living with her children separately from her husband. There have been cases where a guardian's signature is necessary to complete forms such as application for international or restricted passports. A husband's non-cooperation or untraceable location causes critical problems for his spouse.

The proposed amendment to this Act recognizes that both the father and the mother are legal guardians of the infant's (or child's) person and property. It also proposes that each parent shall have the right to appoint a person to be the guardian of the infant after his/her death.

2. The Distribution Ordinance 1958

The Distribution Ordinance is another unequal law which contains provisions blatantly discriminating against Non-Muslim women. In relation to intestate provisions, if a woman dies intestate (i.e., without a

will) leaving a husband, the whole of her estate shall go to him. If a man dies intestate leaving a wife and issue, the surviving wife shall be entitled to one third of the estate. But if he dies without leaving an issue, the surviving wife shall be entitled to one half of the estate.

Where Muslim women are concerned, the Islamic law states that a widow will receive one quarter of her deceased husband's estate if there was no issue and one eighth if there were no children.

The proposed changes to the Distribution Ordinance recommend that if a person dies leaving no surviving children, the spouse will receive two-thirds of his/her estate. However, if there are surviving children, then the spouse receives one half of the estate.

3. Immigration Act 1959-1963

Under the conditions of citizenship, a foreign woman married to a Malaysian citizen can apply for permanent residence and can also become a citizen; but no corresponding privilege is extended to a male foreigner married to a woman who is a Malaysian citizen. Thus a woman's citizenship status is inferior to a man's, forcing a woman to follow her husband because a male foreigner can never apply for citizenship status. Hence the proposed reform states that the spouse of any citizen (male or female) should be entitled to permanent residence or citizenship status.

4. Employment Act of 1955 (revised 1981)

While the Employment Act 1955 (revised 1981) has attempted to protect male and female employees against any form of ill treatment from the employers, the latter can use dubious means to escape from the obligations placed on them by the labor laws. The provision on maternity benefits for women workers is a case in point. Employers often repudiate the provision either by discharging these women and re-employing them at the appropriate time or terminating their services without reason.

Another issue of concern for female employees is night work. Part VIII Section 34 of the Employment Act prohibits night work (i.e. between the hours of ten o'clock in the evening and five o'clock in the morning) for women in the industrial or agricultural sector. The provision to Section 34, however, allows the Director-General to exempt female employees from this restriction. Furthermore, the Employment Regulations (for Women Shift Workers) (1970) has this proviso:

any female employee in shift work in any approved undertaking which operates at least 2 shifts per day, may work at such time within the hours of 10 o'clock in the evening and 5 o'clock in the morning as the Minister may approve.

The result is that female employees working in night shifts have become the general rule rather than the exception.

Additional proposals which have been made to amend the Employment Act include: equal pay for equal work (presently accorded only to the government sector); increased maternity leave to 90 days according to the ILO requirements; and an extension of the Employment Act to cover domestic help.

5. Violence Against Women

Increasing concern about violence against women has mobilized women's groups to press for reforms regarding rape, sexual assault, and the proposed domestic violence act

A March 1988 survey on Rape and Domestic Violence, conducted by a collective of five women's organizations in Kuala Lumpur, revealed that 70 per cent of the 114 respondents felt that present laws were inadequate to protect rape survivors. These survey respondents supported law reforms. Many of them were aware that the social problem of domestic violence cuts across all levels and classes. According to 67 per cent of the respondents, wife battering was no longer a private affair in which the husband enjoys the right to beat the wife.

the reforms to the rape laws (which come under the Penal Code) pertain to the present definition of rape, the Evidence Act (Section 155D) and the Criminal Procedure Act. There is an urgent need to redefine rape and to expand the question of consent to include negative consent under influence of drugs, intoxication, fear, and threat. Previous sexual history and the character of the rape survivor is now brought in as evidence; with this proposed reform, only evidence connected to her relations with the accused may be considered. To ensure the confidentiality of the rape trial, it is also proposed that the entire trial be held in camera. As for punishment, the new recommendation urges that the sentence should not be less than five years. This recommendation is proposed because although the present law allows for a maximum of 20 years, in practice the sentence is normally lenient.

What about domestic violence? Presently, a victim of domestic violence has remedy in criminal proceedings under the Penal Code for hurt/criminal force/assault. Criminal proceedings can only be initiated by the police after a report has been lodged. Where domestic violence is

The WLD Symposium: A Cross-Cultural Dialogue

Mary P. Haney
Washington, D.C.

INTRODUCTION

On the afternoon of June 13, 1989, members of the Women, Law, and Development (WLD) networks from Asia, Africa, and Latin America took time off from their week-long series of meetings to participate in a public forum with more than 100 U.S. women who share their interest in legal issues related to women's status. OEF International invited the U.S. participants to contribute to a discussion entitled, "Women, Law, and Development: A Cross-Cultural Dialogue." Three substantive areas were chosen as the primary topics for consideration: legal issues related to women's employment and economic status, violence and exploitation, and family laws.

Elise Smith, executive director of OEF International, introduced the forum, urging women across all cultures to respond to the opportunity for pluralistic leadership presented by the current decade. Smith cited violence against women as the issue that connects women worldwide. She asked symposium participants to join in ensuring that, through their non-governmental organizations all over the world, women establish networks that cross national boundaries and provide an effective international response to this universal problem. One of the ways to accomplish the task, she suggested, is for women's groups to use up-to-date communication technologies that have turned our world into a global village.

The program included assessment of the current legal status of women in four countries, followed by a description of successful strategies adopted in three different parts of the world to achieve greater justice for women.

ASSESSMENT OF WOMEN'S LEGAL STATUS

Rani Jethmalani of India said that despite efforts inspired by the Decade for Women, personal laws covering inheritance, custody, and succession rights continue to be abusive to women. She stressed that violence against women is the issue that links women everywhere, regardless of the form it takes or its cultural roots.

Recent changes in Indian criminal law (for example, in regard to punishment and burden of proof for custodial rape and dowry-related deaths) have had a positive impact on limiting the exploitation of women. Still, Jethmalani described no noticeable difference in the crucial areas of social attitudes or perceptions of women. Because of the constitutional guarantee of freedom of religion in India, the state does not intervene in matters of propagation.

Akua Kuenyehia, a law lecturer at the University of Ghana, said that one cannot speak of a uniform system of personal or family laws within one African country, let alone for the entire continent. Various customs, cultures, and geographic regions impact on the diversity of laws. Divorce and widowhood have a crucial adverse economic effect on women. A major effort is now underway in Ghana to pass a uniform family law that would offer economic protection to widows and divorced women.

Emelina Quintillan, a native of the Philippines who lives and works in Malaysia, credited the U.N. Decade for Women with "helping Third World women understand how their issues are linked." Quintillan described the "marginalization" of Third World -women in terms of income and status in society, the effects of religion on constitutional law, and the absence of legal protection for migrant workers, many of whom are women. Two issues linking Western and Third World women are the increase of trafficking in South East Asian women ("mail order brides") and the roles of women who work in multinational factories located in poor Third World countries and often U.S.-owned and/or managed.

Two U.S. respondents discussed different aspects of the legal status of women in the United States. Marcia Greenberger, managing attorney of the National Women's Law Center in Washington, D.C., asserted that "The law mirrors society and keeps the social order in place, but it can also be used as an engine for social change." An objective of her Center and of other women's legal defense funds, is to use the law as an "engine" on behalf of women's interests. Greenberger outlined the major constitutional and statutory changes in U.S. laws adopted since the early 70s that protect women's interests in the workplace, the family, and educational institutions.

Major omissions include failure to pass an Equal Rights Amendment to the Constitution and acceptance of the concept in the Constitution that discrimination on the basis of pregnancy is sex discrimination. Greenberger cautioned that we now appear to be moving backward rather than forward in the courts, particularly in the area of privacy rights and freedom of choice for women in regard to abortion.

Martha Saenz-Schroeder, an attorney who specializes in immigration law and an immigrant from Colombia, spoke about the legal complexities faced by women who immigrate to the United States from Third World countries. Her female clients are burdened with the cultural constraints of their countries of origin, especially in the arenas of marriage and the workplace. Unfamiliarity with U.S. language, laws, and customs increases their difficulties. Recalling her own experience as a divorced and unemployed mother of two small children, on her own in the United States, Saenz-Schroeder emphasized the importance of self-empowerment and willingness to share power with other women.

SOLUTIONS TO PROBLEMS: STRATEGIES THAT WORK

Speakers who addressed solutions and strategies urged symposium participants to cooperate in generating a global political movement that empowers social activists to make the laws work for women. That movement would bring lawyers and non-lawyers together to examine the real impact that laws now have on women's lives, and effect changes in procedures as well as in the laws. Women must become politically skillful and work collectively to adopt what Irene Fernandez of Malaysia referred to as "holistic strategies."

In describing her work with the Malaysian Women's Development Collective, Fernandez discussed the urgency of launching a global movement to address violence. Because violence is both a public and a private scourge, it necessarily requires both public and private reactions. Violence against women cuts across all our cultures; it is sustained by patriarchal relationships. International, collective, and political responses are essential. The Malaysian Collective has two objectives: making violence a public issue and giving control back to women. To accomplish these goals, the Collective is working to change social norms and cultural values that keep women subordinate, economic structures that make women dependent, and discriminatory mores that deny women positions of political leadership.

Fernandez reported that under Malaysia's penal code it is now possible for a woman to charge her husband with assault, thus subjecting him to arrest and imprisonment. However, women do not want their

husbands to be arrested and punished by imprisonment; they just want the violence to stop. This reality of Malaysian women's lives points up the importance of consciousness-raising and support services, such as counseling and shelters. The planned use of the media, the educational system, and all social and political institutions, can create a better understanding of and response to the problem.

Success stories were also related. Silvia Pimentel, a professor of law at the University of Sao Paulo, described the positive impact that the "National Council on Women's Rights" had on provisions related to women in the recently adopted Brazilian constitution. Thanks to efforts of the 3,000-member Council, formed in 1982, the "new Brazilian constitution is the most advanced in the world [on women's issues]."

Jade Akande, a research professor at the Lagos State University in Nigeria, told another account of successful organizing. The Nigerian Association of University Women contributed to the election of 15 women to their national legislature by preparing dossiers on women who were qualified to stand for election.

Two U.S. attorneys spoke about strategies and solutions used by U.S. women. Legal defense funds were established in the early 70s to provide women access to the courts when their legal rights are threatened: the Women's Legal Defense Fund (WLDF), in Washington, DC, and the NOW Legal Defense and Education Fund (NOW LDEF), in New York City.

Judith Winston, deputy director for public policy, WLDF, described efforts of working women in the United States to secure equal rights in the workplace and economic security for themselves and their families. Emphasis was given to areas where work and family concerns intersect, areas which are of crucial concern now that 45 per cent of the total U.S. workforce is composed of women, the majority of whom are mothers of children under 17 years old.

Today, the Women's Legal Defense Fund places the highest priority on shaping public policies that enable women and working families to achieve economic security. Their strategy is to seek out other advocacy groups with a strong constituent base and to build coalitions. "We seek not only to influence policymakers but also to become policymakers."

Lynn Hecht Schafran, an attorney at NOW LDEF, introduced another strategy by calling attention to the importance of judges, saying, "No law is any better than the judges who interpret and enforce it." She described a process to counteract bias against women in the U.S. court system.

In the early 70s enforcement of new anti-discrimination laws was often hampered by the stereotypical thinking of judges, particularly in cases involving employment discrimination, domestic violence, rape, and divorce. However, data were needed to convince judges that gender bias was a problem affecting women as litigants, lawyers, and employees in their jurisdictions. Thanks to efforts of NOW LDEF and the National Association of Women Judges, the Governor of New Jersey created the New Jersey Supreme Court Task Force on Women in the Courts, whose work has had a documented impact on reducing gender bias in the courtroom and elsewhere. Twenty-seven States now have such groups, and New Jersey's Task Force has been designated a permanent body. A study of the issue on the federal level is currently being considered.

Other suggested strategies and solutions emerged from the discussion among the participants:

U.S. women should be educated to understand the connection between their government's and U.S. businesses' activities overseas and the reinforcement of some aspects of women's inferior status in Third World countries, particularly in those that import U.S. goods and host multinational corporations and factories. Some participants recommended that women track enforcement of those laws that protect workers' safety in U.S. factories abroad, and guarantee them recourse against harassment or inequitable treatment.

By keeping informed of their issues and intervening on behalf of the interests of female immigrants, U.S. women could have a positive impact on the lives of Third World women living in the United States. As an example of how intervention could be beneficial, Charlotte Bunch cited the often life-threatening demand made by immigration officials that administrators of battered women's shelters reveal the names of all shelter residents as a means of tracking illegal immigrant women's whereabouts.

Several Third World representatives referred to the importance of timely intervention by women from Western countries on behalf of breaking down barriers to girls' and women's access to education.

USEFUL CONNECTIONS FOR FURTHER NETWORKING

OEF/WLD designed this Symposium for Members of the WLD Network and counterpart Western women to provide an initial opportunity for sharing information and learning from each other. Some ideas for continuing the dialogue and incorporating insights gained were expressed at the final session.

Charlotte Bunch pointed out that it is essential to take diversity seriously and to work through cultural and regional differences in order to be in a position to celebrate commonalities.

Sharon Parker, of the National Institute for Women of Color (NIWC), has found that to communicate effectively and work profitably together across racial, ethnic, religious, and cultural barriers within the United States, her organization must use many of the same techniques developed by the WLD Network members in their efforts to reach consensus and understanding across international boundaries.

Recognition of the interdependence of the issues was apparent during discussions on each of the topics. For example, references were made repeatedly to the relationship between violence within the home, on the streets, in our institutions, and in the world. Participants also connected the problem of violence to women's subordinate status under statutory and customary laws that define her place both within and outside the home.

The director of the WLD project, Margaret Schuler, stated that the Nairobi experience "empowered women to make the law relevant in their lives." The regional organizations, formed in Asia, Africa, and Latin America since the Nairobi WLD Forum, demonstrate that women understand the political dimensions of their work and the importance of grassroots mobilization. Schuler believes that WLD Networks have demonstrated a capacity to be multi-faceted in their approach and make a more extensive dialogue with Western women imperative. She looks forward to assembling a "Northern Women, Law, and Development Forum," and believes its time has come.

APPENDIX

PARTICIPANT
PROFILES

Interregional Meeting Participant List

Washington, D.C. • June 6-16, 1989

REGION: LATIN AMERICA

Roxana Vasquez, Peru

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Roxana is the regional coordinator of the Latin American Committee for the Defense of Women's Rights (CLADEM), based in Lima. CLADEM is the Latin American regional organization which was spawned by the WLD Forum in Nairobi. It provides technical assistance to women's rights groups in Latin America and disseminates information about women's rights issues throughout the region. Roxana is also a lawyer, researcher and human rights advocate specializing in women's rights.

Rosario Gomez, Ecuador

Casilla 182-C, Sucursal 15, Quito, Ecuador, Telephone: (O) 682-4902 (H) 533-6326

Rosario is the Coordinator of legal division of the Center for Women's Promotion and Action (CEPAM) based in Quito. CEPAM provides legal assistance to individuals and trains members of grassroots organizations as community legal rights promoters. CEPAM is currently preparing to inaugurate four local women's centers in Quito. Rosario is also a member of the Steering Committee of CLADEM.

Narda Melendez, Honduras

Barrio La Guadalupe, Calzada la Virtud, Casa No. 120, Tegucigalpa, Honduras, Tel. (O) 311123 (H) 228566

Narda Melendez is a lawyer and the director of the Program for Education for Participation (PEP). PEP is a regional program in Central America which promotes community organization and development through the provision of participatory training methodologies and tech-

niques. The PEP staff works with existing community groups to enable them to effectively challenge legal inequities. Narda is on the Steering Committee of CLADEM.

Julieta Montano, Bolivia

Oficina Juridica para la Mujer, Calle Jordan 388, Casilla 222,7, Cochabamba, Bolivia, Telephone (O) 28928

Julieta is the Director of the Women's Legal Office of Cochabamba which provides free legal services to low-income women in a variety of areas. The Office also uses popular education techniques to educate women about their legal rights, disseminates information throughout the community on women's rights issues, and organizes campaigns about specific issues of importance to women. Julieta is a member of the Steering Committee of CLADEM.

Cristina Zurutuza, Argentina

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Cristina is the director of a program entitled "Women and the Law: A Critical Focus", a project under the auspices of the Center for Women's Studies, based in Buenos Aires. The "Women and the Law" project trains formal and grassroots community leaders in women's legal rights issues, offers free legal services to low income women, publishes popular educational materials, and sponsors workshops on women's rights issues. Cristina is also a member of the Steering Committee of CLADEM.

Silvia Pimentel, Brazil

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Silvia is a law professor at the Catholic University of Sao Paulo and has written and lectured extensively on the topic of women and the law. She was also influential in lobbying for inclusion of women's rights issues in the recently adopted Brazilian Constitution and is considered an international expert on women's rights issues.

Dinia Rojas Montero, Costa Rica

Apartado 498-1002PE, San Jose, Costa Rica

Dinia is currently involved in a project of CLADEM-Costa Rica which will train legal promoters, disseminate information and popular legal educational materials to low-income women, and organize these women around women's rights issues. Dinia is a member of the Inter-American Commission on Women of the Organization of American States and a lawyer in private practice.

REGION: AFRICA

Akua Kuenyehia, Ghana

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Akua is a law lecturer at the University of Ghana and a member of the International Federation of Women Lawyers (FIDA). Since the UN Conference in Nairobi, the focus of FIDA has been to encourage countries to ratify and implement the United Nations Convention on the Elimination of all Forms of Discrimination Against Women. Akua is also involved in efforts to develop a regional WLD Network in Africa.

Mary Maboreke, Zimbabwe

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Mary is a law lecturer at the University of Zimbabwe. She is also a founding member of the Women and Law in Southern Africa (WLSA) project. The WLSA project is designed to promote comparative research in Zimbabwe, Zambia, Mozambique, Lesotho, Swaziland, and Botswana on women's rights issues. The project's current topic is maintenance and inheritance rights of women in Southern Africa. Mary is also currently involved in WLD Africa.

Felicitas Chiganze, Zimbabwe

Ministry of Political Affairs, P.B. 7762, Harare, Zimbabwe. Telephone:
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Felicitas is the Under-Secretary for Research and Training in the Department of Women's Affairs. The department carries out legal education programs, disseminates a handbook on "Women and Law", sponsors community level debates over the law to familiarize the public with its content, and trains extension workers on how to use the law as a tool for development. Felicitas is also involved in WLD Africa.

Jadesola Akande, Nigeria

Nigerian Institute of Advanced Legal Studies, P.M.B. 12820, Lagos Nigeria, Tel. 821752/3

Jadesola is a researcher and professor whose aim is to empower rural women through the law. Among her accomplishments, she established a Family Law Centre, a legal pilot project, which informs women of their legal rights and assists them to have a less dependent family life. She has also written on issues such as the Status of Women and the participation of women in rural development. She has participated in WLD network activities since the 1985 Nairobi Conference.

REGION: ASIA

Emelina Quintillan, Philippines

e/o APDC, Women's Programs, Pesiaran Duta, P.O. Box 12224, 50770 Kuala Lumpur, Malaysia. Telephone: 255-0648

From 1987-1989, Emelina was the regional coordinator of the Asia-Pacific Forum on Women, Law and Development (APWLD), based in Kuala Lumpur. The APWLD serves as a resource for women active in rights issues throughout the region. It produces resource materials, including an extensive newsletter, provides technical assistance to women's groups, such as training and methodology, and has sponsored several regional meetings to consolidate and expand the influence of women's rights programs in the Asia/Pacific region. Emelina continues to serve on the Steering Committee of APWLD.

Irene Fernandez, Malaysia

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Irene is a member of the Women's Development Collective, an organization which promotes women's rights through the production of materials and workshops around issues such as rape, sexual assault, domestic violence, women and family law and women and work. The Collective has proposed amendments to legislation regarding women and labor rights, a domestic violence act, a family law ordinance and a marriage and divorce reform act. Irene is also a member of the Steering Committee of the APWLD.

Virada Somswasdi, Thailand

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Virada is currently the Chairperson of the Women's Studies Program at Chiang Mai University. A lawyer, she has taught and written extensively about issues relating to women's rights in Thai society. Virada, an active human rights and women's rights advocate, is also a member of the APWLD Steering Committee.

Rani Jethmalani, India

Advocate of the Supreme Court of India. Flat A-1, 5th Floor, South Tower, 28 Feroze Shah Road, New Delhi 110001, India. Telephone: (O) 332-9648 (H) 687339

Rani, a lawyer, has practiced in both the Delhi High Court and the Supreme Court of India since 1977. She has written extensively on legal issues affecting women and has been a legal advisor to several women's organizations. As an advocate for women, Rani lobbies the Indian Parliament for reforms in laws which discriminate against women and has been actively involved in campaigning against the practice of "sati" in her country. Rani is a member of the APWLD Steering Committee.

Manouri Muttetuwegama, Sri Lanka

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Manouri, a lawyer, is the president of the Women Lawyers Federation of Colombo and General Secretary of the Women's Front of Sri Lanka. She has written and lectured widely on various themes relating to women's rights. Manouri has been actively involved in activities of the APWLD since its inception

OEF/WLD

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Margaret Schuler

Margaret Schuler, director of the WLD program at OEF International, holds an Ed.D. from George Washington University. Over the last 10 years she has researched women's legal rights programs and strategies in Latin America, Asia and Africa, focusing on the role that government policy, the legal system, and customs play in shaping and inhibiting the participation of women in society and national development. She has worked extensively in networking efforts among women's organizations around the globe, and in developing interdisciplinary, cross-class strategies for women's empowerment.

Lisa VeneKlasen

Lisa VeneKlasen joined the WLD team in February of 1988 with a background in non-formal education and community organizing gained through work in Nicaragua with the literacy campaign. Since 1988, Lisa has worked with the Latin American and African participants in the consolidation of WLD programs in those regions. She is currently coordinating the WLD Africa project and is based in Harare, Zimbabwe.