
DEVELOPING A NEW GENDER STRATEGY

WITHIN THE CONTEXT OF IDLO'S STRATEGY 2020

November 2017

OVERVIEW

The International Development Law Organization (IDLO) has developed a draft Gender Strategy for 2017–2020 to ensure that IDLO's work effectively contributes to gender equality, women's empowerment and the achievement of fair justice outcomes for women and girls. The draft Gender Strategy is in line with IDLO's Strategic Plan 2017–2020, in recognition that strengthened integration of gender in IDLO's work is necessary and essential to achieve its vision, mission and goals. It builds on an analysis of existing gender, law, justice and development challenges and it draws operational lessons from IDLO's past and current gender work.

IDLO'S MANDATE AND STRATEGIC PLAN: GENDER AS INDISPENSABLE

IDLO is the only intergovernmental organization exclusively devoted to promoting the rule of law. Its vision and mission are founded on a notion of the rule of law as embodying both substantive justice and good governance as well as procedural fairness. IDLO's work to create a culture of justice is centered on three impact goals, as follows:

- Impact Goal 1: People and groups are empowered to realize their rights
- Impact Goal 2: Laws and policies are fair and institutions are effective, accessible and accountable
- Cross-Cutting Goal: Rule of law drives sustainable development at local and global levels

Gender equality is among IDLO's core values and guiding principles. IDLO's Strategic Plan specifically states that IDLO is "committed to promoting gender equality through non-discriminatory gender-responsive laws, and institutions, enhancing women's access to justice and increasing their legal empowerment to achieve sustainable development".

The Strategic Plan identifies "empower[ing] women, poor and marginalized groups to fight discrimination and access justice" as its first action goal and highlights gender as an integral component of each Goal through explicit and concrete commitments. Furthermore, the Strategic Plan also commits to ensuring that all IDLO programs are gender-informed and benefit from gender analysis.

WHAT ARE THE KEY GENDER ISSUES IN LAW, JUSTICE AND DEVELOPMENT?

As a rule of law organization, IDLO is particularly concerned about the persistent challenges prevailing against gender equality and women's empowerment, as exposed by a rapid review of the nexus of gender, law, justice and development. In particular:

A. Discriminatory and unresponsive legal, policy and institutional frameworks

A World Bank survey of 173 economies has shown that almost 90% of these economies still have legal provisions that discriminate against women¹. “Conventional” legal reforms continue to ignore gender inequalities, including sidelining the need to reform discriminatory personal laws, despite widespread recognition of substantial gender inequalities in this area. Legal reform initiatives in many cases, advertently or inadvertently, promote adherence to discriminatory customary laws and traditions under the guise of supporting “local” laws or regulations. Although primary legislation may be in place, there is still absence of regulations, processes and resources necessary to implement it. In many cases, there continues to be limited political will to take reform beyond legislation to enable changes that are essential for gender equality. At the local, national and international levels, resistance, and even backlash, to gender-responsive laws and policies is growing and has serious implications for women’s rights.

B. Limited access to justice for women and girls

Accessing justice, whether through formal or informal fora, remains an enormous challenge for women. In many cases, conventional justice reforms have been unresponsive to the justice needs of women. For example, they have tended to (a) ignore intra-household and intra-community disputes because they see them as private matters and outside the realms of public dispute resolution; (b) underinvest in judicial subsectors that matter most to women, such as family courts, specialized gender-based violence mechanisms, or small claims tribunals; and (c) focus on the type of justice system (formal versus informal), rather than on the justice outcomes that would benefit women most. Women’s access to justice is especially challenging in fragile, conflict and crisis situations. In many cases, legal reforms are not coupled with simultaneous reform of processes to claim and enforce women’s rights. In other cases, judicial reforms fail to address gender bias, personal and organizational, and to integrate gender concerns systematically into capacity and competency building programs for the judiciary and other justice sector actors.

C. Exclusion and disempowerment of women

Although there is increasing recognition of the importance of women’s inclusion, women are often excluded from fully participating in and benefiting from various aspects of law, justice and development work. Distance – whether geographic, financial, political – from justice structures prevents women from claiming and realizing their rights. Women face additional hurdles due to discriminatory social and cultural norms and practices. Gender-based violence remains one of the most challenging obstacles to women’s empowerment. It hinders women from exercising their rights, including political participation, freedom of movement, marriage and family life, employment, education, health, as well as in seeking redress for rights violation; hence further perpetuating and enforcing women’s exclusion and disempowerment. In many areas of sustainable development, including land and natural resource governance, food security, and climate change, women are still largely excluded from decision-making processes at community, local and national levels. For

¹ World Bank. Women, Business and the Law 2016

example, women often lack information on land and natural resources deals, whether for forestry, mining, energy, agriculture, tourism, urban development or other use, made by the state, developers and community leaders, and are not invited to negotiations over these transactions.

D. Missing synergies between rule of law, gender and development

There has been a failure to optimize the use of rule of law to champion gender equality and sustainable development. Thus, there are missing opportunities to “synergize” gender, law and justice frameworks to address emerging global challenges and provide more comprehensive solutions, including in the following urgent areas of concern: migrants, refugees and internally displaced persons; gender-based violence; conflict and fragility; economic rights; and sustaining the planet (such as climate change, natural disasters, and food insecurity).

OUR STRENGTH AND EXPERTISE: BUILDING ON LESSONS FROM OUR GENDER WORK

IDLO’s work on the rights of women and girls has grown exponentially in the past two years, reaffirming gender equality as a core value and principle. During the time frame of the previous Gender Strategy 2015-2016, IDLO has: (a) expanded its gender programming across various countries and themes²; (b) increased opportunities to innovate gender interventions beyond conventional justice sector training³; (c) enhanced advocacy in gender issues⁴; and (d) increased openness and capacity of IDLO employees to integrate gender into their work. IDLO has also contributed concretely to gender equality through capacity development, technical assistance and institutional support, public engagement, policy and research, among others⁵.

The growth in our gender and justice work can be attributed to IDLO’s unique position as an intergovernmental institution exclusively devoted to promoting the rule of law, which enables us to:

- deliver both large scale justice sector programming on women’s access to justice as well as targeted focused and innovative solutions;
- convene state and non-state actors on women’s access to justice, whether at high-level or operational, local, national or global; and

² Programs with gender as a principal or significant objective expanded from 3 in 2014 to 21 in 2016. Gender work expanded across countries and themes. In 2016, for example, gender projects exist in Afghanistan, Honduras, Kyrgyzstan, Kenya, Liberia, Mongolia, Somalia, Tanzania, Tunisia, Uganda, among others.

³ While IDLO’s strongest gender work stream (work related to gender-based violence) continues to gain momentum, new gender work streams are opening up, for example, in the area of commercial/business law (Egypt and Jordan), land rights (Burundi), and health (Uganda and Tanzania).

⁴ Alongside increased gender programming, IDLO enhanced its policy advocacy work by organizing, convening and participating in policy dialogues at national, regional and global levels, including in the Commission on the Status of Women, UN Human Rights Council, Committee on the Elimination of Discrimination against Women, Assembly of State Parties to the Rome Statute of the International Criminal Court, Committee on World Food Security, among others. IDLO is a strong champion of SDG 5 and 16.

⁵ IDLO, ‘Strategic Mapping: An internal “snapshot” desk review of IDLO project activities under the three 2013-2016 Substantive Strategic Goals’, December 2015 (internal document)

- provide strong multi-faceted technical support on women's access to justice – as we are continuously building a pool of experts that have experience and expertise not only on gender or law, but on the nexus of gender, law, justice and development.

Our growth can also be attributed to our ability to build, consolidate and apply lessons from our work on the ground as well as from good practices across countries, sectors and expertise. Examples of IDLO's gender programming include:

- combatting discriminatory laws and ensuring the emergence of gender-responsive legal and institutional frameworks, such as in Kenya, Liberia, Tunisia;
- enhancing women's access to justice institutions, whether formal and informal institutions, including in Afghanistan, Honduras and Mongolia;
- increasing women's empowerment in sustainable development and economic opportunities, such as in Uganda, Tanzania, Burundi, Egypt and Jordan, across a range of thematic areas, such as:
 - gender-based violence
 - women's rights
 - land and natural resources
 - gender and food security
 - women's rights to health, including to quality HIV services
 - women's participation in political and public life
 - gender mechanisms and institutions

IDLO'S GENDER GOALS: PROPOSED STRATEGIC GENDER FOCUS FOR 2017-2020

IDLO's Gender Strategy 2017-2020 proposes to pursue four substantive Gender Goals:

Gender Goal 1: Women and girls are empowered to claim and realize their rights

Legal empowerment of women and girls is central to creating a culture of justice. It improves not only women's access to justice but also the quality of justice they receive.⁶ By empowering women to claim their rights, women are better equipped to fight for their rights, demand accountability and bring about change in their communities.

Relevant sub-goals include:

- a) Building women and girls' capacities and influence to fight discrimination and access justice;
- b) Supporting civil society organizations to promote women's legal empowerment and access to justice; and
- c) Strengthening the capacity of communities to promote women's rights and participation.

⁶ IDLO. 2013. Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment, available at: http://www.idlo.int/sites/default/files/Womens_Access_to_Justice_Full_Report.pdf, at 7.

Gender Goal 2: Legal, policy and regulatory frameworks are gender-responsive, with a focus on conflict, fragile and difficult situations

The law is an essential tool for advancing women's and girls' rights and equality. Integrating a gender perspective in the creation of such frameworks helps deter gender discrimination and promote gender equality, thus fostering the emergence of inclusive, equitable and accountable institutions, responsive to the needs of the wider population.

Relevant sub-goals include:

- (a) Supporting legal actors in combatting discriminatory laws and the adoption of gender-responsive laws, policies and regulations;
- (b) Supporting legal actors in the effective implementation of gender-responsive laws and policies; and
- (c) Enhancing the effective participation of women in legal, policy, regulatory and justice reform.

Gender Goal 3: Institutions are accessible and deliver fair justice outcomes for women

Access to justice is not just a right in itself, but it also enables individuals to claim a range of additional rights and prerogatives. Ensuring access to justice for women contributes to the achievements of equitable and inclusive development outcomes, such as in education, health, political participation, employment and economic opportunities.

Relevant sub-goals include:

- (a) Strengthening capacities of institutions to protect women's rights and deliver gender justice;
- (b) Engaging with informal and customary justice systems to promote and ensure women's rights; and
- (c) Engaging with justice actors to promote women's economic opportunity and empowerment.

Gender Goal 4: Gender equality informs rule of law and sustainable development

As challenges to gender equality and women's empowerment are multi-dimensional, addressing them requires multi-dimensional solutions through enhanced synergies. Only by understanding the interrelated and mutually reinforcing relationship between gender equality and the rule of law as well as its contributions to other development goals can we truly make sustainable development a reality for women. Relevant sub-goals include advancing effective integration of gender in rule of law and sustainable development agenda, policies and processes.

The Gender Strategy will be implemented through an Action Plan focusing on six Action Points:

- (a) integrating gender equality in IDLO's strategies, plan and project cycle;
- (b) building staff capacity to integrate gender in their work;
- (c) strengthening internal coordination, learning and exchanges on gender work;
- (d) influencing the gender, rule of law and development agenda;
- (e) improving organizational services and internal policies; and
- (f) mobilizing financial resources for gender equality.

STRATEGY CONSULTATION QUESTIONS

1. IDLO has identified four key gender issues in law, justice and development:
 - (a) discriminatory and unresponsive legal, policy and institutional frameworks;
 - (b) limited access to justice for women and girls;
 - (c) exclusion and disempowerment of women; and
 - (d) missing synergies between rule of law, gender and development.

What other challenges should IDLO take into account in its Gender Strategy?

2. As a rule of law organization, IDLO seeks to pursue the following four Gender Goals. **What other key areas should IDLO focus on to achieve gender equality and women's empowerment?**

Gender Goal 1 Women and girls are empowered to claim and realize their rights	Gender Goal 2 Legal, policy and regulatory frameworks are gender-responsive	Gender Goal 3 Institutions are accessible and deliver fair justice outcomes for women
Gender Goal 4 Gender equality informs rule of law and sustainable development		

3. IDLO has contributed to gender equality through capacity development, technical assistance, institutional support, public engagement, policy and research across many countries and thematic areas of work. **What added value or comparative strengths does IDLO bring to gender, law or justice work?**
4. Challenges to gender equality and women's empowerment are multi-dimensional, and addressing them requires solutions that only enhanced collaboration can bring. **What partnerships, networks or synergies should IDLO enhance to be able to deliver on its Gender Strategy?**

Access the survey online at <http://www.idlo.int/gender-strategy> or send the questionnaire to gender@idlo.int by December 13, 2017.