**Designing a Strategic Legal Empowerment Program**

**CASE STUDY EXERCISE**

Pinogrigia is a country in transition from least developed nation status to a lower middle income ranking. A combination of development challenges spanning poverty, resource depletion, disaster risk, and the health consequences of environmental pollution are exacerbated by a high incidence of violence in Pinogrigian society. Violence is rooted in criminality, bitter political divisions, competition for scarce resources, and traditional social and cultural norms and gender biases. Existing data, while limited and largely anecdotal, suggests that violence is most prevalent in the poorest regions of the country and that women and ethnic and religious minority communities are especially vulnerable to violence and intimidation. Women and girls face domestic violence in the home and a broader threat of violence in the workplace and community at large, which limits their mobility, economic opportunities, and engagement in community affairs.

Pinogrigia’s formal legal system has historically offered women and girls little protection from actual or threatened violence. In the absence of robust empirical data, anecdotal evidence and observation suggest that women place little confidence in the legal system or the individual agencies and officials who administer it. It is believed that most incidents of gender-based violence (GBV), including those that persist over time, go unreported. This reflects a combination of factors, including traditional social values and stigmas in a patriarchal society that discourage women from reporting domestic violence; limited understanding among women and other marginalized populations of the concept of individual and collective rights, the legal system, and the limited formal and informal support mechanisms available to them; and lack of financial resources or time to spare from the pressures of daily obligations to seek formal legal protection or redress. Furthermore, few reported cases of GBV are investigated by the Pinogrigia National Police, referred to the criminal justice system, or successfully prosecuted in the courts. While Pinogrigia has a long tradition of community-based dispute resolution that offers a time- and cost-efficient alternative to the chronically slow formal justice system, predominantly male community mediators routinely accept cases involving domestic and other acts of violence that should properly be referred to the criminal justice system—reportedly accepting bribes from the perpetrators in many cases. Mediation therefore offers little relief for women who are victims of GBV and who must return to their homes and workplaces to face continued violence and intimidation.

In response to combined domestic civil society and international pressure, the Government of Pinogrigia recently passed the *Protection of Women and Girls Act, 2018* (PWGA)*.* The milestone law introduces dedicated judicial tribunals staffed by specially trained judges to expedite the prosecution of cases of violence against women and girls. The PWGA calls for legal aid support for victims and underlines the value of improved coordination and collaboration among the several government ministries, agencies, and departments that have prescribed roles to play in addressing GBV. These include police, public prosecutors, PWGA tribunal judges, counselors attached to the Ministry of Women’s and Children’s Affairs, and others whose independent roles in the application of the PWGA would be enhanced through collaboration. In practice, there is little communication among government officials, and even less between government officials, civil society, academic specialists in GBV, and the print and broadcast media.

The Pinogrigia National Police have an important role to play in applying and enforcing the PWGA by identifying cases of violence and investigating situations where there is an apprehension of violence. In practice, the police seldom engage, and women are in turn reluctant to bring cases to the police, conscious of social stigma in reporting violence and concerned about biased treatment by police. A leading national newspaper recently reported off-the-record remarks by a senior police official based in the capital of Pinogrigia who insisted that the PWGA undermines traditional societal values and norms that have served nation and community well for generations and that domestic violence is a reality of life that requires no intervention. He reportedly added that his own views are mild compared to those of police officers posted at the district level, many of whom are determined to ignore the PWGA or work to undermine its effect. One of his colleagues, Pinogrigia’s highest ranking female police officer, responded angrily to these comments, noting that the institutional culture of the police must change if the objectives of the PWGA are to be met and affirming her personal support for the new law and its implementation.

The Pinogrigia Bar Association operates a modest legal aid program, but no lawyers have been assigned yet to guide victims of violence in PWGA tribunal proceedings. Legal aid work is typically taken up by young lawyers, who receive a modest fee for their work, with their more significant paid work taking precedence. Several established civil society organizations provide legal awareness raising and counseling services through paralegals, with a few NGOs (non-governmental organizations) taking interest in the PWGA and beginning to reflect on program opportunities. These NGOs are overstretched in their work and seldom share information or coordinate their respective efforts. Some have a specialty focus on basic legal awareness raising; others provide counseling services delivered by modestly-trained paralegals; while others provide legal aid services to guide clients in court cases. A handful of NGOs engage in advocacy activities, including calls for the introduction of the regulations required to fully operationalize the PWGA. The majority of NGOs undertake a combination of multiple, overlapping functions with little coordination among them—resulting in competition for geographic space and resources in certain regions of Pinogrigia, while other parts of the country are poorly served.

With the basic PWGA in place, the Government has yet to pass the associated regulations that are referenced in the new law and intended to guide its implementation. No training programs have been introduced for tribunal judges and administrative staff; no records systems have been established to track and manage cases; no government agencies have undertaken public information campaigns to raise awareness of the PWGA; and the mandated quarterly meetings of stakeholder agencies have yet to convene. Tribunals have begun to operate in the capital and a few secondary cities but have not been appointed in smaller communities across the country.

Women Now, an NGO specializing in the legal protection of women, works primarily at the national level, with limited geographic presence outside its base in the capital of Pinogrigia. Its current program includes a combination of awareness raising on the general rights and legal protection of women and girls; a paralegal support program that provides legal counseling services for women and refers clients to legal aid agencies; a mediation program that refines the traditional community model through the appointment of trained women mediators; and select national law reform advocacy efforts focused on the improved legal protection of women. Women Now conducts activities directly in a few neighborhoods of the capital and in select communities at the sub-national level, but its broader work is conducted through an informal network of smaller NGOs that operate in specific communities, to which it passes modest resources. This network includes dedicated legal service NGOs and others that conduct legal service programs as a complement to broader development mandates that focus on the social, economic, and political advancement of women. The program activities and administrative operations of Women Now are largely supported by a like-minded international development agency. The donor is supportive of Women Now’s interest in scaling-up its work focus on the PWGA but has signaled that its financial resources are limited and encourages Women Now to secure additional financial support to take its existing and planned work to scale.

Within Women Now, there is a debate among senior officers and board members regarding the appropriate focus of its future work in the context of the PWGA. All are agreed that work should be extended to a country-wide scale under a unifying theme of legal empowerment, but views diverge on the appropriate focus. Some would prefer to concentrate on a national awareness campaign; others would prefer to provide expanded support to victims of GBV through community dispute resolution and legal counseling and legal aid referrals; while others wish to focus on national advocacy efforts that aim to fully operationalize the PWGA through the passage of regulations, training of tribunal judges, and facilitation of dialogue among stakeholders from government and civil society. Women Now has limited engagement with the Pinogrigia National Police, judiciary, and public prosecutors. While it enjoys trust relations with members of the communities in which it presently works, including women victims of GBV, local government officials, and prominent male and female members of the communities, these relationships have taken time and effort to nurture and maintain. Women Now is ably led by its charismatic but aging founding executive director and a team of veteran senior officers but faces difficulty in attracting young lawyers to assume entry-level and mid-tier program positions. Most of its work is focused on hands-on legal service delivery, with few of its programs grounded in empirical research or supported by comprehensive monitoring and evaluation mechanisms. Its core donor does not insist on rigorous reporting or monitoring and evaluation systems.

**Working Group Session 1: Defining the Problem to be Addressed by a Legal Empowerment Program/Program Environment/Institutional Context of the Implementing Organization**

Questions for Group Discussion

1. In planning its response to gender-based violence in Pinogrigian society and the successful implementation of the *Protection of Women and Girls Act* (PWGA), can Women Now reduce the challenges to be addressed to a single, consolidating core issue?
2. How significant is the fact that understanding of the security and experience of women and girls in remote communities of Pinogrigia is based largely on anecdotal information? What tools could be utilized to achieve a deeper understanding of circumstances as experienced by women and girls in remote communities of the country?
3. Reflecting on the notion of lower, middle, and higher-order constraints to legal empowerment as experienced by women and girls, what combination of constraints should Women Now take account of in developing a legal empowerment strategy to support the successful implementation of the PWGA? Are certain constraints more significant or challenging than others?
4. Among government agencies and officials, which are most likely to support the PWGA and which are likely to oppose and potentially undermine its implementation? Should a legal empowerment strategy take account of this tension? How can champions of the PWGA be supported and the effects of spoilers be minimized? Are there incentives that could motivate the spoilers to change their view?
5. Given the present institutional context and focus of Women Now, can and should it scale-up its role and work to support the PWGA? How can it take optimal advantage of its existing partner network? How should it best go about establishing trust relationships with the Pinogrigia National Police, judges of PWGA special tribunals, public prosecutors, and other stakeholders?

**Working Group Session 2—Planning the Legal Empowerment Program Response/Additional Considerations**

Questions for Group Discussion

1. In reflecting on the concept of low, middle, and high-level legal empowerment interventions, what program activities would you recommend Women Now to take in supporting implementation of the *Protection of Women and Girls Act* (PWGA)? Would you recommend that it focus on a single intervention and, if so, at what level? Alternatively, would you encourage Women Now to undertake a series of interventions? Should these interventions be sequenced or can they be undertaken concurrently?
2. Given what is known about the present legal rights understanding of women and girls in remote areas of Pinogrigia, and of broader societal awareness of the PWGA and its purpose, what awareness raising strategies would you suggest that Women Now undertake? What role can paralegals play in the efforts of Women Now to support the successful implementation of the PWGA? While the PWGA is primarily focused on the creation of specialized judicial tribunals, what role can community-based dispute resolution play in advancing the new law?
3. How can Women Now effectively work with PWGA tribunals, the Pinogrigia National Police, public prosecutors, and the other public agencies and officials tasked with different roles and functions in relation to the PWGA? Is there a potential role for Women Now in convening multi-stakeholder dialogue and cooperation?
4. How should financial resource considerations factor in Women Now’s planning of a legal empowerment program? Do sustainability considerations factor in Women Now’s present leadership structure? How can Women Now engage young lawyers in its work?
5. Can a legal empowerment program focused on the PWGA be adequately captured in a conventional strategic articulation of goals, objectives, activities, outputs, and outcomes? Alternatively, should Women Now pursue bolder innovation in defining the outcomes of a legal empowerment program and the tools it will use to monitor progress, analyze results, and iteratively refine the program in taking account of experience and lessons learned as the program proceeds?