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Supporting Legislative Reforms and Access to Justice Asian Development Bank Experiences

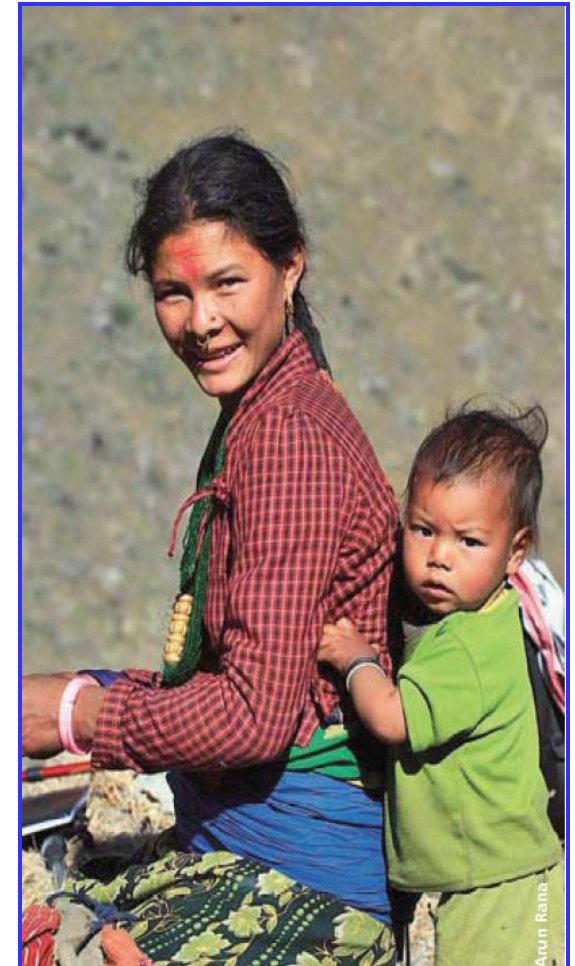
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Legislative Reforms and Access to Justice

Outline

- Program and Policy Based Lending
- Project Lending
- Technical Assistance grants
- Regional Technical Assistance



ADB's Program & Policy Based Loans

Pakistan: Supporting Legal Reforms and Access to Justice

- 3 separate loan programs/projects in coordination supported a package of legal and institutional reforms
- Access to Justice Program
- Decentralized Support Program
- Gender Reform Action Plan (TA loan)



Pakistan Access to Justice Program

➤ 5 Policy Outputs

- providing a legal basis for judicial, policy and administrative reform
- improving efficiency, timeliness, effectiveness of the judicial and police services
- **providing greater gender equity and access to justice services for women & poor**
- improving predictability and consistency between fiscal and human resource allocations, and the mandates of the reformed institutions; and
- ensuring greater transparency/accountability/performance of justice sector agencies

➤ Results

- amendments to the Family Courts Act to provide women with greater protection in divorce cases; speeding up & reducing time for divorce proceedings
- a near doubling in the number of women judges in the subordinate judiciary from 2001-2007: 5.8%-11.9% Balochistan; 7.6%-13.7% NWFP; 7.3%-14.4% Sindh
- creation of gender crime cells at the national level to prioritize investigation of crimes against women
- abolition of provincial quotas limiting the number of police posts for women
- establishment of 5 women-only police stations in Sindh
- Passage of Sexual Harrassment Bill
- Integration of curriculum on women's rights on police training program

Technical Assistance Loan

Pakistan Gender Reform Action Plans \$7 million

Devolution Support Program: \$270 million

GRAPs propose governance reforms at the federal, provincial and local levels to realign the public policies, administrative systems and procedures, and public expenditure to implement national and international commitments on gender.

Key Features

1. Key Reforms

- Women's Political Participation – reservation quotas (introduction of the 30% female reservation quota in district government)
- Reforming Institutional Structures
- Women Employment in Public Sector – SH Bill
- Policies and Fiscal Reforms

2. Supporting Reforms

- Legislative Support Actions – female judges
- Poverty Reduction Support Actions
- Projects & Programs



Philippines: Governance in Justice Sector Reform Program

- Included the following policy actions
 - Supreme Court to adopt a gender action plan and evaluate its implementation
 - conduct of gender training for judges, lawyers, court clerks, legal researchers
 - Philippine National Police to
 - establish 1,700 women and children desks at police stations
 - provide capacity development and training to police desk officers handling gender based violence cases
 - establish a monitoring and evaluation system for the desks
 - The program also supported development of a comprehensive procedural manual and accompanying pocket-size booklet for dealing with gender-based violence crimes for police first responders
 - training provided to family court judges and court personnel on sensitive handling of gender-based violence cases

Policy/Program Loans

➤ Georgia: Social Services Delivery Program (2010)

- the policy loan included a policy action on the implementation of the “Gender Equality Law implemented in accordance with its provisions”
- the program captured the opportunity to provide incentives for the initial implementation start-up of the law

➤ Vietnam Poverty Reduction Credit Program

- Provision for enacting the implementing Decree for implementation of the Gender Equality Law

➤ Cambodia Climate Resilient Rice Commercialization

- MAFF’s draft Law on Management and use of Agricultural Land to include provisions for women’s participation & representation in all Committees and commissions; equal benefits for land initiatives

➤ Viet Nam 2nd Small Medium Enterprise Development Policy

- Decree 56/2009 reform of SME policy with [provision to support women-owned enterprises



Project Loan

Nepal- Gender Equality and Empowerment of Women

Policy Support

- Gender Equality Act 2006
- Removal gender discriminatory provisions in 64 laws

Output 2 - Legal Empowerment

- 8,000 women provided knowledge on legal rights
- 30% utilized paralegal services
- police, prosecutors, and judges trained in women's legal rights
- 80% of women in the project area received citizenship certificates;
- 76.5% registered marriages and obtained birth certificates
- awareness-raising campaign on legal issues related to gender
- preparation of a university law course on the rights of women
- established ADR mechanism/training of mediators and paralegals
- legal aid to poor women in project districts
- support to Judicial Council and National Judicial Academy to train judges, prosecutors on the rights of women and gender sensitive ways of dealing with female court users
- To facilitate better access to legal information 15 legal libraries set up in project areas.



Supporting Technical Assistance Projects

➤ Viet Nam: Gender Equality Law (GEL)

- Assisted VWU with drafting of GEL
- development of gender-sensitive systems and procedures
- increased awareness by the judiciary, law enforcement, administrative personnel and legal profession
- enhanced legal literacy of poor women
- triggered amendment and repeal of discriminatory laws/regulations and
- the issuance of a new implementing decree to operationalize the GEL and extend coverage across all government ministries/agencies.

➤ Mongolia Gender Equality Law

- Preparation and advocacy for passage
- capacity development & dissemination

➤ Fiji : Family Law & Employment Relations Bill

- Advocacy/dissemination on FLB
- drafting of gender sections – no sex discrimination, recognition of domestic workers, sexual harassment

➤ Maldives: drafting of Gender Equality Law

➤ Bangladesh: Small Medium Enterprises



Policy Loans: Gender Actions for Institutional Reforms

➤ **Nepal: Governance Reform Program**

- approving an affirmative action policy and program to increase women's representation in civil service, including at senior levels
- establishing focal points gender mainstreaming in key ministries;
- a gender-sensitive reform plan to ensure rightsizing actions narrow the gender gaps in the civil service
- new gender sensitive procedures for recruitment, promotion & grievance handling

▪ **Nepal: Governance Support Program**

- a gender equality and social inclusion (GESI) action plan with detailed implementation arrangements and budget allocation
- gender budget/audit guidelines
- GESI action plan outlines activities, including appointment of GESI focal points in all district development committees

➤ **2nd Indonesia 2nd Local Governance program**

- issuance of a decree by MOF instructing line ministries to implement gender-responsive budgeting
- a gender budget statement required to be included in the annual budget documents



Policy Loans: Gender Actions for Institutional Reforms

➤ Pakistan: Sindh Growth and Rural Revitalization Program

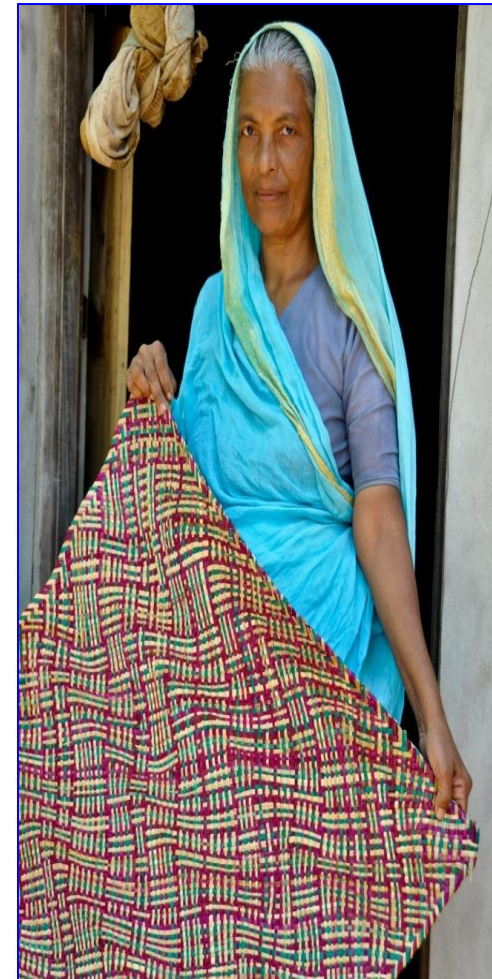
- gender equity & Equator Principles in the new public-private partnership policy & selection criteria;
- gender filter in the new land record system

➤ Bangladesh Crises Support

- A crises support program spearheaded implementation of gender budgeting guidelines in 20 line ministries for transparency and accountability of expenditures for women's development
- 2011 - 33 ministries had formulated budgets that disaggregated expenditures for advancement of women. Approx 29.7% of the entire budget consolidated across 33 ministries had allocated budgets for gender-related expenditures, of which 18.3% was for expenditures targeting women directly

▪ Lao PDR Governance in Public Sector Management Program

- gender equality in public administration strategy developed (2010-2012) for Cabinet consideration
- National Strategy for the Advancement of Women (NSAW) 2011-2015 approved and specific gender targets set for a range of sectors



Other Support to Law and Access to Justice

Regional Technical Assistance

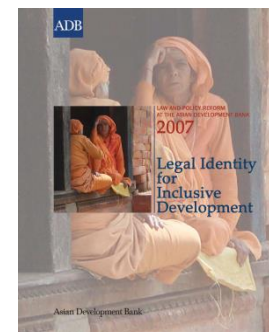
➤ Establishing Legal Identity for Social Inclusion (Bangladesh, Cambodia, Nepal)

- increase understanding of nexus between legal identity and poverty
- increase the capacity to identify key barriers to establishing legal identity
- law and policy reform – resulted in amendments in Citizenship Act, allowing citizenship to be conferred through the mother
- Making obtaining citizenship easier for the majority of people born in Nepal.
- 3 million birth certificates provided to people in the Terai region.

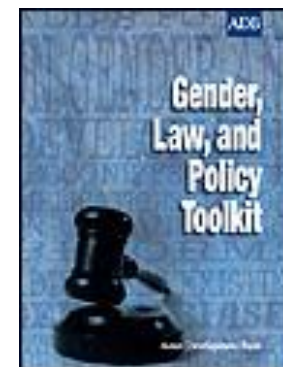


➤ Legal Empowerment for Women and Disadvantaged Groups (Bangladesh, Indonesia, Nepal)

- legal literacy programs
- pilot projects - Manila, Dhaka, Jakarta, and Islamabad
- focus on access to resources, services, and opportunities



➤ Gender, Law and Policy Toolkit



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