
Presentation by Irene Khan, Director-General, International Development Law Organization
"Changing Women's Lives: Empowerment, Innovation and Development".

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The Graduate Institute, Geneva

Check Against Delivery

Mr. Annan,

Ambassador Staehelin,

Mr. Burrin, Director of the Graduate Institute,

Distinguished guests, friends, ladies and gentlemen,

It is a great honor and pleasure to speak to you this evening on a subject that is very close to my heart: the empowerment of women and girls. To have the opportunity to do so in the presence of Mr. Kofi Annan is a very special privilege.

I speak as Director General of IDLO – the International Development Law Organization – the only inter-governmental organization exclusively devoted to promoting the rule of law. But I also speak from my personal experience as an Asian woman and an advocate for human rights and gender equality.

I want to commend Ambassador Jenö Staehelin and the Director of the Graduate Institute for setting up this contest – challenging students to combine academic analysis with practical suggestions and come up with innovative solutions to address the major development challenges of our times. And, of course, from my perspective there could be no better topic to kick off this annual competition than women's empowerment. To quote Mr. Annan: "There is no tool for development more effective than the power of women."

The three project proposals that have made it to the final round have focused on how to make women's employment safer, more profitable and respectable, whether the women are international migrant workers, small rural farmers or urban sex workers. I found the proposals and the analysis refreshing but also sobering. Refreshing about how technology can help to empower women, but sobering because the analyses highlight the many formidable challenges that women still face to reach their full potential as equal human beings.

I do not mean to de-value the enormous progress that girls and women have made in education, employment, health, thanks in large part over the past decade to the focus that the Millennium Development Goals have given to these issues. But as the international community gears up to design the [post-2015 Development Agenda](#), the stark truth is that the world remains a very unequal and unfair place for millions of [women and girls](#).

Far too many girls drop out of school, far too many women die in childbirth, far too many women toil at the bottom of the employment ladder in poorly paid and insecure jobs, and far too few women are able to have a say on how to live their lives. From conception to old age gender discrimination is widespread, and violence against women and girls pervasive.

The mission of my organization – the International Development Law Organization – is to promote the rule of law. A core principle of the rule of law is that we are all equal – equally protected by the law and equally accountable to it.

The sobering reality is that in many countries of the world women are not treated equally by the law. The laws subjugate women to their husbands, fathers, brothers or sons and restrict their rights and freedoms, including on such fundamental issues as what they can own or might inherit, whom they might marry or divorce, their relations with their young children, what control they have over their own bodies, where they may go with whom, and even what they can and cannot wear. According to the World Bank, in 128 economies, women do not have the same legal rights and privileges as men to work, travel, earn or carry out a business, and that affects not only the lives of women but economic competitiveness of the countries.

Very often, the inadequacy of the laws and the apathy of institutions allow gender-based violence to flourish. Many women have no option but to turn to informal, customary justice systems, where they often encounter prejudice. Few women can look to formal courts for justice; they are often too expensive, too remote or too complex.

Let me tell you the story of Rosie. In September 2001, I visited a counselling center for women victims of violence just outside Durban, South Africa. In 1998 South Africa adopted a progressive law to combat domestic violence, one of the best in the world. The counselling center had been set up by the provincial government of Natal to help women submit complaints to the police and get a protection order from the local magistrate. The counsellor at the center explained the process to me: it seemed simple, no hassle, low cost. Then she told me about Rosie, a poor woman with five young children and no job or education, a victim of domestic violence. Her husband would get drunk and beat her up often. Then, one day he beat her so badly that she died. I asked the counsellor: why Rosie hadn't sought a protection order from the magistrate? What was wrong with the law? The counsellor replied: "There was nothing wrong with the law. Rosie just didn't have the money for the bus fare to go from her home to the local Magistrate's Court."

As a lawyer, that was a tough lesson for me – legal discrimination can disempower women but laws alone do not empower women.

For many poor women – having an income is key to empowerment because it gives them the freedom to control their lives.

Now, many of you will remember that terrible tragedy of [Rana Plaza](#) in Bangladesh, in my country. (SLIDE) Thousands of garment workers perished when a shoddily built factory building collapsed. That story made headlines – but accidents like that are a regular occupational hazard for women garment workers. Poor village women have moved to the cities to work in garment factories. They put in 12 – 14 hours of back-breaking work and take home about US\$60 a month – hovering just around the World Bank's official poverty line. When I talk to these women, they tell me that no matter how poorly paid in the factories, their lives are still better than in the villages or as domestic help in the cities. Their income and their employment – they say – have given them greater freedom of choice, greater say in how they lead their lives, higher standing in their own families.

But the laws on health and safety are poorly implemented. [Access to justice](#) for victims and their families is hard to get, if not impossible. Even with the well-known case of Rana Plaza there has been no justice, no accountability. They have increased their income – at a cost to their safety. Income alone is not the answer either – gender inequality is not a result of scarcity.

Now let me tell you about Lal Bibi. (SLIDE) Her story was featured in the [New York Times](#) and the [BBC](#) two years ago. Lal Bibi was kidnapped and sexually assaulted by four men, including the local

militia from her village. She had been given away in baad, an Afghan custom under which a woman is handed over as restitution for a crime committed by a family member. Remarkably for Afghanistan, she and her family decided to speak out publicly and file a complaint against the perpetrators. Even more remarkably in November 2012, the court found the four men guilty of rape and sentenced them to 16 years of imprisonment.

The prosecutor handling Lal Bibi's case had been trained under an IDLO program. For the past three years, IDLO has supported the Attorney General's office to build specialized units to investigate and prosecute gender-based violence cases. Radio spots run daily in provinces where new units are located, useful in a country where many women are illiterate. In its first year of operation, the [EVAW Unit](#) in Kabul received 300 cases from 15 different provinces. This figure has quadrupled in only two years. The Afghan Attorney-General recently committed to establishing Units in all provinces of the country.

Alongside the prosecution units, IDLO has helped to set up a [legal aid service](#), and supported Afghan NGOs to run several shelters for women, so that women who are compelled to leave their homes can get social support, legal advice and a remedy against violence. In 2013, some 2000 women sought help, some 700 complaints were registered, and several hundred cases prosecuted.

Needless to say, in a country where thousands of cases of gender violence are not even reported, a few prosecutions will not change women's lives. Much more fundamental reforms are needed to make women safe and a culture of justice to take root. The Presidential decree on the Elimination of Violence Against Women remains precisely that, and there are fears that any attempt to make it a law through Parliament would only lead to it being watered down.

I give these examples to make the point that gender empowerment is a complex, multi-faceted concept. It is the ability of women to control their own destiny, to have the freedom and ability to make strategic choices about their own lives. To do that women must have access to health, education and jobs, they must be able to live safely, without fear of violence or coercion.

Gender equality, gender security and gender empowerment are inseparable and inter-linked by human rights and the rule of law.

I believe the Millennium Development Goals would have delivered much more for women had they not remained silent on women's rights. We will not be able to eradicate poverty or promote sustainable development or create inclusive societies if women's rights are not fully respected, if the law itself discriminates against women, if women are not able to participate fully and freely in decisions that affect their lives; if justice and accountability systems are not responsive to the needs of women.

We have an opportunity ahead of us with the Sustainable Development Goals and the post-2015 Development Agenda. The proposal from the UN Open Working Group discussions have given a prominent place to gender equality but governments have not been as enthusiastic about including the rule of law and access to justice.

Unless we secure women's human rights through the rule of law, we will fail to make development work equally for women and men, we will fail to prioritize those women who are the most vulnerable, the most marginalized and most in need.

Take maternal mortality. Development experts say we need more trained birth attendants, better emergency obstetric care, more information and access to contraception. I don't disagree but I would argue that we need dig more deeply and ask: who decides when a woman should get married, when she should conceive, how many children she should have and how she should space them? Who decides when she should go to the health centre? Those are also factors that affect maternal mortality and cannot be resolved only through health policies.

Most importantly, who decides how much of the national budget should be spent on maternal health? It is worth noting that in the US maternal and infant mortality came down dramatically only after women won the vote – and only when Congress became more representative, did they begin to vote for more funds for maternal and child services.

Almost a decade ago, Mr. Annan in his capacity then as the UN Secretary General set out a definition of the rule of law as a principle of governance, providing not only certainty and predictability of the law but also substantive justice through respect for international human rights – economic, social and cultural rights as well as civil and political rights. Unfortunately, the UN member states remain ambivalent about the rule of law encompassing human rights.

It was also under Mr. Annan's leadership that human rights was made formally a part of the UN development paradigm. Unfortunately they are often overlooked in practice by the development community, including some parts of the UN system.

Experience shows that human rights bring immense value added to the development process for women and girls in many different ways.

- [Human rights](#) are universal: women and girls have the same rights as men and boys under international law. Because these rights are rooted in international instruments to which governments have signed up, they provide a powerful tool to the development community to counter arguments of culture, custom, religion and local laws against gender equality.

- Human rights focus on the human being – not on economic outcomes but on the impact on women's lives – development policies would focus not on whether school buildings have been built but whether more girls are going to school, not just on whether agricultural production has gone up but on whether malnutrition among women and girls is coming down.

- Human rights reject aggregate figures and ask who is being left behind and why. Using a rights lens exposes inequalities and injustices. Human rights do not care about household income but about who has the power to make decisions. If we accept that everyone has the right to clean water, then there is an obligation not just to provide water for irrigation but also for household use – that cuts the time young girls spend collecting water and gives them more time to go to school.

- When food, water, education and health care are seen as human rights – and not as needs to be purchased in the market – they cannot be priced out of the reach of the poor by user fees. There is a duty on the state to ensure that they are available to all. Human rights create structural equality for basic needs in an unequal market, and that is very important for women who are often among the poorest groups.

- Human rights are of course an accountability framework for states and institutions but they are very importantly also an empowering framework. Rights are claims that the weak have to hold

the powerful to account. When women are seen as rights holders, they gain agency, they gain dignity and confidence, they are empowered to mobilize and claim their rights from those who rule in their name.

And here I want to emphasize the participatory rights – the right to vote and voice, to free speech and information, to mobilize and organize.

Open and transparent participatory processes improve development outcomes not just for women, but for everyone. The Kenyan political process a few years ago, led by Mr. Annan, with strong involvement of civil society, is a good example – it resulted in the renegotiation of discriminatory so-called cultural norms and the inclusion of a rights-based approach to development that centered on addressing historical land inequalities and discrimination against women.

IDLO has been [working in Kenya](#) for several years – [supporting the implementation of the new Constitution](#) many aspects of which are important for women's development. Last year in the context of the land reform bill, we provided advice on matrimonial property. This year we are assisting the [process of devolution](#), especially the commitment to ensure at least 30% women in central and local government.

Participation is not just a technical process of project management but a genuine process of engagement. As a rule of law organization we have made a commitment to increase the participation of women in the justice sector as judges, lawyers, prosecutors and court officials – significantly improving [women's access to justice](#). (SLIDE)

(SLIDE) This is a photo of a practice in rural Kyrgyzstan called bride stealing. I want to tell about a young woman who found herself in a similar situation. She was a student in the city, and while returning home to her village one day, a group of men accosted her outside her parent's house and tried to abduct her. When she realized that she was about to become a victim of "bride stealing", she tried to save herself by clinging with all her strength to the trunk of a tree near the house, but then, to her horror, her mother came out of the house and, respecting the traditional ways, pulled her hands off the tree and handed her over to her kidnappers. The woman eventually escaped by lying successfully, convincing the kidnappers that she was pregnant and therefore not a "worthy" bride. She returned to the city, completed her studies and became a judge. She is now a judge and participant in our [judicial development program in Kyrgyzstan](#).

There are many academic articles that women do not dispense better justice than men. Justice by women often produces better justice for other women, not because women are more just than men, but because in many traditional societies, women lawyers and judges can understand better the situation that women victims and petitioners face and the victims are more ready to approach them for justice.

Women are agents of change, not simply beneficiaries of development, when you put power at the center of empowerment process.

We all know about the gender dividend of development - investing in women and girls is smart economics. Empowering women is smart politics.

It is interesting that in one way or another each of the three teams have focused on women's ability to communicate and share information. That's of course a very important aspect of empowerment. But empowerment is more than that, as IDLO's research and programs in different parts of the world have shown.

(SLIDE) Last year we published a report capturing the lessons learned on [legal empowerment from eight programs in Africa, Asia and the Pacific](#). Legal literacy, rights awareness building, legal aid, alternative dispute resolution mechanisms, social mobilization are part of the tool box but there is no cookie-cutter solution - each strategy has to be specifically tailored and culturally sensitive.

In Morocco where sexual relations outside marriage is illegal, unwed mothers face legal and cultural barriers to register the birth of their children and to get the Family Booklet that gives access to education, health care and public transport. Grass roots rights awareness was matched with a Court Accompanying Program as confidence-building measure and slowly we see the behavior of mothers and bureaucrats changing.

(SLIDE) In West Bengal, India, trafficking of girls is a problem. India has a good law against trafficking but rural communities do not know about it, and the police stations are far away. There it was a question of bringing together the myriad of actors - paralegal (barefoot legal counsellors), shelter home residents, local officials, community leaders, youth leaders, state authorities. But legal education is not sufficient by itself in the absence of a support structure to enforce victims' rights. Barefoot counsellors boost empathy toward trafficking victims. Not unlike the proposal by the team from the University of Reading to connect many different women producers to their markets.

In Rwanda, Mozambique and Namibia, gender empowerment strategies meant working with traditional systems of justice - where issues of significance to women are often administrated and adjudicated - inheritance, family law, and access and ownership of land and natural resources, among others. While engagement with such systems is not without its challenges, any serious attempt at improving access to justice for women, in societies governed by a plurality of legal systems needs to consider ways to engage with such systems. At IDLO we stress that there is no 'zero-sum game' between the formal and informal legal system - rather what is important is to identify the optimal entry point to assert and protect women's rights in a given context.

Empowerment is about building the demand side of justice - but the supply side of justice, the institutions are also important - indeed, in IDLO's experience women benefit most when there are simultaneous bottom up and top down strategies. Indeed, often grassroots empowerment stimulates top down legal reform - or the other way around.

(SLIDE) Here you see a group of women a few years ago in my country in Bangladesh. They were part of [legal literacy program](#) run by BRAC, a Bangladesh-based international NGO. They had all received micro-credit loans. They were listening to the teacher explaining to them the law prohibiting child marriage and requiring a woman's consent to marriage. I asked one of the women why she was there. She replied, "I want to know more about rights because I don't want my daughters to suffer the way I have. I want to learn to protect my rights and theirs."

Now on a lighter note - in my country for the past twenty years politics have been dominated by women as Prime Minister as well as Leader of the Opposition. Last year, as the country was preparing for elections with the two women dominating the news, my four year old nephew

watched them every evening on TV. Then one night as his mother was putting him to bed, he asked, “Mummy when boys grow up, can they be Prime Minister too?”

There is change in the wind!

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.