



Economic and Social Council

Distr.: General
10 December 2012

Original: English

Commission on the Status of Women

Fifty-seventh session

4-15 March 2013

Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives

Statement submitted by Lawyers without Borders, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Lawyers without Borders was conceived in January 2000 to create a global association of lawyers committed to internationally oriented pro bono service and rule of law initiatives. In pursuance of this mission, it has long been involved in projects addressing violence against women and girls, particularly in the developing world. Since 2007, Lawyers without Borders has participated in the work of the Commission on the Status of Women through side events that highlight or demonstrate the organization's innovative programming in this area, as well as in other areas concerning the status of women and girls.

Lawyers without Borders does not advocate directly for legal change in other nations. Indeed, in many nations the equal status of women and girls is fully recognized by statutory law, but women and girls are unable to vindicate these rights, in part because many people, including some public officials, are simply unaware of legal changes that may have been made in a faraway capital city. In the area of gender-based violence, the organization's efforts consist primarily of: (a) capacity-building in the judicial and prosecutorial systems in developing countries, including sensitization of judicial and other actors to the systemic difficulties faced by victims of gender-based violence; and (b) outreach to the general public providing information about existing legal rights and how to assert them.

The capacity-building efforts of Lawyers without Borders include support through trial advocacy training programmes for judges, prosecutors and other lawyers that are based on the host country's substantive law and focus on gender-based violence, trafficking in persons or family law. Depending on the country, these programmes last between three and eight days and enhance the ability of prosecutors to secure convictions and of judges to properly address these substantive issues and issue orders that will not only reflect the law but also not be overturned as a result of technical deficiencies. Lawyers without Borders has conducted an annual support through trial advocacy training programme focused on violence against women in Kenya since 2007 and has conducted similar programmes in Liberia and Ghana.

Lawyers without Borders has launched a groundbreaking multimedia campaign to maximize public awareness of the rights and obligations of Kenyans under the Kenya Sexual Offences Act. Lawyers without Borders is an affiliate partner of MTV Shuga, a radio and television drama set in Nairobi and shown on television stations worldwide. The television series was a huge success in Kenya, with 64 per cent of young adults living in Nairobi having seen the show. Shuga cautions women and girls against the dangers of transactional sex, sex without condoms and coercive sex. Simultaneously, Shuga's dramatic plot emphasizes an individual's right to say "no" to sex and encourages all young adults to get tested for HIV and know their status. The Shuga programme has been an extremely effective way to use media to educate women and girls about the prevention of sexual violence.

In addition to radio and television programmes, Lawyers without Borders has contributed to "Baby's Story", which examines the plight of a female survivor of sexual violence. "Baby's Story" has been running in a weekly serial in the Nairobi newspaper The Star. It illustrates Baby's physical and emotional recovery after

being sexually assaulted by someone she trusted, her Uncle Njau. Readers are guided through the steps that Baby takes in the wake of her assault. Baby goes to her local hospital for an examination, reports the rape to police and confides in her family and friends for support. The use of multimedia techniques in Africa has increased legal education with respect to gender-based violence in a dynamic, truly engaging and original manner.

Similarly, in 2011, Lawyers without Borders began working with one of its partner law firms, Reed Smith, on educational graphic novels to assist victims of gender violence at the post-earthquake displacement camps in Haiti. This was part of a much larger effort that Reed Smith undertook in 2010 to help the victims of this natural disaster. The graphic novel is expected to provide information about legally oriented resources for rape victims. The product will be tailored to several regional dialects to ensure that it is accessible to all Haitians.

In many countries, violence against women is also a widely overlooked element of inequality of men and women with respect to land ownership. In many developing countries, statutory law respects the equal right of women to own or inherit land, but embedded societal and cultural practices are such that women often cannot enforce those rights. These practices often include “land grabbing” of property that rightfully belongs to a widow upon her husband’s death by male members of her husband’s family. Land grabbing most often occurs in a cultural context in which land is legally inherited by the wife or daughter of a deceased landowner but, under local tradition, would have been inherited by someone else. Other practices that prevent women from achieving economic independence through land ownership include “wife inheritance”, in which a widow is “inherited” by a member of her late husband’s family, generally for the purpose of ensuring that the late husband’s land remains under the control of his family.

Thus, in many developing countries, the equal sharing of responsibilities between women and men is severely hampered by the uneven distribution between the sexes not only of property but also of property rights. Nevertheless, Lawyers without Borders has observed that this norm continues to change. For example, the recent passage of the Land Registration Act of 2012 in Kenya creates a rebuttable presumption that any land obtained by a married person for the use of both (or all) spouses is held by all spouses as joint tenants, even if the property is held in the name of one spouse only. Even where women’s equality is protected by statute, however, statutory rights are valuable only if they can be enforced. The enforcement of property rights requires several things, including the wherewithal and the will to do so. Most fundamentally, it requires that the person who wishes to enforce her rights be aware that she has rights to enforce. In many countries, outside major cities even local judicial actors or other arbiters of disputes are often unaware of statutory provisions passed in a distant capital.

The enforcement of property rights may also require documentation not only of title to land but also of marriages, divorces and births in or out of marriage. In the many countries in which most people do not have birth certificates and customary marriages may not be officially recorded, obtaining this documentation can be the difference between saving or losing one’s property and, with it, one’s livelihood and economic independence. Thus, as with gender-based violence, the organization’s strategy for addressing the denial of women’s inheritance, succession and property

rights includes a large element of outreach to the public in general and women in particular.

Lawyers without Borders continues to believe that, while changes in the area of law and policy remain necessary in many countries, capacity-building in the justice sector and outreach to the general public concerning their rights under existing law remain a vital part of the global effort to improve the status of women and girls.
