



Forging Institutional Partnerships

Governments have the power to construct the legislative and policy framework needed for social change. Making change happen, however, requires the participation of individuals, communities and institutions. In 1995, the Beijing Platform for Action (PFA) called on states to take action on gender-based violence as a high-priority human rights issue (UN 1996). In June 2000, at the UN session called to review progress in implementing the PFA, Beijing +5, governments reaffirmed this responsibility: “It is accepted that violence against women where perpetrated or condoned by the state or its agents constitutes a human rights violation” (UN 2000, para. 13). Acting on this responsibility requires not only legislative change, but also institutional change. Laws can provide the framework, but institutions of the state, including the judiciary and the police, need the knowledge – and the will – to bring it about. Both the PFA and the Outcomes Document from Beijing +5 stressed that progress toward gender equality, including the elimination of violence, requires cooperation between the state and NGOs.

One critical area for such cooperation is the reform and sensitization of legal institutions. As long as legal institutions do not take violence against women seriously, such violence is sanctioned, legitimized and even implicitly encouraged. Institutions reflect and reinforce cultural norms. Judicial and law enforcement institutions therefore play a critical role in challenging the extent to which gender-based violence is tolerated and thus perpetuated by individuals and society as a whole.

Violence against women is sanctioned when allowed to go unpunished. But punishment, to be effective, requires several elements, including legal sanction, judicial and law enforcement action and community approbation. In some cases, the laws that make violence a crime also serve to perpetuate it. In many countries, for example, the law still allows rape charges to be dropped if the perpetrator marries his victim. In other cases, contradictions in laws also serve to perpetuate gender-based violence. In Nigeria and India, for example, customary laws regarding divorce and alimony, or family maintenance payments, make it difficult for a married woman to escape an abusive situation, especially if she has children. And in many cases, laws are simply not sufficient, due to inadequate understanding and enforcement. In Cambodia, police and judges interpret the law in such a way that a man hitting his wife is only a crime if the woman is “stabbed, shot, unconscious or dead” (Zimmerman 1994).

Violence against women is legitimized by blaming the victim for the violence inflicted upon her, as often occurs in police investigations and in the courtroom. If a woman has been

raped, her moral character, her sexual history and even the clothes she was wearing at the time are all considered in conducting an evaluation of the validity of her complaint and her testimony. If her husband beat her, a woman is asked what she did to incite him.¹ Women themselves are conditioned by society and by the justice system to believe they are somehow responsible for the physical and sexual assaults.

Violence against women is encouraged by legal processes that are biased in favour of men. Over and over, in country after country, women do not pursue assistance from law enforcement institutions because they expect little response and considerable humiliation. If a woman delays reporting a crime, her truthfulness is immediately questioned. She will be interrogated repeatedly, in excruciating detail and without sympathy. If a case makes it to court, the perpetrator often receives a minimal sentence.

Beijing +5 re-emphasized that NGOs can play an important role in working with the state to raise awareness about gender-based violence and educate the public about legal remedies. But by seeing things from the woman's perspective, NGOs are doing much more. They have shed light on legislative failures and discrimination in the legal process. They have worked with judges, lawyers and police to reveal the connections between social norms and the treatment of women by the legal system. When legal institutions take women's claims for justice seriously, they show society that violence against the female half of the population will not be condoned.

One means by which NGOs have engaged state institutions, particularly the police and the judiciary, is by forging partnerships between state and non-state actors. Many Trust Fund projects have targeted the police and judiciary. Often they begin by finding key players in these institutions, demonstrating the importance of individuals who can champion change from inside as well as outside. Effective change "champions" have positions of visibility, high levels of credibility, openness to new ideas, understanding of organizational politics and respect for people's integrity (Rusaw 1998).

Once a potential champion has been identified, NGOs find ways to form a working relationship with that person. Sometimes the "foot in the door" is a professional contact. Other times NGOs create their own openings with an institution by networking with individual judges and police.

It is important to work not only with those in senior positions in the institutional hierarchy, but also with individual judges and police at all levels. In judicial and law enforcement systems, individual judges, lawyers and police officers are influenced by social customs and discriminatory attitudes that lead to biased treatment of female complainants. These biases may not be readily apparent. Perceiving them requires individuals to analyse the beliefs embedded in their decisions. Resistance may arise if this process challenges their cultural or traditional beliefs, or if it appears to attack their professionalism. NGOs must therefore avoid appearing to assign blame or to lecture.

Even as they reflect and reinforce societal norms, institutions create and sustain their own norms. Institutions develop assumptions that, over time, are accepted as fact (Rusaw 1998), often making it difficult for NGOs to work with them. Judges, for example, may not like to interact with NGOs because they believe it will compromise their impartiality in the courtroom. Likewise, NGOs may feel that they are compromising their status by cooperating with state institutions that do not support their convictions. Nevertheless, understanding institutional norms can help activists come up with strategies to shatter discriminatory practices

1 These lines of questioning have been reported in countries around the world, including India and Cambodia.

embodied in institutions. For example, the right concept can be used to bring gender-related issues to police and judges in a language they understand.

Either way, discussing gender bias and its roots and consequences is only the start. A partnership is needed to see change implemented at all levels of an institution. Some NGOs will be able to work effectively in collaboration with the institutions to help bring about change; others will be more effective working at a distance from the institution in order to monitor its actions freely.

The case studies that follow show how two NGOs successfully orchestrated the beginnings of change within the judiciary and the police by building partnerships with these institutions. The first is the Cambodian Women’s Crisis Centre, which developed coalitions comprised of police officers and community members. The second is the initiative by the Indian NGO Sakshi to bring gender equity to the judiciary in South Asia through a unique partnering of judges and NGOs. In both cases, these partnerships between society and agents of the state are still in the early stages, and the process of real institutional change is only beginning. But there is a great deal to learn from these beginnings, and from the challenges and victories along the way.

“In Cambodia, we start with community awareness on violence against women. But that is not enough. Changing people’s attitudes must be supported with an institutional commitment and a system of accountability.”

*– Chanthol Oung, Executive Director
Cambodian Women’s Crisis Centre*

CASE STUDY :
Linking Police with Communities in Cambodia

Srei Mom has earned a position of respect in Boeng Salang, a small village on the edge of Cambodia’s capital city, Phnom Penh. As a volunteer for the Cambodian Women’s Crisis Centre (CWCC), Srei Mom is a vital link for battered women to a coalition comprised of community members, village chiefs, police and volunteers. People seek her help in cases of domestic violence. In the case of Noun Yi, whose husband was beating her, a relative of the couple asked Srei Mom to intervene.

Srei Mom spoke with Noun Yi and her husband Kleoung about his abuse. “To the wife I said, ‘You have the right to be free from violence and your right is protected by law.’ To the husband I explained that when you beat your wife you lose many things, like property, money and the future of your children, and it may cost your wife her pregnancy. I also said battering your wife is not legal at all so you will be punished.”

The village chief also became involved. He invited Kleoung to sign a contract not to be violent any more. The village chief holds the contract, while Srei Mom continues to counsel the couple and the local police monitor the household, making sure Kleoung honours his promise.

Thanks to this unique partnering between communities and authorities, the physical abuse

Linking Police with Communities in Cambodia

PROJECT NAME:	Prevention and Deterrence of Violence Against Women through Popular Education
PROJECT DIRECTOR:	Chanthol Oung
ORGANIZATION:	Cambodian Women’s Crisis Centre
DATES:	1998 - 1999
TRUST FUND GRANT:	\$42,374
OBJECTIVES:	To educate communities and police officers in 18 villages and form community coalitions among citizenry and police to combat domestic violence and other forms of violence against women.



**Community
coalition coordinator
in Srei Mom,
Cambodia.**
Photo: Ian Ramage

has subsided. While they still have a way to go, Noun Yi sees that her husband has changed. “Maybe he has changed because he has received advice, maybe because he is afraid there are many people involved,” she says. Kleoung, for his part, asserts, “I want to work hard and take care of my family and not abuse them any more.” Srei Mom takes to her role with a passion. “I am honoured to help other women because I feel their problem is my problem. I want to share what I have learned” (Miller and Ramage 2000).

It was not always this way for Srei Mom. Like others in her village, she did not know how to take action, especially on her own. She was trained by CWCC in intervention and laws on gender-based violence in a project that began in 1998. Involving men, women and local police in 18 communities around Phnom Penh, the project required the police and community members to take responsibility for the safety and well-being of women and girls. In each community, a coalition helps hold abusive men accountable for their actions and requires police to intervene and protect the legal rights of women.

Seven three-hour training sessions informed community members about trafficking, domestic violence and rape. In workshops, CWCC staff taught police about Cambodia’s constitution, penal provisions on battery, assault, and rape, laws on trafficking and the international conventions ratified by Cambodia. Volunteers in each village received further training and continue to work as point persons in coalitions made up of community members, the village chief and police.

In interviews, volunteers, village chiefs and police all agreed that domestic violence has decreased since the training took place. It is no longer a private issue, but a public one. "After the training we established a network," one trainer explained, "so that women can go to the village chief if they need help." The use of contracts and monitoring is one result of this partnership between communities and police to confront violence against women. They are taking responsibility in other ways as well. For example, five villages made a pact not to allow traffickers to take their young women. As Chanthol Oung, director of CWCC, points out, legislation is not enough; it must be followed by a change in beliefs in order for communities, including local police, to make commitments.

Background: Gender-Based Violence and the Legacy of War

Cambodia emerged from two decades of civil war in 1991, but still faces political and economic instability, a weak legal system and social decay. One of the most crucial problems has been a marked increase in violent crimes against women. The rates of domestic violence, rape, forced prostitution and trafficking have been on the rise since the 1970s. Estimates project that one in six women are victims of domestic violence and there are more than 15,000 prostitutes in Phnom Penh (Special Representative of the Secretary-General for Human Rights in Cambodia 1998).

Research suggests that the increase in aggression might be a result of psychological and social damage dating from the Khmer Rouge period (Chey n.d.; Renol 1997; U.S. State Department 1998; Zimmerman 1994). The social engineering undertaken by Pol Pot's regime that terrorized Cambodians from 1975 to 1979 emptied populated centres to transform the country into a nation of agricultural communes. The regime abolished money, private property, Western medicine, education and religious observance (Kamm 1998). Mass slaughters and forced separations destroyed families and communities.

Violence became an everyday part of life, with even the most minor offences harshly punished. In a 1994 study, Cathy Zimmerman compares violence taught to children during the Pol Pot regime with domestic violence: "Children were often trained and encouraged to hit or even shoot those who broke the rules. Any error or failure to adhere to rules was noted and condemned severely. This is similar to what occurs in a battering relationship" (Zimmerman 1994: 40). Women learned to keep quiet as a means of survival, she adds, just as domestic violence victims often do for the same reason.

The fall of the Khmer Rouge in 1979 was followed by more than a decade of intense civil war. During the 1980s, a complex set of influences contributed to the prevalence of domestic violence that persists even now. Repressed anger over the suffering under Khmer Rouge rule, frustrations over poverty and unrelenting combat have filled men with fear and aggression. These factors have contributed to an increase in the occurrence and severity of domestic abuse (Zimmerman 1994).

At the same time, domestic violence was further aggravated by shifting gender roles. Men who had been repressed suddenly gained some power as they recovered the customary authority allocated to them as head of the family

(ibid.). But with most new jobs in sectors that favour female employment, such as the garment industry, women have become the primary breadwinners in many households. Yet, they must simultaneously maintain the image of the Khmer female as a passive, softly spoken woman who serves as the caretaker of the family and the preserver of the home. “Women may work hard to get a job in an office or on a farm, but they are still not seen as the decision-makers,” one of CWCC’s volunteer trainers explains.

Efforts to address gender-based violence must take Cambodia’s violent legacy into account, but also challenge certain traditional mores. According to Khmer cultural tradition, a woman is like a white cloth, whereas a man is like gold. If a white cloth falls in the mud (a metaphor for loss of virginity), it is “soiled” forever, while gold will not lose its “purity” and “shine” (Kingdom of Cambodia 1998). From this description it is easy to infer the double standard for sexuality between men and women. The saying for a woman who has been raped is, “if your skirt is torn, don’t tear it further.” The message is that a woman is shamed by rape and should not make it worse by telling people about it. Women who are raped often choose to tell no one for fear that they will be forced to marry the rapist. Since Pol Pot’s regime attempted to exterminate cultural traditions, attempts to confront such traditional values meet resistance (CWCC 1997).

Together with other types of gender-based violence, sex trafficking increased markedly after the war. With the 1991 peace accords, administrative restrictions on movement within the country were lifted, contributing to a boom in the sex industry. Widespread poverty has exacerbated the problem. Cambodia’s per capita income is among the lowest in all of Asia, and the country ranks near the bottom in all human development indicators (Kingdom of Cambodia 1998). As a result, villagers are easily deceived by brokers who bait girls and their parents with promises of employment in the city (CWCC 1997).

Origins of the Project:

Building Trust in Communities and Networking with Police

With virtually no stable state institutions to lean on for assistance, women’s NGOs face the challenge of providing services to an increasing number of women who are victims of domestic violence, rape and forced prostitution. In response to this need, CWCC, one of 120 NGOs that have become active since 1992, obtained government approval in 1997 to open a shelter to which other NGOs, police stations and courts could refer women in need of a safe haven. CWCC also provides counselling and job skills training and finds women employment, especially in the garment sector.² For women and girls who have been rescued from traffickers, in addition to helping them gain economic independence, CWCC works with communities to allow women to be reintegrated.

Within months of its establishment, the shelter was filled far beyond its capacity. Women who were victimized by violence clearly needed more than the

2 Despite the low wages and human rights violations in the garment sector, according to CWCC, women value the opportunity to work, as it allows them to gain a degree of economic independence. This is particularly important for women who have been trafficked.

shelter's services. CWCC's Chanthol Oung and her staff made plans to address gender-based violence, starting in communities that had the highest levels of violence. CWCC staff began by asking women in villages what they needed. They learned that women in abusive marriages did not want to get divorced, but wished to work with their husbands. Women wanted direct community intervention to stop the violence, and they wanted to learn how to support one another.

CWCC staff also recognized the need to work with the police, who are sometimes part of the problem. Police in Cambodia allow domestic violence to go unchecked, viewing it as a private matter unless injuries are near fatal. Even then, an arrest might not be made until a man actually murders his wife. When police receive a complaint about women forced into prostitution, they often take weeks to respond. According to CWCC, some police are known to supplement their paltry salaries by taking bribes from brothel owners or by participating in trafficking rings.

Moreover, many police lack knowledge about the issues, the laws and available services. CWCC encountered this lack of knowledge time and again. After some police raided a brothel and rescued the girls enslaved there, they contacted CWCC to shelter the girls, but also asked whether they had broken the law by rescuing the women (CWCC 1997).

In 1997, CWCC contacted more than 40 police districts in Phnom Penh to tell them about the shelter's services and express a desire to work with the police. Since that time, many of CWCC's clients are women who were rescued by the police, some of whom spent their own money to buy the women food or medicine before bringing them to the shelter. Experiences such as these confirmed that efforts to ensure that police become a part of the solution needed to be strengthened.

Challenges and Strategies:

Building Community Coalitions Through Education

Since they had established strong relationships with communities and police, CWCC staff felt that they could work with both to establish local-level partnerships, or coalitions. They decided to begin education to change people's attitudes and participation to get people to take public action. CWCC's work was based on their knowledge of domestic violence and trafficking, and their experience in working with individuals, communities and police. Fundamental to their strategy was work on the local level, training police officers and working with community members to help them devise their own solutions.

Working at the Local Level

When it came time for CWCC to decide how to target their intervention, the choice was clear. "Only local solutions are sustainable and effective," argues Oung. She and the CWCC staff understood that women who are victims of violence require legal protection. However, the need to intervene and produce tangible results for women who could not wait years – or even weeks – for Cambodia's institutions to be rebuilt and for legislation to be enforced, prevailed. Consequently, CWCC decided to focus their efforts on the villages around Phnom Penh and on the local police.

Support for the Law Against Gender-Based Violence in Venezuela

The Venezuelan Association for Alternative Sex Education (AVESA) has been offering services to women victims of domestic violence since the mid 1980s. A pioneer in efforts to sensitize police and other professionals who deal with survivors, in 1996, the group spearheaded a national public awareness campaign to mobilize support for the Law Against Violence Against Women and the Family, which was then before Congress. They drew upon their established relationships with people in police and judicial institutions, schools and NGOs to engage them in training sessions about the proposed law and they actively used the media to increase women's awareness of what it would do for them.

Police were a major focus of the training workshops. In order to make sure that the information went beyond a few supportive officers and permeated the entire institution, AVESA signed agreements with two major institutions, the Technical Corps of the Judicial Police and the University Institute of Police Science. They placed written brochures and posters in police stations all over the country, as well as in hospitals and courthouses, emphasizing the importance of registering the sex of the victim as well as specific evidence of physical and emotional violence when an incident is reported. These were accompanied by posters listing places where women can obtain legal, psychological and medical assistance.

Most dramatically, the campaign inserted a draft of the law in one of the largest national newspapers asking readers to sign a petition urging its passage. They presented the petition, with 12,000 signatures, to Congress in a well-publicized public ceremony. Under the barrage of media and public pressure, Congress passed the Law Against Women and the Family in September 1998.

The decision to work in villages was further justified by the social fabric and structure of Phnom Penh. It is essentially a city of rural people, who lack the support network of a larger community and an extended family that they would have had in a pre-war rural village (Kamm 1998). Beyond its centre, the city is a network of villages, many with their own police stations. In such an environment, there was both the need to build support mechanisms for women, and the localized legal infrastructure to link communities and the police.

The legal environment also supported CWCC's work. Constitutional provisions and laws bolstered by international covenants, such as CEDAW, provided the framework for a focus on women's rights. With the force of law behind them, CWCC worked with both police and citizens. In each of the 18 villages, they met with police chiefs and village and commune chiefs to discuss the content of the training programmes and to ask them to invite individuals they wanted to participate.³ In particular, the project team felt that if they obtained the approval of police chiefs, they would have little difficulty recruiting police officers for workshops.

To get broad community participation, village and commune chiefs extended personal invitations to men known to be abusive together with their wives, as well as brothel owners. Since it would be dishonourable to refuse these invitations, most men attended. Although men's attendance at the training did not indicate a willingness to change their behaviours, it was a starting point. Given cultural norms that teach people to respect authority, going through local leaders made community members and police officers more willing to attend and to participate actively. It also enabled the police and village chiefs to feel a sense of ownership over the project, which was crucial for the project's success.

Working with the Police

Outside the family, police are often the first to respond to domestic violence. This was a key factor in CWCC's decision to start with police rather than judges. Their goal was to link institutions

³ Communes are comprised of several villages. The chief of the village is subordinate to the chief of the commune.

with the community in a way that could make a difference in the lives of community members. Moreover, by bridging the gap between the police and the community, CWCC was laying the groundwork for the future when the links between the national and local level institutions become stronger.

CWCC first had to tackle a profound lack of knowledge among police officers about women's human rights and the laws that enforce them. Women's rights in public and private life are enshrined in Cambodia's constitution, but a chasm of ignorance divides legislation and practice. A 1998 study on trafficking by CWCC found that 60 per cent of judges and prosecutors and 79 per cent of police lacked correct information about the 1996 Law on Suppression of Kidnapping and Trafficking (CWCC 1998). The majority of police said that they thought it was legal to visit a brothel (*ibid.*). More alarming was a finding that police did not know that the constitution explicitly prohibits the commerce of human beings and exploitation by prostitution. Yet, police are often charged with the task of retrieving a girl who has been trafficked from a brothel in Cambodia or en route to a neighbouring country.

Realizing that the police had limited information about the issues and laws, CWCC trainers began workshops with questionnaires about Cambodia's laws and gender-based violence. They then used lectures, group exercises and role-plays to train the police on gender-based violence, laws and intervention techniques. During the training, most local police displayed little or no knowledge of relevant laws. Police believed that domestic violence was a private matter and they could intervene only if a woman registered a complaint. A few said they could arrest a man if he killed his wife, and all but one said that forced intercourse in a marriage is not rape. At the end, one police officer said, "The most important thing I learned from the training is that the law can apply to a husband beating his wife."⁴

The make-up of the police force aided CWCC's work. Since 1991, soldiers have been recruited to replace police officers killed in the war. However, they have received little training and had limited education since the Khmer Rouge had dismantled the education system in the 1970s. As former soldiers, they readily adhered to rules and orders given by their superiors. Moreover, they were willing learners, aware that their lack of information limited both their professional and personal lives.

The respect for authority ingrained in former soldiers presented obstacles as well. After the war, some soldiers became brothel owners, including former officers who outranked those soldiers who joined the police force. It was unthinkable, even with a new government, to challenge a former superior. Police officers then either informed the brothel owners prior to a police raid, or simply allowed them to function without intervening. During an interview one police officer asked blatantly, "How can we punish them [brothel owners and clients]? They are soldiers and policemen" (CWCC 1998).

Now, newly sensitized officers are providing real protection to women and

⁴ There is no specific domestic violence legislation and police, by and large, do not understand that the Criminal Code applies to domestic violence.



Police officers discussing the causes of gender-based violence during a training session in Cambodia.

are bringing about change within the police force. “The training was very useful,” says one officer, “because we now know about the law and about how to change attitudes.” Many police officers asked for more training and for more information to pass on to their colleagues. These officers pointed out the need to work with those higher up in the police force and legal system. CWCC plans to train judges and higher-ranking police officers, who often authorize interventions in private homes and in brothels.

Coalitions, Pacts and Contracts

CWCC staff thought that working with local police could change the response to violence, but would do little to prevent it. For this, police needed the cooperation of the communities in which they worked.

By training community members and designating volunteers through whom victims can seek support, CWCC both raised awareness about gender-based violence and women’s rights and established a focal point for intervention in each village. The CWCC volunteer mobilizes other community members, particularly men, to intervene in a violent situation. The coalition, consisting of the volunteer, police and village chief, follows up by monitoring the family for several weeks to ensure that the act is not repeated. Together, they constitute a coalition committed to helping women in need.

CWCC started by educating community members, who had little formal knowledge about gender-based violence and even less about related laws and resources. They began with groups of up to 30 participants in each of the 18 villages, including known batterers and their wives. At least two community volunteers, one man and

Monitoring a Police Task Force in Botswana

In 1997, a coalition of women's and human rights groups, led by the Metlhaetsile Women's Information Centre, published an open letter to the Botswana Police Force complaining about the failure of the police to adequately respond to women's complaints of violence within the home. In response, the Commissioner set up a Task Force on Domestic Violence, whose mandate was to investigate women's charges and make recommendations for change. The Centre was determined that the Task Force report would not end up on a shelf in the Commissioner's office, the common fate of such reports worldwide. They outlined a campaign to generate public pressure from all sectors of civil society to ensure that the recommendations are integrated into police procedures.

As part of the 16 Days of Activism Against Violence Campaign, the Centre compiled a booklet, "16 Women Use 16 Days of Activism Against Violence," which included the personal stories and complaints of 16 selected women, and the recommendations of the Task Force. By publishing and distributing this booklet through NGO networks, and publicizing it through the media, the Centre made sure the recommendations would not just fade away: not only women, but public concern, would hold the police force accountable for change.

one woman, were chosen to receive week-long, intensive training.

In the training, lectures and discussions were complemented with games and role-plays to reinforce the lessons and build problem-solving skills. Topics included sex trafficking, domestic violence, rape, forced marriage, women's health, education for girls, gender roles and cultural norms contributing to gender-based violence. One session involved challenging directives for women taught to schoolchildren in a well-known Cambodian poem called "Cbab Srei," or "Rules of the Lady." Imbuing a woman with almost mystical power over the fortune of her family based on her conduct and morality, the poem presents a model of virtuous behaviour for a wife. According to the Cbab Srei, a wife must not respond to a husband's violent words and acts. Trainers asked participants to examine whether such directives, laid out several generations ago, are acceptable or not. The training ended with a brainstorming session about developing community coalitions to respond to violence against women.

Some novel ideas arose as a result of these sessions. Soon after the training, one village was confronted by the reality of trafficking. The police rescued a girl from traffickers before she was taken to Thailand. Upon hearing what had happened to her, her village and four neighbouring villages took a pledge not to let any of their young girls fall into the hands of brothel owners or traffickers. This pact to protect their children is a major step for many community members, who previously did not fully understand the seriousness of sex trafficking in Cambodia.

One of the most significant achievements of the project was moving discussions on gender-based violence from the private to the public sphere. "Since the training the rate of violence has gone down," observed a volunteer. "Now in communities, if a man is beating his wife, the community tries to intervene. They will go to the house and surround the woman and protect her. Different community members will try to speak with him and encourage him to stop" (Miller and Ramage 2000).

While generating awareness brought communities together to create solutions, it also generated a serious backlash that CWCC staff needed to confront. In many of the villages where the training was implemented, CWCC found a short-term increase in domestic disputes. One volunteer notes, "Sometimes the participants say that their husbands beat them at night when they return home

from the training, but many of them come again the next time, and the time after that because they want to know more.” Some beat their wives, others refused to attend the training and would not permit their wives to attend. Typically, if a session began with 30 women, at least 10 were missing the next day.

In part, some men objected to training sessions, which were held during the early evening hours, because the women were not present to serve the meal and clean up afterwards. CWCC knew that such arguments were a sign of male resistance to CWCC’s work. But if they were going to move forward with the training, they could not afford to antagonize the men. Instead of challenging such attitudes at this point, CWCC consulted communities on the best time of day for training. This consultation increased the number of participants and demonstrated sensitivity to community needs. Also, after the first session, CWCC staff went house-to-house to encourage the men to attend and to allow their wives to continue participating. In each community, the village chief agreed to come along, adding his clout to the message. Even so, few men chose to participate.

The short-term increase in domestic abuse signaled that men were reasserting their power in the family, as women became more aware of their rights. Prior to the training, many women did not view marital rape, domestic violence and battery as violations of their human rights. The cultural code of silence surrounding gender-based violence had prevented them from speaking out or taking action. Also, CWCC’s shelter allows women to stay for up to six months, receiving vocational training and providing room for children as well. As women learned about these services, many for the first time saw a way to escape a violent situation. Women began to stand up for themselves, in some cases confronting their husbands with threats to go to the police or leave them and seek assistance from the shelter.

The heightened demand for CWCC’s shelter services increased crowding in a shelter already pushed to its limits. The numbers of women who needed services from the shelter escalated from about 40-50 per day to approximately 72 women per day. While they have not turned people away, their dilemma illustrates one of the inevitable problems that arises from working on awareness raising in communities – the surfacing of needs far in excess of the organization’s capacity to meet them.

CWCC’s solution was to work with the volunteers and the police in each village. When a man has a reputation for exhibiting violent behaviour, he is asked by the police, the village chief and the volunteer to sign a contract stating that he will discontinue the behaviour. The contract carries great importance as it can be used against the man in court. This contract complements the monitoring by the community coalition. These community-based solutions – coalitions, pacts and contracts – have proved effective and, though it is still early, hold the promise of becoming long-lasting interventions.

Conclusion: Where Things Stand

Despite the many challenges, the silence has been broken and there are signs of change. CWCC’s strategy, combining social pressure from community members on violent men with interventions on the part of authorities, has been effective. The essence of their work involves not only raising awareness, but also encouraging community responsibility.

The results have been powerful. In one year, community members with whom CWCC worked are now supporting one another, and police are taking action against domestic violence and trafficking. There was a time when neighbours would hear the cries next door, but would do nothing. Now, like Srei Mom and Noun Yi, citizens and police have both the knowledge and the confidence to act for themselves and for each other. As Srei Mom notes, “Before, the local authorities would ignore domestic violence because they thought it was not their responsibility, but now they realize that it is. Before, the neighbours would stay home when things happened like that, but now when there is a problem men go to the men and women go to women. All of them provide assistance” (Miller and Ramage 2000).

“Judges have come to recognize their critical role to reject irrational, unfair prejudices in society.”

– Naina Kapur, Director, Sakshi

CASE STUDY :
Bringing Gender Equality to the Judiciary in South Asia

Bringing Gender Equality to the Judiciary in South Asia

PROJECT NAME: Gender and Judges: A Sakshi Initiative

PROJECT DIRECTOR: Naina Kapur

ORGANIZATION: Sakshi

DATES: 1997-1999

TRUST FUND GRANT: \$50,000*

OBJECTIVES: To establish collaboration between judges and NGOs to introduce gender equality into legal systems in participating countries.

* With additional funding from the Canadian International Development Agency (CIDA) and the UNIFEM South Asia Regional Office

The judge is playing the part of a man who has been robbed. He is one of many judges gathered from around India to meet with lawyers and activists to discuss gender equality in the courtroom. An activist who has taken up the role of a prosecutor approaches him. With an accusatory tone, she strikes him with a battery of questions:

“Why were you out so late at night?”

“What were you wearing?”

“I think you gave the money. I think you consented.”

Similar questions and insinuations are often leveled at a woman reporting a rape or testifying in court. The judge, not one to be questioned very often, experiences a taste of what it is like for a woman who seeks justice. Participants and observers are asked to consider why a man is readily believed by legal authorities, but a woman is not. As the day progresses, they

engage in discussions of gender bias and how it infiltrates the justice system. They explore their own decisions during trials and the light punishments sometimes doled out to offenders.

The workshop is part of a regional effort initiated by Sakshi, a feminist NGO based in New Delhi that focuses on sexual violence and women’s rights. The group has been working with female litigants in India’s justice system since 1993. Staff



Judge Upadhaya from Nepal and Justice Banerjee from India at a meeting to review gender sensitization training materials.

members' work with judges began with a 1996 survey of judges, female litigants and lawyers in five urban centres in India. They documented the judicial understanding of gender-specific crimes and juxtaposed this with women's experiences in the justice system. In 1997, with proof in hand and a grant from the Trust Fund, Sakshi organized a meeting of 26 superior court judges and 12 lawyers and activists from the Asia Pacific region to discuss gender bias in the courtroom. Surpassing all expectations, the meeting resulted in the Asia-Pacific Advisory Forum on Judicial Education on Equality Issues, a partnership between judiciaries and NGOs.

The Forum has begun a process of gender equality education throughout South Asia. Under Sakshi's guidance, the Forum appointed a management team of NGO representatives and judges to develop a prototype for gender equality education, including role-plays, theatrical presentations and scheduled shelter and prison visits. At the same time, NGOs in Bangladesh, Pakistan, Sri Lanka and Nepal conducted their own research, much like Sakshi's study. Each country followed up with a country-level meeting modeled after the original regional forum to start gender education initiatives.

The effort is thriving under Sakshi's leadership. Judges are being trained to teach their peers about gender equality, and Sakshi plans to include the police and health-care practitioners in the education programme. Eventually, Sakshi would like to see law schools and judicial training institutes incorporate gender equality education into their curricula.

Background: Gender and Injustice

Shahjahan and Satya have run a women's shelter together for over 13 years, but their paths might have never crossed, if not for strikingly similar experiences. Both women, one illiterate and the other educated, once had daughters. The

marriages of their daughters were greeted with joy, but the celebrations did not last long, since their new families wished to extract greater wealth from the girls' families through dowry, the gifts and money traditionally given to the groom's family by the parents of the bride (Action Aid India 1995).

In recent decades, the practice of dowry and its attendant disputes has increased, spreading to new groups and crossing social and economic boundaries. This phenomenon is often blamed on severe poverty, the low status of women in society and rising consumerism (Singh n.d.; Moore 1995). The consumerist dimension and the use of cash "earnings" from dowry to finance business ventures play such a large role that the practice has been referred to as the "dowry business" (Hayward 2000).

A dowry dispute can last years, during which a woman's physical safety is held as a form of collateral to pressure her parents into supplying cash and consumer goods to the groom's family. In the cases of Shahjahan and Satya, each found her daughter's body burned and cast into a corner for their mothers to retrieve, joining the thousands of Indian brides killed each year (Weaver 2000). Satya recalls pleading with her son-in-law to protect her daughter. As with many other cases, the mothers gave no thought to the possibility of their daughters' returning home.

The women moved on, but with their daughters' fates in mind. They brought their cases to the police and began working with other women to battle the dowry problem. Today, they run a shelter so that women like their daughters can escape the violence. But the battle, both within the justice system and without, has been difficult, especially for Shahjahan. To get the police even to register her daughter's homicide, Shahjahan and several friends and relatives staged a sit-in with her daughter's corpse in front of the local police precinct (Action Aid India 1995).

Twenty years and many courtroom battles later, Satya's case has been won. However, Shahjahan's has not. In the meantime, those responsible for the deaths of the daughters remarried and otherwise went about their lives as if nothing had happened. This is not uncommon in India's judicial system, where cases often take 10 to 15 years to resolve.

Over 20 years after Satya's and Shahjahan's daughters were killed, such stories are still common⁵. Dowry-related abuse is not the only problem that is treated in a dilatory and inhumane fashion. No form of violence against women and girls has a good prospect for legal redress. For a woman to bring her case to court, she must be prepared to lose everything without gaining even the most remote semblance of justice. The entire process challenges a woman's belief in herself, her truthfulness and her integrity every painstaking step of the way. She first must overcome her own upbringing and family pressures. If she is raped, she is expected to stay silent, lest she be stigmatized and her family humiliated.

5 The examples here are primarily related to dowry harassment and rape. This is not intended to ignore other forms of physical, sexual and psychological violence against women and girls, from self-immolation of widows to trafficking, nor the many motivations for violence against women from caste oppression, as in the rapes of Dalit (so-called untouchables) women.



Shahjahan and Satya, founders of Shakti Shalini, an NGO which provides shelter and assistance to women in India.

If she is beaten by her husband, she is expected to endure it for the sake of the family. A woman will only seek outside help as a last resort.

When a woman goes to the police station in a state of despair, she is greeted with a routine and even contrary response. The police often refuse to lodge her complaint. In cases of domestic violence, the police officer is likely to tell a woman to go back to her family and sort it out with her husband. If the case is accepted by the police, the ensuing investigation is subject to delays and carelessness (Singh n.d.).⁶ During this time, the woman is often under constant pressure by her family to abandon her case.

If a woman has left an abusive situation in her own home, she must fend for herself. Perhaps she will find her way to a shelter, but that is little consolation. Some shelters require a woman to leave her children behind. She may face restrictions on her mobility, limiting her access to medical attention and employment. She may be viewed as a woman who has gone astray, by both shelter staff and the surrounding community (ibid.). In the meantime, the perpetrator goes on with his life, free to do as he pleases.

Worse still is the trial itself. Societal attitudes towards women are reflected and reinforced in the courtroom. According to Naina Kapur, director of Sakshi, the criminal justice system dictates that a woman should be a "perfect victim" – one who suffers in silence the humiliations, the beatings and the rapes to which she has been subjected. Any woman who tries to claim her rights is viewed as immoral and disdainful of family values. For Niti Dikshit, a Supreme Court advocate who collaborates with Sakshi, one case, brought by a woman who was gang raped, stands out. "There was this single, solitary woman," she said, "and the rest of the court was full of men, including the accused, who were four or five in number. The attitude was that here are these poor men who are being humiliated by this woman who has brought this false complaint. They all ganged together, including the judge and the lawyers, and there was this one woman trying to face all of them."

In such a setting, a woman plaintiff is then asked interminable questions about the violence inflicted upon her. In rape cases, the sexual history of the complainant, the clothes she wears and judgements about her moral character

⁶ According to Singh, the investigation deadline of 90 days is seldom met, important evidence is not collected in time, statements are not taken from witnesses and the necessary medical exams are not conducted quickly

are considered valid evidence against her. “I couldn’t believe the judge was addressing me in this way,” one woman told Sakshi. “He did nothing to prevent me from being subjected to humiliating questions, despite objections raised by my lawyer. I felt like crying. This was worse than the rape itself.”

Such attitudes towards female complainants are legitimized by law and custom. The Indian Evidence Act (section 155 [4]) specifically states that the sexual history of the complainant is admissible in a rape case. Moreover, rape is not seen as an act of aggression and domination but as an uncontrollable act of passion and the perpetrators as “victims of sexual lust” (Human Rights Watch 1999). In cases of domestic violence, the overriding concern for all involved is to maintain the family (UNESCAP 1997; Mitra 1999); the fate of the woman is of no consequence.

The final blow is likely to be the outcome of the trial. Most of the time, there is an acquittal. When there are convictions, in less than 10 per cent of rape trials, complainants receive a final slap in the face – a mild sentence for the perpetrator. Often sentences are reduced below the normal requirement of the law, reflecting gross misconceptions by society at large about the nature of the crime at hand. In addition to the conduct or moral character of the woman, factors that may influence a sentence include the age of a rapist (youth being an exonerating factor); the length of time a case takes to make it to trial, as the judge may reason that the perpetrator has already suffered enough; and the view that men who rape women are not responsible for their actions but are instead victims of their own sexual drive (Singh n.d.).

Sakshi’s Decision: To Target Judges

For Sakshi the final sentencing has been one of the most frustrating stages of the entire judicial process. After all of the bureaucratic steps involved in bringing a case to trial, the derision and suffering at the hands of a hostile courtroom, and after waiting years for a trial and then a court decision, a woman sees very little justice. She is left mentally and physically destroyed by the struggle and by the shame and hostility she faces both in and out of the courtroom. Sakshi staff began to ask, “In our pursuit of justice, did we in fact compromise the individual woman?” After careful introspection, they came up with an answer – the system itself needed to change.

Sakshi realized that judges, unlike police and lawyers, had not been targeted for sensitization. Moreover, judges have few fora in which to meet and discuss issues. According to Sakshi, “It [the judiciary] is a powerful institution, capable of giving direction to other mainstream ...institutions such as the police, health practitioners and lawyers” (UNIFEM 2000). Through their ability to control the courtroom environment and the trial process, judges play a large role in determining the dimensions of women’s rights. Supreme Court advocate Meenakshi Arora explains that if one judge says, “Sorry, but I don’t allow these questions to be put to the complainant,” then the next lawyer who comes along knows that such questioning will not be allowed.

Sakshi’s initiative was further aided by the activist character of the Supreme Court of India. S.K. Guha, of UNIFEM’s South Asia Regional Office,

explained that India's constitution includes a provision for individuals to bring violations of their fundamental rights directly to the High Courts (State Supreme Courts).⁷ In the 1980s, the Supreme Court interpreted this to mean that any citizen can bring the violation of any other person's or any other group's fundamental rights to the Court's notice. As a result of this ruling, NGOs and activists brought a wide range of issues, such as the minimum wage and tribal rights, to the Supreme Court, and in a series of judgements the Court emerged as a champion of human rights.

In the 1990s, women's groups won a landmark case. It began with a trial against a group of men who had raped a woman working with a government-funded agency to end child marriages in Rajasthan. The attack was in retaliation for her attempts to prevent a child marriage. The lawyers working on her case decided to file a second, separate petition to the Supreme Court, arguing that the employer should be responsible for protecting its workers. A lawyer who worked on the case with Sakshi explained, "We felt that if a woman is faced with circumstances like this in the course her duties, there has to be some protection afforded to her." She continues, "Shortly thereafter the government ratified CEDAW, putting us in a better position, and we had judges who were really willing to hear us and who thought they should do something about it." Although the woman did not win the rape case, the Supreme Court ruled in favour of the second petition. Through a constitutional provision that allows the Court to address a weakness in existing legislation, the sexual harassment guidelines of its ruling have the force of law.⁸

Judgements such as this signaled to Sakshi that judges were ready to discuss women's experiences in the legal system.

Challenges and Strategies: Building a Partnership for Change

Faced with entrenched biases, Sakshi needed to figure out how to talk with judges and get them to hear women's voices, to see their suffering and to acknowledge the social injustices women face. They used a set of carefully selected strategies, which included: documenting gender bias by judges; bringing in judges from other countries in the region; forging a partnership between judges and activists around the theme of equality; and organizing visits to women's shelters and prisons to help judges understand how the biases they carry from society to the courtroom affect the outcomes of trials.

7 "Fundamental rights" are laid out in Articles 12 – 35 in Part III of India's Constitution under the general headings of Right to Equality, Right to Freedom, Right Against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights and Right to Constitutional Remedies. This last category includes Article 32 which states: "The Supreme Court shall have power to issue directions or orders or writs... whichever may be appropriate for the enforcement of any of the fundamental rights."

8 *Vishaka and Others vs. State of Rajasthan and Others*. "Sexual harassment in workplaces is to be treated as 'law declared', under Article 141. 'In the absence of domestic law occupying the field, to formulate measures to check the evil of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein'. The guidelines draw heavily on the *International Convention on Elimination of Discrimination against Women (CEDAW)*" (Srinivasan 1998).

Getting the Proof

Sakshi realized they could not approach judges without proof of a bias against female litigants, so before beginning the Trust Fund project, they carried out a study on the nature and extent of such bias. At first they ran into apprehension on the part of judges, who felt that collaborating with an NGO could compromise their impartiality. According to Kapur, many judges would say, "I can't talk to you, you're an NGO and this threatens my independence." Soon they found an ally in Chief Justice of India, A. M. Ahmadi, who was prepared to be the first one to answer Sakshi's questionnaire. His example set the tone for the rest of the programme, and he continued to play a major role even after his retirement.

Working in five cities, teams comprised of one activist and one lawyer interviewed 109 judges from the District Courts, High Courts and the Supreme Court. They also interviewed female lawyers and litigants to capture their experiences. The results exposed a serious problem within the judicial system – attitudes that have an adverse affect on a female complainant's attempt to seek justice. Foremost is the idea that women are somehow responsible for male violence. According to Sakshi, "it is the durability of this assumption expressed by judges... that allows so much male violence against women to continue unchallenged, to the extent that even where women have suffered extreme violence, they are blamed for either provoking or tolerating that violence" (Sakshi 1997).

The results, published in a 1996 report entitled "Gender and Judges: A Judicial Point of View," challenged the notion of judicial neutrality. About half of the judges interviewed felt that women who are abused by their spouses are partly to blame for their situation by virtue of the fact that they stay with their abusers. About 68 per cent felt that provocative attire was an invitation to rape and 55 per cent felt that the moral character of the victim is relevant to rape.

Although these findings indicated a real problem, Sakshi was encouraged by the openness of many judges. In fact, most judges felt that domestic violence was under-reported and that the courtroom atmosphere is not conducive for women to speak openly about violence. Many judges expressed a willingness to participate in a training programme. With these insights, Sakshi was able to elicit the participation of judges to develop a training programme.

A Regional Approach

In January 1997, Sakshi convened a meeting called "Regional Perspectives on Gender Equality," under the auspices of the National Judicial Academy. The meeting brought together high-level judges, lawyers and NGOs in the region to discuss gender equality in the courtroom and encourage a judicial initiative for change. The 26 judges and 15 lawyers and activists came from India, Nepal, Sri Lanka, Pakistan, Bangladesh and Fiji, as well as from Canada and Australia.

Sakshi took a regional approach to facilitate dialogue among South Asian states and avoid singling out a particular country or culture. According to UNIFEM's S.K. Guha, a regional approach is construed by governments in

South Asia as less threatening than a national one. Moreover, seeing that issues were common across countries, judges might be more receptive and able to speak more openly. To lubricate the process, judges from Canada shared their experiences addressing gender bias in the Canadian justice system, demonstrating that Sakshi's intention was not to criticize or demean any particular country or culture.

The shared history of South Asia provided another reason for taking a regional approach. Pakistan, India, Sri Lanka, Nepal and Bangladesh were once a single political entity, and all, except Nepal, inherited the same Penal Codes left by the British. With regard to gender bias in the legal system, Justice Ahmadi explains, "this issue is prevalent not only in India, but throughout the region." As a result, Sakshi felt that studies on judges were needed in other countries and that a regional network would strengthen national-level efforts in each country.

The judges assembled at this meeting were from the highest levels of their judicial systems. Thus, Sakshi ensured that powerful and influential leaders from the judiciary were key players in the project from the start. Strengthened by the support of Justice Ahmadi, their participation gave the project legitimacy.

Partnerships for Equality

Trust Fund recipients in several countries commented that judges, by and large, do not like to be taught. Sakshi also had learned from their survey that judges were wary of interacting with NGOs, fearing that learning from them could jeopardize their impartiality. According to Sakshi, "the judiciary observes strict protocol and is stamped by the belief that, above all, a judge must remain impartial and neutral" (Sakshi 1997:2). This belief is based on the notion that judgements are passed according to some objective truth (*ibid.*). In order to introduce gender issues into the judiciary, Sakshi focused on the legal principle of equality, rather than the actual acts of violence against women. To get the message across, says Kapur, "you have to speak their language using your perspective."

"Equality has been the defining aspect of the whole programme," Kapur explains. "The issue is not violence, the issue is equality." Although this strategy meant toning down their activist stance, it was the key to success. Both judges and activists readily understand equality; it is a basic premise for the work of judges and a goal for activists. In India, equality before the law is one of the fundamental rights set forth in the constitution.⁹ Sakshi emphasized substantive equality, that is, taking the subordinate position of women in society into account when hearing their cases.

Speaking at the plenary session, Justice Ahmadi pointed out that "wittingly or unwittingly we all carry biases within us and reflect them in the quality of justice that we make available for women" (*ibid.*:12). The president of the Supreme Court Bar Association of India and the Chief Justice of Sri Lanka backed up this statement, persuading other justices of the need to

⁹ Article 14, *Equality before Law*, states: "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Forging a Lobbying Network for Domestic Violence Legislation in Macedonia

In 1999, the Association for Emancipation, Solidarity and Equality of Women (ESE) began an effort to advocate for domestic violence legislation in Macedonia. The initiative brought together lawyers, politicians, and representatives from institutions and NGOs. In January 1999, ESE held a three-day workshop on domestic violence issues in which 100 representatives from women's organizations and political parties participated. The presence of Macedonian experts from the Ministry of Justice, Parliament and NGOs was reinforced by trainers from Europe and the United States. The workshop resulted in a working group of lawyers and judges which drafted amendments to all relevant codes, including the Criminal Code, Criminal and Civil Procedures Codes and the Family Law Act.

With proposed changes in hand, ESE will mount a concerted campaign to get the changes passed. They will organize meetings with key ministry officials and legislators, and work with supportive women legislators to lobby within their parties. By involving ministry officials in the campaign for legislative change, they will have laid important groundwork for implementation within the agencies charged with implementation.

address gender bias in the courts. Justices from Canada and Australia shared their experiences with implementing gender education, followed by smaller group discussions. Since gender bias was unfamiliar ground for many judges in attendance, the plenary sessions proved to be most useful. Judges were more likely to share their opinions in an environment where all could hear them. Further, judges chaired the sessions, setting examples by speaking first and putting their colleagues at ease.

Sakshi widened the discussion by including NGOs, who provided perspective on the realities women face and highlighted the fact that these problems are not limited to one country. The overall approach of encouraging dialogue among judges and NGOs worked so well that, at the end of the first conference, some judges stated they wished that there had been even more room for discussions with NGOs (*ibid.*).

Ultimately, one of the greatest strengths of the programme has been the emergence of a judge-NGO partnership. The meeting ended in the creation of the Asia Pacific Advisory Forum on Judicial Education on Equality Issues, a consortium of judges and NGO representatives from each country present at the meeting. Forum members are working to begin a gender equality education programme for judges in their respective countries. And in each country, NGOs conducted research on gender bias in the judiciary. The NGOs and judges then organized country-level workshops with Sakshi's assistance. As the work of the NGO-judge teams

progresses in each country, the Forum will meet to review the accomplishments and share challenges.

Building Blocks for Ownership

The Forum established a Management Team of seven judges and four NGO representatives who worked with Sakshi to develop a gender equality training prototype. The prototype was tested in a five-day workshop in New Delhi, then applied at the workshops in Pakistan, Bangladesh, Nepal and Sri Lanka. It uses a variety of techniques, such as theatre, role-plays and puppets, and brings together judges and NGOs, health-care professionals and women complainants.

Working with Health-Care and Legal Professionals in Bolivia

In Bolivia, a 1995 study showed that almost three-fourths of reported cases of violence against women occur within the family (OHCHR 1999). That same year the government passed the Law Against Domestic and Family Violence, establishing the legal framework for combating the problem. As in most countries in the hemisphere, Bolivia's legislation was in large part a response to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belém do Pará").

FEMINA, working with Cochabamba Network Against Violence Against Women, is now working on the next challenge – to see that the law and the convention are implemented nationwide. In 1997 and 1998, as part this effort, they trained health-care professionals, police, lawyers and judges with the aim of improving coordination among service providers and educating law enforcement officials about the laws. They focused on high-level personnel who could influence the policies in their respective institutions, but also reached judges and police in rural areas. At the end of a national workshop, participants designed regional and local-level plans to combat gender-based violence in five out of nine of Bolivia's departments. One of the results of this work is that health-care professionals have come to recognize domestic violence as a critical public health issue and subsequently developed comprehensive intervention guidelines.

The results of the in-country workshops have been astounding. Judges participated in exercises that made them think about their decision process. In one workshop, they sat around a table, in the centre of which was a flower arrangement. Without much introduction, they were asked to choose one flower. After some hesitation, one judge selected a flower. As soon as his colleagues followed suit, they were all asked why they choose a particular one. The trainers used this tactic as a metaphor to encourage judges to explore the reasons behind their decisions, something that most admitted they rarely do. This was the first step in examining how their own biases, derived from society and personal experiences, affect the decisions they make.

Role-plays and visits to women in prisons and shelters brought about empathy and a greater understanding of the hardships and obstacles faced by survivors. The shelter visits were particularly revealing for judges, who met litigants outside the courtroom and saw for the first time what they endure. For the women in these shelters, it was an empowering experience to talk with judges who listened intently to their concerns. "It made a great difference," recounts Niti Dikshit, who took judges to a shelter. "I remember one justice insisted that all his colleagues should go to the shelter. I think they could all relate to reality."

Today, judges who previously resisted working with NGOs and who denied the fact of gender inequality are lined up to become trainers for other judges. They have claimed a stake in the process. Kapur explains, "Now that they feel they own this process, they don't want it to go away."

Conclusion: Looking Ahead

The partnership between NGOs and judges is definitive. Eventually, Sakshi hopes to see gender equality education institutionalized in law school curricula and judicial training institutes, so that future generations of judges and lawyers

will know how to treat women equitably in the courtroom – to see them as individuals with legitimate claims to justice.

While the ultimate change will be seen in unbiased judgements, both Justice Ahmadi and Naina Kapur know this will take some time. Institutions

don't change overnight, but sometimes people do. This was the case of one judge in November 1998. On the first day of training she admitted feeling that "women in a situation of violence have the choice of being able to fight back. And if they do not, they have to share a measure of blame" (UNIFEM 2000). The next morning, she shared a revelatory experience:

Last night, I had a nightmare. I am alone in the house and the guard outside on duty knocks at my door. I open the door and he forces himself into my house. He rapes me. I am unable to resist the attack and am paralyzed by fear. When I woke from the nightmare, my heart was palpitating, I was perspiring and still, I was possessed by fear. For the first time, I understood how fear can cripple a woman (ibid.).

Judicial systems evolve slowly, through the actions of judges who, one by one, act as agents of change. "I think the real difference is going to happen in the courtroom," Kapur explains. "The judges will be more sensitive to the needs of the individual woman, to understanding her social context, and they will stop certain kinds of questioning. Those are things you cannot see in judgements."

Building Partnerships: Lessons from the Two Case Studies

The two case studies in this chapter provide a number of insights into forging partnerships with police and the judiciary. They remind us that change in the police and judiciary should be grounded in these respective institutions, but not to the exclusion of input from society. Sakshi and the other NGOs in the Advisory Forum serve as a voice for those who are otherwise unheard and continue to push the agenda for change forward. In Cambodia, the police themselves told CWCC that they could not do their work without cooperation from the communities they serve.

The process of building these partnerships began by targeting individuals in positions of authority within the police and judiciary. Next, in the case of the judiciary, Sakshi found the right concept from which to work. They also helped individuals in these institutions understand the biases that work against the fair treatment of women. Finally, they used training to generate commitment and establish partnerships.

Going Through the Right Channels

State institutions are often resistant to change, making it difficult to get those within an institution to participate in a programme for change. For both Sakshi and CWCC, going through those in leadership positions was a critical factor in their success. The bureaucratic nature of institutions like the police and judiciary means that the buy-in of leaders is a prerequisite for the participation of its members and lends credibility to a project.

Both Sakshi and CWCC obtained the buy-in of institutional leaders by incorporating them into the programme from the outset. Sakshi, in particular, found an institutional champion who could make the project a success and sustain it beyond the first meeting. Justice Ahmadi's activism in recruiting other justices and his endorsement of gender-equality education were invaluable. As an institutional champion, he had the power to gain the participation of others in the short-term and enact change in the long-term.

Equality, Not Violence, as Discourse

Sakshi used the concept of equality as an entry point for getting the judiciary to address gender-based violence. This approach helped them overcome resistance to discussing gender-bias in the courtroom and to working with NGOs. For judges, the notion of equality is fundamental, something for which they feel a professional responsibility and which they can readily discuss. Working from this understanding, Sakshi called on judges to examine their own biases and to consider women's circumstances when hearing their cases. Sakshi used their research on judicial perceptions to reveal biases against female litigants, and common misconceptions about the nature of gender-based violence. Judges learned how these biases and misconceptions work against women, resulting in unequal outcomes in the legal process. Once judges understood the problem, they were ready to do something about it.

Walking in Another Person's Shoes

For police and judges to change their response to gender-based violence, individuals within these institutions must learn to listen. This process involves overcoming the beliefs and biases that arise from society and settle in the individual worldview. It also involves overcoming beliefs embedded in the institution itself. Sakshi used role-plays, exercises designed to look at the decision-making process and visits to shelters to evoke empathy for women and an understanding of women's reality.

Exercises can be used to get training participants to analyse their own decision-making process, while role-plays can be used to help judges understand a woman's frustrations and feelings. Direct contact with women who have made sacrifices in their attempts to seek justice for violence committed against them can drive home the seriousness of their situations. These methods of getting individuals to envision what it is like to walk in another person's shoes are the key to initiating change, one person at a time.

Using Training to Gain Commitment

Social and institutional change does not happen on its own. People steer the process by committing themselves to a goal and taking personal responsibility for achieving it. NGOs and donors alike talk a great deal about how initiatives must come from within a community or institution in order to be effective and sustainable. Training is an opportunity to build commitment and develop initiatives. In both Cambodia and India, training and meetings were used as means to form groups committed to action.

CWCC and Sakshi used training to encourage cohesion among participants and build the trust necessary to make a commitment and take action. Sharing personal stories and views during training sessions was critical in this process. In both cases, training ended with a discussion of what participants could do about the issues raised. While CWCC used brainstorming sessions on community coalitions, Sakshi's first regional conference on gender equality in the judiciary ended with a discussion of next steps, resulting in the creation of the Advisory Forum.

Importantly, CWCC's and Sakshi's work did not end with the training. CWCC continues to hold regular meetings with community coalition volunteers and with police, while Sakshi is organizing follow-up meetings of the Advisory Forum and training judges to conduct gender-sensitization workshops themselves. These follow-up efforts provide support and guidance, ensuring the continuity and growth of the partnerships in each country.

The Broader Perspective: Institutional Partnerships in Trust Fund Projects

Even as legislative progress is made with regard to violence against women, both NGOs and states find that the real challenge still lies ahead. Police and judges need to be equipped with the knowledge and the sensitivity to implement the laws. Many Trust Fund grantees have been working with states to provide such knowledge. While they recognize the need for independent monitoring of the state, they have found that some of the greatest progress in improving laws and the implementation of laws has come by building partnerships with institutions.

A number of Trust Fund grantees working with police or judges began their projects by organizing consultations with key members of these institutions. In Bangladesh, the Centre for Women's and Children's Studies is organizing consultations among police officials and NGOs to brainstorm content for educational materials. When working at the community level, they invariably include local officials as well. The Women's Self-Reliance Association in Ethiopia plans to develop methods to address violence against women in collaboration with police, judges and community leaders. Such efforts motivate police and judges to make the project a success.

Once they have the right connections established, NGOs move forward to training police and judges. Many Trust Fund grantees and staff from UNIFEM's regional offices have emphasized the importance of respecting professional pride when trying to introduce gender issues into legal institutions. A variety of approaches have been taken to diffuse resistance that arises when NGOs try to teach officials about gender-based violence. In India, gender-sensitization training for police included a film documenting a woman's futile efforts to obtain help from the authorities. An initiative in Yemen will be training selected judges and prosecutors as trainers to conduct workshops for their colleagues. Linking professionals within countries in this manner defuses resistance. Expanding efforts beyond national boundaries has a similar impact. A project in Africa will train judges in four countries to sensitize their colleagues in subsequent workshops. And in Latin America, Lugar de Mujer drew on the regional affiliation of Argentina, Brazil, Uruguay and Paraguay to develop a consultation with judges to review legislation on violence against women.

As the projects in this chapter and other Trust Fund initiatives show, a single meeting or workshop is only a place to start. It can be used to bring police and judges on board and help them understand that NGOs and community members can help them do their jobs better. This understanding is a building block for partnerships that can lead to ever greater change for women seeking justice.

References

- Action Aid India. 1995. *Violent Homes: A Study of Shakti Shalini's Experiences with Women Victims of Domestic Violence*. Learning from Experience Series – 1. India. May. Bangalore: Action Aid India.
- Chey, Elizabeth. n.d. "The Status of Khmer Women." Website: www.mekong.net/cambodia/women.htm.
- Cambodia Women's Crisis Centre (CWCC). 1998. *Annual Report*, November 1, 1998 to October 30, 1999.
- _____. 1997. *Bi-Annual Report*, February 24, 1997 to August 24, 1997.
- Hayward, Ruth Finney. 2000. *Breaking the Earthenware Jar*. New York: UNICEF.

- Human Rights Watch. 1999. "Broken People: Caste Violence Against India's 'Untouchables.'" March, Washington, DC. Website: www.hrw.org/reports/1999/india.
- Kamm, Henry. 1998. *Cambodia: Report from a Stricken Land*. New York: Arcade Publishing.
- Kingdom of Cambodia. 1998. *Cambodia Human Development Report: Women's Contribution to Development*. Phnom Penh: Ministry of Planning.
- Miller, Erica and Ian Ramage. 2000. "Working against Violence in Cambodia," Unpublished article commissioned by UNIFEM.
- Mitra, Nishi. 1999. "Best Practices among Responses to Domestic Violence in Maharashtra and Madhya Pradesh," in *Domestic Violence in India: A Summary Report of Three Studies*. Washington DC: International Center for Research on Women.
- Moore, Molly. 1995. "Consumerism Fuels Dowry Death Wave," *The Washington Post* March 17.
- Office of the High Commissioner for Human Rights (OHCHR). 1999. "National Plan of Action for the Promotion and Protection of Human Rights in the Medium and Long Term: Bolivia," Geneva, Switzerland. Website: www.unhchr.ch/html/menu2/bolivia.htm.
- Renol, Kea Kiri. 1997. "Development of Community Psychology: Interventions at the Village Level," paper presented at the Psychology Forum, 9 June, Royal University of Phnom Penh, Cambodia.
- Rusaw, Carol A. 1998. *Transforming the Character of Public Organizations: Techniques for Change Agents*. Westport, CT: Quorum.
- Sakshi. 1997. "Report on Regional Perspectives on Gender Equality," New Delhi, January 4-5.
- Singh, Kirti. n.d. "Violence Against Women and Girls in India," unpublished paper. New Delhi, India.
- Special Representative of the Secretary-General for Human Rights in Cambodia, Mr. Thomas Hammarberg. 1998. "Situation of Human Rights in Cambodia." UN Commission on Human Rights, 54th session, Item 17 of the provisional agenda. A/53/400. 17 September. E/CN.4/1998/95 20 February. New York.
- Srinivasan, A. 1998. "Sexual Harassment," *Indian Journal of Gender Studies*, no. 1 (January-June): 115-125. Website: www.hsph.harvard.edu/Organizations/healthnet/SAsia/library/libraryframe.html
- United Nations (UN). 2000. "Report of the Ad Hoc Committee of the Whole of the 23rd Special Session of the General Assembly." UN General Assembly Official Records, Supplement No. 3 (A/S-23/10/Rev.1), New York.
- _____. 1996. *Platform for Action and the Beijing Declaration*. Fourth World Conference on Women. Beijing, China. New York: UN Department of Public Information.
- UN Economic and Social Commission for Asia and the Pacific (UNESCAP). 1997. "Report on the Subregional Expert Group Meeting on Eliminating Violence Against Women." Dhaka, Bangladesh, December 14-16. Website: www.unescap.org/wid/04widresources/06meetreport/dhak-rep.pdf.
- UNIFEM. 2000. *Best Practices: South Asia* Series 1. New Delhi: UNIFEM South Asia Regional Office.
- U.S. Department of State. 1998. "Cambodia Country Report on Human Rights Practices for 1997." Website: www.state.gov/www/global/human_rights/1997_hrp_report/cambodia.html
- Weaver, Mary Anne. 2000. "Ghandi's Daughters: India's Poorest Women Embark on an Epic Social Experiment," *The New Yorker* January 10.
- Zimmerman, Cathy. 1994. *Plates in a Basket Will Rattle: Domestic Violence in Cambodia*. Phnom Penh: Project Against Domestic Violence.