

Key Messages of the Action Research: Engendering Bottom-Up Justice Reform—A Grassroots Women’s Approach to Accessing Justice



Theresa Makwara, (shown right) leader of the Zimbabwean Parents of Handicapped Children organizes support groups for women in the backyard of local Headman Gilbert Tendai Mungate (shown middle) in Domboshava, Zimbabwe. Young leader Rebecca Murape (shown left) and other women meet with the Headman on women’s access to justice.



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EXECUTIVE SUMMARY, KEY FINDINGS & RECOMMENDATIONS TOWARDS ENGENDERING BOTTOM- UP JUSTICE REFORM

EXECUTIVE SUMMARY

Grassroots women's access to justice is tied to their ability to broker power at the community level. Engendering justice reform should therefore not be conflated with legal reform. Legal reform alone is insufficient. An African grassroots women's approach to engendering justice reform is a more holistic pursuit to transform the relationships between a wife and her husband, between in-laws and their daughters-in-law, between widows and their marital lands, between traditional leaders and their constituents, and between traditional and state legal frameworks. These are the themes of the participatory action study, *"Engendering Bottom-up Justice Reform: Grassroots Women's Approach to Securing Accessing to Justice."*

The study examines how over 70 grassroots women-led groups in 7 countries in Africa—Cameroon, Ghana, Kenya, Tanzania, Uganda, Zambia and Zimbabwe—are using a gender empowerment framework to help women and communities access justice in diverse contexts of legal pluralism. Collectively, their diverse approaches advance a process by which grassroots women lead communities: (1) to examine overlapping and disjointed legal frameworks; (2) to increase community awareness of gender injustice; (3) to build new partnerships with a variety of stakeholders; (4) to design and implement new community justice mechanisms and processes; and (5) to review, analyze and align cultural practices with the constitutions to deal with cultural injustices against women. The Huairou Commission and UNDP jointly advance these grassroots alternative practices and approaches because they are the ones that grassroots women are driving and that work for them.

Perhaps most importantly, this study stands in contrast to the development literature that paints grassroots women as voiceless and helpless. It provides a window into a select group of organized women who find strength in their collectivity and who are succeeding in developing their own communities. The study was funded by UNDP and coordinated by the Huairou Commission in partnership with 12 of its implementing partners—grassroots groups and

facilitating NGOs. This participatory action research advances Huairou Commission's core work to coordinate actions among its implementing partners, to bring visibility to their contributions, and to champion grassroots women's approaches to community development. Huairou Commission's approach of networking grassroots women's groups and their facilitating NGOs, in this case in Women's Land Link Africa (WLLA)¹ and the Home Based Care Alliance², provides a strategy for building the socio-political, organizing infrastructure to support grassroots women's knowledge exchange and to scale up these practices and approaches. Towards this aim, the study makes explicit the roles of grassroots women community practitioners, facilitating NGO's and those working in both the traditional and state justice systems.



"Beat Drums Not Wives" campaign members from Ray of Hope—located in Mutasa, Zimbabwe.

¹ *Women's Land Link Africa (WLLA)* is a pan-African platform on African women's land and property rights coordinated by the Huairou Commission. Since its founding in 2004 by African grassroots women and their partners, WLLA has grown into a coalition of 23 organizations in 13 African countries. WLLA provides a platform for grassroots women to build their collective knowledge in order to persuasively advocate their development goals and needs both with local decision-makers and within regional and global arenas.

² *The Home Based Care Alliance (HBCA)* is a movement of home-based caregivers organizing for recognition and self-representation, at the local, national and international levels, for the essential services, care and resources they provide their communities. The Alliance, organized by HC Member Network [GROOTS International](#), forms the central grassroots constituency of the HC AIDS Campaign and our advocacy priorities emerge from its members.

KEY FINDINGS

The research used a transnational approach to enable learning across contexts in Cameroon, Ghana, Kenya, Tanzania, Uganda, Zambia and Zimbabwe. Though comprehensive, this research does not purport to have considered all the diversities of the African contexts, nor to be a recipe for grassroots development. Collectively, though, insights from over 70 communities point to a way of approaching women's access to land, safety and governance. Here we highlight the key lessons learned across contexts and by using one context to ask questions of another:

1. Top-down approaches to engendering and increasing women's access to justice are incomplete. Gender justice advocates have chiefly pushed to reform national and local legal frameworks. Proponents of legal reform have achieved remarkable success to incorporate gender equity provisions and abolish gender discriminatory language—though, in some cases, inconsistencies and loopholes remain. Embedded in this strategy is the belief that legal reform is a way to catalyze wide-spread impact that trickles down in the form of justice for women on the ground. However, given the relative success in reforming laws and institutional policies, legal reform has not transformed the realities for women on the ground.

2. While traditional and state justice mechanisms may exist distinct from each other, the actors within them draw from both legal frameworks to administer justice. The way in which the legal frameworks intersect and diverge and the degree to which justice administrators draw on one or both frameworks vary from site-to-site as evidenced by the case studies. The liberty of individuals to draw ad hoc from both imperfect legal frameworks creates opportunities for gender bias to occur. These unresolved gaps and contradictions in multiple legal frameworks are manifested in the form of physical violence and sexual assault, largely against women and girls.

3. Women's empowerment is embedded in their collective action and networks and a precursor to women's access to justice. Grassroots women's empowerment is localized in their collective action, political education and partnerships. Initially, gathering and sharing experiences politicizes women as they learn that

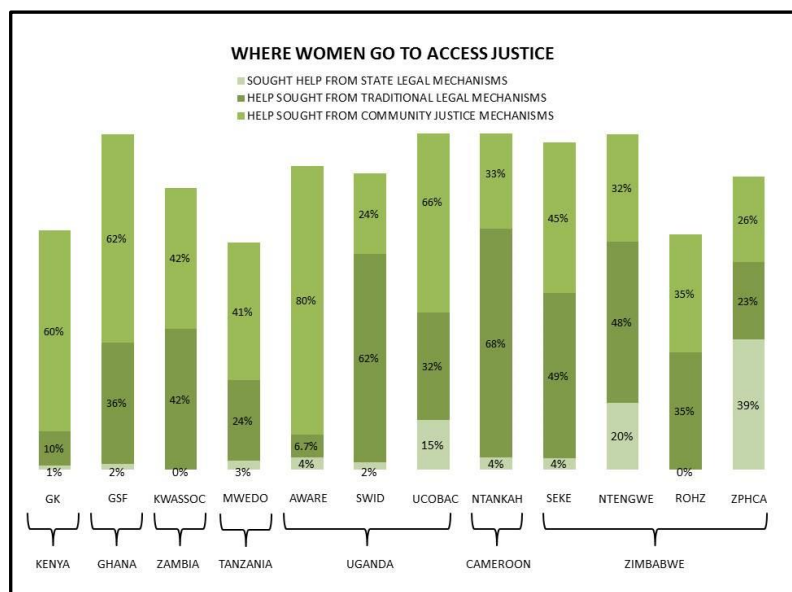
they have both rights and the right to assert those rights. Once politicized, women's empowerment occurs through taking collective action informed by their experiences as women and partners who build their capacity.

4. Grassroots women have developed a diverse array of strategies that center around two key components. Grassroots women who have made strides to help improve access to justice in their communities have done two things:

I. They have delineated the multiple legal frameworks governing justice from a gendered perspective and consolidated their understanding about how women and land are addressed in the various legal frameworks.

II. They have reached out to multiple stakeholders to build networks of support for influencing and sustaining change. Grassroots women engaged the broader community in a collective conversation that resolves many of the gaps and contradictions between multiple legal frameworks, namely around the family and land tenure.

5. Overwhelmingly grassroots women rely on traditional and community justice mechanisms—not state legal mechanisms—when trying to access justice. These findings affirm the importance of bottom-up approaches and culture as a frame in which development occurs.



6. Ultimately whether grassroots women are gaining traction or transforming their communities is dependent on the degree to which women are organized, connected to a broad base of stakeholders and have resolved the disjunctures and gaps in the multiple legal frameworks. Pan-African platforms like WLLA and the HBCA provide the strategies and the socio-political organizing infrastructure grassroots women can use to strengthen and scale up their success.

7. Justice, in the African context, requires restoring relations at the family and community level, rather than at the individual level, which requires a different scale of analysis and ultimately intervention. The case studies are evidence that the groups that have advanced the farthest in helping women access justice are those that engaged in multi-stakeholder approaches, particularly which were inclusive of men, in-laws, traditional leaders and even spiritual mediums.

RECOMMENDATIONS TOWARDS ENGENDERING BOTTOM UP JUSTICE REFORM

1. Grassroots women community practitioners should be considered leaders in their own communities' development.
2. Governments and development practitioners need to provide grassroots women community practitioners with enabling environments, i.e. (1) technical support; (2) space to convene regular meetings; and (3) partnerships with diverse stakeholders.
3. Governments and development practitioners need to affirm using a gender and culture lens in discussions around women and justice but not import their notions of how gender is constructed and how culture should operate.
4. Women's empowerment is about shifting power relations between men and women—men therefore should be engaged and incorporated in working towards solutions to ensure sustainability of achievements.
5. Non-African, non-grassroots practitioners and advocates are positioned to push land tenure issues onto national agendas. Land tenure is arguably the most pressing issue in Africa and it is not a part of the national dialogues. The female genital mutilation (FGM) campaigns that have been successful in pushing an agenda on national agendas across Africa could serve as models. However, unlike many of the Global North sponsored FGM campaigns, the solutions should be discussed, generated and implemented by grassroots community practitioners who are positioned to understand and work within the realities on the ground.

6. Justice in the African context should be recognized and realized at the scope of the family and community. Solutions that restore individuals should be flagged as incomplete.
7. There is a need to scale up successful practices to influence national policies to be more gender-sensitive and to envision these efforts in national plans.



GROOTS Kenya's regional focal point, Jennifer Mutinda, meets with members in Kitui. Their space was donated to them by a woman lawyer from the same community who values grassroots women's contributions to ensuring justice in their community.



Josephine Auma, a grassroots leader with AWARE, speaks out at a refresher training for community paralegals in Kaabong, Uganda. This training was part of the ongoing collaborative knowledge exchange between UCOBAC and AWARE, two implementing partners in the “Engendering Bottom-up Justice” research who are linked through the Women’s Land Link Africa (WLLA) platform.

