

Report of a mapping exercise on lawyer trainings on women's human rights in Africa

Prepared by the Centre for Human Rights, University of Pretoria
September 2014

Abbreviations

ANCL	African Network of Constitutional Lawyers
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CESCR	International Covenant on Economic, Social and Cultural Rights
CHR	Centre for Human Rights
CRR	Centre for Reproductive Rights
HRDI	Human Rights Development Initiative
ISLA	Initiative for Strategic Litigation in Africa
IWRAW	International Women's Rights Action Watch Asia Pacific
SALC	Southern Africa Litigation Centre
SEARCWL	Southern and Eastern Africa Regional Centre for Women's Law
SOAWR	Solidarity for African Women's Rights
ZLHR	Zimbabwe Lawyers for Human Rights

1. Introduction

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Women's Rights Protocol) is an innovative regional human rights instrument to advance women's human rights in the region. It has been ratified by 36 African states.

Civil society organisations in Africa are using the Women's Rights Protocol as a tool to advocate for the promotion and protection of women's human rights and promoting the Women's Rights Protocol as an instrument to ensure state accountability for violations of women's human rights. Towards this end, some organisations in the region are training lawyers to use the Women's Rights Protocol in domestic cases, and also to engage with the regional mechanisms to secure women's access to justice. In this process, lawyers are sensitised on women's human rights and are trained to better understand obstacles to women's access to justice in order to effectively overcome the identified obstacles in the legal system. In some instances, the training focuses on specific issues, such as harmful practices, reproductive health, property and inheritance, or violence against women. Some universities incorporate women's human rights in the training of law students. Training lawyers and law students in the region on women's human rights is an important strategy towards strengthening the implementation of the Women's Rights Protocol.

2. Background

The Centre for Human Rights (CHR) undertook a mapping exercise to identify lawyer trainings on women's human rights in Africa. Through identifying the relevant civil society organisations and institutions, the exercise aimed to establish if institutions engaged in training lawyers in the region are aware of other trainings, and to what extent such institutions collaborate with each other, if at all. The mapping will inform a meeting of identified relevant institutions to share information and strategise about strengthened collaboration and increased complementarity of the trainings.¹ Good practices will be identified for possible replication in future trainings. It is envisioned that this report and meeting will stimulate increased cooperation among institutions training lawyers on women's human rights towards effectively achieving the shared desired results.

The mapping identified twelve institutions that train lawyers on women's human rights in Africa. In Africa, these organisations are located in South Africa, Kenya, and Zimbabwe. Outside of Africa, they are located in the United States and Malaysia. Organisations in other parts of Africa were not identified. Either they did not come to our attention or the trainings they offer are of a more general nature and not relevant to this exercise.

¹ Pretoria, 23 September, 2014.

3. Methodology

A survey was developed by the CHR and emailed to organisations that are training lawyers on women's human rights in Africa.² The CHR requested that the recipients complete the survey and they were also requested to share the survey with relevant organisations in their network. Requests were followed up telephonically where necessary.

Through its network of lawyers and civil society organisations in Africa, the CHR was able to target the most relevant organisations for this exercise. For example, an email was sent to the CHR's alumni network of over 400 alumni in forty African countries with a request to complete the survey, if relevant, or bring trainings by other organisations to our attention. A similar request was sent by email in both French and English to the African Network of Constitutional Lawyers (ANCL). Other organisations were contacted based on the CHR's familiarity with their activities on women's human rights in the region, including training, particularly where the CHR has partnered with such organisations or provided expertise. Members of the Solidarity for African Women's Rights network, of which the CHR is also a member, were contacted through the network's list serve with a request to complete the survey.

While some completed surveys revealed various trainings of a general nature on women's human rights in Africa for civil society or other stakeholders, the organisations referred to in this report are those that convene specific training for lawyers towards the common goal of advancing women's human rights cases in the legal system at the domestic or international level.

The organisations that were identified are:

- Human Rights Development Initiative (HRDI) – Pretoria, South Africa
- Southern and Eastern Regional Centre for Women's Law (SEARCWL), University of Zimbabwe – Harare, Zimbabwe
- Initiative for Strategic Litigation in Africa (ISLA) – Johannesburg, South Africa
- IPAS Africa Alliance – Nairobi, Kenya
- Centre for Reproductive Rights (CRR) – Nairobi, Kenya
- Southern Africa Litigation Centre (SALC) – Johannesburg, South Africa
- Zimbabwe Lawyers for Human Rights – Harare, Zimbabwe
- Leadership and Advocacy for Women in Africa Fellowship Programme, Georgetown University Law Centre – Washington, DC, United States
- International Women's Rights Action Watch Asia Pacific (IWRAP – Asia Pacific) - Kuala Lumpur, Malaysia
- Equality Now – Nairobi, Kenya
- FIDA Kenya – Nairobi, Kenya
- Centre for Human Rights (CHR), University of Pretoria – Pretoria, South Africa
- International Commission of Jurists Kenya – Nairobi, Kenya

² The survey is available at <http://www.chr.up.ac.za/index.php/survey-on-training-for-lawyers.html>

4. Limitations

The information in this report is limited to the information provided by the organisations that responded to the survey. It may not be exhaustive. Supplementary information will be gathered at the Pretoria meeting and will be included in the meeting report which will supplement this report.

5. Summary of mapping outcomes

5.1 Trainings 2012 - 2014

Organisation	Training	Number of lawyers trained (approximate)
Fida Kenya	Reproductive health rights training for lawyers (Kisumu and Mombasa)	25 - 50
IWRAP	Litigating women's human rights using CEDAW (Mediterranean and North African region)	200 – 300 (since 1993 not exclusively in Africa)
CRR	East Africa regional litigation workshop Reproduction rights public interest litigation training for Rwandan lawyers	25 - 50
IPAS Africa Alliance	Regional trainings (3) for lawyers on safe abortion	50 - 75
Zimbabwe LHR	Women's human rights defenders workshop (not clear if this was specifically for lawyers) Women's litigation conference: realisation of women's economic, social, cultural rights	75 - 100
ICJ Kenya	Training for paralegals on women's rights Stakeholders forum on gender and judicial reforms Training on litigating women's social and economic rights	50 - 75
Equality Now	Eleven lawyers trainings (Nairobi, Arusha, Dakar, Pretoria, Abidjan, Harare, Juba, Kampala) and 1 Banjul study tour (details or participants' background not provided)	200 - 300
SALC	Litigating health rights (Zambia) Other trainings have included lawyers but not specifically for lawyers	25 - 50
ISLA	Eight lawyers trainings on women's human rights	125 - 150
HRDI	Trainings for lawyers on the intersection HIV and a number of women's human rights issues	25 - 50
SEARCWL,	Masters in Women's Law	200 - 300

University of Zimbabwe		
Georgetown University	Leadership and Advocacy Fellowship Programme	75-100
Centre for Human Rights, University of Pretoria	Masters in Human Rights and Democratisation in Africa (women's rights module and women's right clinic)	+400

5.2 Training (September 2014 and beyond)

Organisation	Training
FIDA Kenya	Planning training but details not yet specified
IWRRAW	Training for lawyers in Africa on the complementarity framework of CEDAW and CESCRR to support strategies on litigation and court watch monitoring
CRR	Public interest litigation training
IPAS Africa Alliance	Continuing regional lawyers training on safe abortion
Zimbabwe LHR	Continuing litigation training on women's human rights issues
ICJ Kenya	Regional judiciary trainings in Kenya, Uganda, Rwanda, Burundi, and Tanzania
Equality Now	Follow up trainings for lawyers who have undergone the initial training (from Equality Now) to undergo a second module with a focus on instituting litigation
SALC	Possibly on land and property rights but not yet planned
ISLA	Expert strategy advice on ISLA's litigation strategy on VAW Advisory opinion on women's land and property rights before the African Court Three workshops (Malawi, Kenya, Uganda) with lawyers on litigating women's human rights Litigating women's human rights parallel session at the NGO Forum of the ACHPR (October 2014) In-depth litigation training with 4 participants
HRDI	None
SEARCWL, University of Zimbabwe	Masters in Women's Law
Georgetown University	Leadership and Advocacy Fellowship Programme
Centre for Human Rights, University of Pretoria	Masters in Human Rights and Democratisation in Africa (women's rights module and women's right clinic)

5.3 Goals of the trainings

The most common goals identified for the trainings are to identify women's human rights cases for litigation, and to raise awareness amongst lawyers about women's human rights. Sensitising lawyers to gender bias in the justice system and popularising the Women's Rights Protocol are other common goals.

Other goals that were noted:

- I. *To strengthen capacity for legal reform and litigation on access to safe abortion. (IPAS Africa)*
- II. *To enable lawyers to understand and use domestic, regional and international human rights mechanisms more effectively with respect to people living with HIV and women as a vulnerable group. (HRDI)*
- III. *To engender and imbue with human rights, gender and sex sensitivity all aspects of the law. (SEARCWL)*
- IV. *To highlight local and regional case law on related rights which can be used as resources in litigation and to develop a database of local lawyers to whom public interest litigation can be referred. (SALC)*

5.4 Networks

Most of the identified organisations have established networks of lawyers trained in women's human rights. The purpose of the networks is to share useful resources and to identify further training opportunities. The extent to which information is exchanged within these networks is not clear. In some instances, networks seem to be loosely defined as the sharing of contact information following the training.

Networks are most established amongst academic institutions, for example:

- Alumni from Georgetown University have created national alumni networks in Ghana, Tanzania and Uganda where they reach out for research assistance.
- The CHR has an active alumni network which has a dedicated salaried coordinator. Information is shared via an email list-serve and a quarterly newsletter. There are national chapters.
- The SEARCWL has an alumni website.

5.5 Awareness of other organisations conducting similar trainings

All organisations identified are aware of other organisations conducting trainings. In most instances the same organisations identified by the mapping were those referred to by other organisations.

5.6 Complementarity

There is limited complementarity with respect to certain aspects of the training including:

- i. cases identified;
- ii. materials used;
- iii. resource persons and;
- iv. a common thematic focus of the training

It seems the complementarity is more by chance than deliberate except where organisations have clearly indicated partnerships.³

5.7 Collaboration

Collaboration amongst the organisations is limited. Where it does exist, the nature of collaboration is mostly with respect to drawing on a limited pool of resource persons and materials.

Some specific examples of collaboration included:

- ISLA collaborates with other organisations to identify cases.
- ICJ Kenya and Equality Now have partnered in a project that seeks to build the capacity of regional judiciaries on the Women's Rights Protocol. The project is called, 'Outreach to the judiciary to implement the protocol on the rights of women in Africa'. The project will be implemented in Kenya, Uganda, Tanzania, Rwanda and Burundi and will seek to influence the judicial curriculum to include gender issues. Regional colloquia on the Women's Rights Protocol will be conducted. The project will also seek to produce case digests on progressive judicial decisions in Africa affecting women's rights and the digests will be used in these trainings.
- For each training, Equality Now collaborates with an identified organisation in the host country.⁴ The partner organisation assists to identify the thematic focus of the training, identifying and mobilising participants, identifying local experts and resource persons. The local partners also provide advice on the country context and history as far as litigation of women's rights is concerned. In some cases, local partners also assist Equality Now to follow up on matters such as pursuing litigation and other advocacy strategies.

³ The extent to which the trainings are complementary will be further explored at the regional meeting referred to in section 2 of this report.

⁴ With respect to collaboration between organisations identified in this report, the Centre for Human Rights has collaborated with Equality Now for lawyers trainings. Other organisations that Equality has partnered with are not included in this mapping report as they have not conducted other lawyer trainings outside of their collaboration with Equality Now.

5.8 Participants

Lawyers from over 40 African countries in Africa have been trained in women's human rights by the organisations identified in this exercise. The trainings identified are most prominent in Eastern and Southern Africa. Equality Now and the CHR have the broadest reach with respect to countries from which participants are drawn.

Participants are lawyers who have engaged in women's rights litigation at the domestic and/or regional level. They are identified through national or regional networks such as law societies, partner organisations, and through requests for applications. The selection process by academic institutions is more rigorous.

5.9 Challenges

Identifying resource persons for the training is one of the challenges noted by most organisations. HRDI referred to the challenge in particular, of identifying resource persons with the special skill set and knowledge base to address women's rights as a cross cutting issue. The availability of funds was another frequently cited common challenge.

Other challenges are: identifying and responding to the training needs with respect to women's rights; sourcing relevant training materials; and identifying participants. For example, CRR noted that participants tend to be the same ones attending most of the trainings by many of the organisations. ISLA indicated that it is challenging to identify institutions and individuals who will proceed to conduct litigation after the training.

IWRAW Asia-Pacific noted the short time lawyers can give for training as a challenge and offered that the training is more efficient if it is done as part of professional development.

5.10 Recommendations

The following are preliminary recommendations. Further recommendations are expected from the Pretoria meeting and will be included in the report of that meeting.

- Organisations should consider appointing a dedicated facilitator to engage network members and share information. A facilitator would assist in follow up with participants and tracking progress with litigation.
- The coordinators within the organisations that are training lawyers in Africa should establish a network amongst themselves and communicate regularly, including with respect to planned trainings, challenges and opportunities, possible cases, and resource materials.
- Lawyers in one country that are trained by different organisations should be introduced to one another, even if only virtually.

- A roster of experts on women's human rights, and litigating women's human rights should be established, through a call for CVs, and shared with all relevant organisations to act as resource persons for lawyers trainings.
- Civil society organisations should reach out to academic institutions, in particular those highlighted in this report, for research to support women's rights litigation.
- The *Guide to Using the Protocol on the Rights of Women in Africa for Legal Action* (by Equality Now on behalf of SOAWR) should be used in all trainings to varying degrees depending on the nature of the training.
- To the extent possible, where lawyers have already attended training from another organisation, they should only be accepted to participate in another training if it is specifically designed to advance the training already received. It is therefore important that organisations share information on the content of trainings and participants.
- Civil society organisations and academic institutions should seek funding to develop further training materials for litigating women's human rights, either generally or on specific themes.
- A list of all known electronic resources should be compiled and circulated amongst relevant organisations.

Annex 1: Organisations leading lawyers trainings on women's human rights in Africa

Centre for Human Rights (CHR), University of Pretoria – Pretoria, South Africa

<http://www.chr.up.ac.za/>

Contact person: Ms Karen Stefiszyn – karen.stefiszyn@up.ac.za

The Centre for Human Rights, based at the Faculty of Law, University of Pretoria, is both an academic department and a non-governmental organisation.

The Centre was established in the Faculty of Law, University of Pretoria, in 1986, as part of domestic efforts against the apartheid system of the time.

The Centre for Human Rights works towards human rights education in Africa, a greater awareness of human rights, the wide dissemination of publications on human rights in Africa, and the improvement of the rights of women, people living with HIV, indigenous peoples, sexual minorities and other disadvantaged or marginalised persons or groups across the continent.

Centre for Reproductive Rights (CRR) – Nairobi, Kenya

<http://reproductiverights.org/en/our-regions/africa>

Contact person: Ms Evelyne Opondo – eopondo@reprorights.org

The Centre for Reproductive Rights uses the law to advance reproductive freedom as a fundamental human right that all governments are legally obligated to protect, respect, and fulfil.

Equality Now – Nairobi, Kenya

<http://www.equalitynow.org/>

Contact person: Ms Faiza Mohamed - fmohamed@equalitynow.org

Equality Now works for the protection and promotion of the human rights of women and girls around the world. Working with grassroots women's and human rights organizations and individual activists since 1992, Equality Now documents violence and discrimination against women and mobilizes international action to support efforts to stop these abuses.

FIDA Kenya – Nairobi, Kenya

<http://fidakenya.org/>

Contact person: Ms Christine Ochieng - ochiengc@fidakenya.org

FIDA Kenya is a non-profit, non-partisan membership organization committed to the creation of a society that is free from all forms of discrimination against women. This is done through: Provision of legal aid to indigent women; engagement on legal; policy and legislative reform; treaty monitoring and research; women's rights monitoring; advocacy, education and referral among other programmatic interventions.

As the oldest women's rights organisation in Eastern Africa, FIDA Kenya has carved a niche for itself as a fearless defender of women's human rights at the national, regional and international platform.

Human Rights Development Initiative (HRDI) – Pretoria, South Africa

<http://www.hrdi.org.za/>

Contact person: Ms Asha Ramgobin - ARamgobin@hrdi.org.za

HRDI is a regional non-governmental organisation based in Pretoria, South Africa working in Southern Africa and the Great Lakes Region.

HRDI's overall goal is to contribute to the protection, promotion and respect for the rule of law and human rights in Africa through increasing access to regional and international human rights forums to the poor and vulnerable groups in society.

To this end, HRDI works with university based law clinics at leading universities and human rights non-government organisations in Southern and East Africa to build a cadre of young lawyers dedicated to social and economic justice.

Initiative for Strategic Litigation in Africa (ISLA) – Johannesburg, South Africa

<http://the-isl.org/>

Contact person: Ms Sibongile Ndashe - sibongile@the-isl.org

The Initiative for Strategic Litigation in Africa (ISLA) is based on the belief that strategic litigation is an immensely strong tool for social change because it helps to reframe the understanding of entitlements before the law and it challenges the legal discourse on women's rights and sexual rights. ISLA stands for the proposition that investment in local institutions and individuals is key to maximizing the impact of strategic litigation.

International Women's Rights Action Watch Asia Pacific (IWRAP – Asia Pacific) - Kuala Lumpur, Malaysia

<http://www.iwraw-ap.org>

Contact person: Ms Audrey Lee or Ms Ayesha Sen Choudhury – audrey@iwraw-ap.org or ayesha@iwraw-ap.org

International Women's Rights Action Watch Asia Pacific is an international women's human rights organisation. Since 1993, it has worked to contribute to the progressive interpretation and realisation of the human rights of women through the lens of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international human rights treaties. It promotes the domestic implementation of international human rights standards by building the capacity of women and human rights advocates to claim and realise women's human rights.

IPAS Africa Alliance – Nairobi, Kenya

<http://www.ipas.org/en/Where-We-Work/Africa/Africa-Alliance.aspx>

Contact person: Ms Naisola Likimani – likimani@ipas.org

Ipas Africa Alliance for Women's Reproductive Health and Rights works to reduce maternal deaths from unsafe abortion; to expand the availability of high-quality comprehensive abortion care; and to advocate for policies that advance women's reproductive health and

rights across the continent. Established by IPAS in 2000, the Africa Alliance works with partners in Kenya, Malawi, Mozambique, Senegal, Tanzania and Uganda.

Leadership and Advocacy for Women in Africa Fellowship Programme, Georgetown University Law Centre – Washington, DC, United States

<http://www.law.georgetown.edu/academics/centers-institutes/wlppfp/lawa/>

Contact person: Ms Jill Morrison – morrisic@law.georgetown.edu

The Leadership and Advocacy for Women in Africa (LAWA) Fellowship Program was founded in 1993 at the Georgetown University Law Center in Washington, D.C., in order to train women's human rights lawyers from Africa who are committed to returning home to their countries in order to advance the status of women and girls in their own countries throughout their careers. Over 80 women's human rights advocates from Botswana, Cameroon, Ethiopia, Ghana, Kenya, Malawi, Namibia, Nigeria, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda and Zimbabwe have participated in the LAWA Program.

Southern and Eastern Regional Centre for Women's Law (SEARCWL), University of Zimbabwe – Harare, Zimbabwe

<http://searcwl.ac.zw/>

Contact person: Prof Julie Stewart - jessearcwl@gmail.com

SEARCWL is a Regional Centre housed within the Faculty of Law University of Zimbabwe. The goal of SEARCWL is to improve women's legal and social status in Eastern and Southern Africa and to cooperate with similar centres and institutions internationally and within the Eastern and Southern African regions.

The centre offers an 18 Months long Masters in Women's Law course.

Southern Africa Litigation Centre (SALC) – Johannesburg, South Africa

<http://www.southernafricalitigationcentre.org/>

Contact person: Ms Nyasha Chingore - NyashaC@salc.org.za

The Southern Africa Litigation Centre (SALC) promotes and advances human rights and the rule of law in southern Africa, primarily through strategic litigation support and capacity building.

SALC provides technical and monetary support to local and regional lawyers and organizations in litigating human rights and rule of law cases in the region. SALC also provides training in human rights and rule of law issues and facilitates networks of human rights lawyers and organizations throughout southern Africa.

SALC works in the following countries: Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia, and Zimbabwe. In addition, SALC supports litigation in South African courts that advances human rights in the southern African region.

Zimbabwe Lawyers for Human Rights – Harare, Zimbabwe

<http://www.zlhr.org.zw/>

Contact person: Ms Roselyn Hanzi – rose.hanzi@gmail.com

Zimbabwe Lawyers for Human Rights (ZLHR) is a not for profit human rights organization whose core objective is to foster a culture of human rights in Zimbabwe as well as encourage the growth and strengthening of human rights at all levels of Zimbabwean society through observance of the rule of law.