



Empowering Women in Mixed Legal Systems
Justice Sector Training, Research and Coordination (JusTRAC) Symposium
A Joint Endeavor of
The Rule of Law Collaborative at the University of South Carolina
and the United States Institute of Peace

Friday, May 1, 2015

Location

United States Institute of Peace
2301 Constitution Avenue NW
Washington DC 20037
Enter on 1st floor. The registration table is located in the atrium.

Arrival and Attire

Nearest Metro: Foggy Bottom / ID Required / Business Attire

Contact Information

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Program

8:00 AM **Registration**

8:45 AM **Welcoming Remarks**

Kathleen Coogan

*Senior Gender Advisor, Office of Criminal Justice and Assistance Partnerships,
Bureau of International Narcotics and Law Enforcement, U.S. Department of State*

The Honorable Catherine M. Russell

U.S. Ambassador-at-Large for Global Women's Issues

Colette Rausch

*Acting Vice President, Center for Governance, Law & Society, U.S. Institute of
Peace*

8:55 AM **Outlining JusTRAC Symposium Objectives**

Hamid M. Khan

Deputy Director, Rule of Law Collaborative, University of South Carolina

The purposes and objective of the first Symposium will be to examine and discuss the challenges faced by women within what are considered “mixed” legal systems. Topics will include (1) a working definition for what constitutes a “mixed” legal system, which refers to systems of law which, at an informal or formal level, include the application of common, civil, customary, religious and/or tribal law; and (2) the presence of interagency consensus points on the need for women’s empowerment, such as the National Action Plan on Women, Peace and Security or other policy directives.

9:00 AM **Panel I: Identifying the Challenges Facing Women in Mixed Legal Systems**

Moderator: **Angelic Young**

Senior Coordinator, National Action Plans, The Institute for Inclusive Security

Susan Markham

Senior Coordinator for Gender Equality & Women's Empowerment, U.S. Agency for International Development

Palwasha Kakar

Senior Program Officer, Center for Religion and Peacebuilding, U.S. Institute of Peace

Danielle Angel

Justice Program Advisor, U.S. Department of State

This Panel will be divided between identifying challenges and identifying assumptions by practitioners. Foremost is a list of challenges, preferably listed by priority, which women face in mixed legal systems. Those identified challenges could include a panoply of issues including but not limited to the ills that women suffer, including general inequality, a lack of education, or entrenchment of patriarchy, as well as concrete issues like violence against women, forced marriage, and deprivation of economic livelihood. They could also include a variety of civil and criminal challenges which touch directly upon law, as well as those challenges which straddle social and economic concerns, such as inheritance or land ownership. Other assumptions that should be defined relate to “access to justice,” which often presupposes legal purity or formal state systems of law. From there, panelists will launch into a broader discussion about the opportunities and mechanisms that can be utilized to empower them within the justice system. Finally, another assumption which might be addressed is that women’s inequality often intersects with other forms of socio-economic inequality, such as class, caste, race, ethnicity, or location, frequently exacerbating the injustices associated with them. This discussion serves as a natural segue to the next Panel.

10:30 AM **Panel II: Identifying Sustainable and Effective Mechanisms for Women’s Social, Economic, and Legal Empowerment**

Moderator: **Wade Channell**

Senior Economic Growth Advisor for Gender Equality & Women’s Empowerment, U.S. Agency for International Development

Elisa Scalise

Director and Co-Founder, Resource Equity

Sarah Iqbal

Program Manager, Women, Business and the Law, The World Bank Group

Lelia Mooney

Director, Partners for Democratic Change

One of the foremost challenges to women’s “access to justice” is often their social and economic role within a society. This Panel will explore how to expand social space/standing and economic opportunity for women. Expanding economic opportunity for women has intrinsic value, but one main challenging issue is how to do so. Such aspirations are often constrained by limited access to property rights in developing countries. For other proponents, economic empowerment is about making markets work for women (at the policy level) and empowering women to compete in markets (at the agency level). What is the best entry point for women to be empowered to use the legal system to advance their rights? Examples of this could include business registrations; licensing; titling documentation in terms of land or even commercial branding; and, perhaps more subtle, marriage registrations, wills/trusts and monetary instruments. This Panel will also investigate whether those entry points are sustainable. Is the system open to reform, or would legal empowerment have limited results in that context, due to deeply entrenched gender stereotypes, vested interests in the status quo and power inequities?

12:00 PM **Lunch**

1:00 PM **Panel III: Strategies and Pitfalls for Accessing and Engaging Justice Systems: Identifying Religious, Traditional and Tribal Pathways for Women**

Moderator: **Kathleen Kuehnast**

Director, Center for Gender and Peacebuilding, U.S. Institute of Peace

Hamid M. Khan

Deputy Director, Rule of Law Collaborative, University of South Carolina

Deborah Isser

Senior Counsel, Governance and Inclusive Institutions, Governance Global Practice, The World Bank Group

Aparna Polavarapu

Assistant Professor, School of Law, University of South Carolina

Kristin C. Doughty

Assistant Professor of Anthropology, University of Rochester

This Panel will examine the avenues *within* mixed legal systems toward accomplishing the broader goals of women's empowerment, including a discussion of religious, tribal and other relevant cultural mechanisms.

2:30 PM

Panel IV: Examining How to Effectively and Legitimately Enhance Capacity and the Participation of Women in a Mixed Legal Environment

Moderator: **Kathleen Coogan**

Senior Gender Advisor, Office of Criminal Justice and Assistance Partnerships, Bureau of International Narcotics and Law Enforcement, U.S. Department of State

Captain Kathleen Duignan

Office of the Judge Advocate General, U.S. Coast Guard

Paulina Rudnicka

Senior Legal Analyst, Rule of Law Initiative, American Bar Association

Stephenie Foster

Senior Advisor, Secretary's Office of Global Women's Issues, U.S. Department of State

This Panel, which assumes the presence of a robust formal system, will examine mechanisms for women's participation such as gender mainstreaming, greater recruitment and retention of women, and quotas. The focus of this Panel will be lessons learned, the pitfalls of these approaches, and examining the externalities of such approaches, for example the formal system falling into disrepute or illegitimacy.

4:00 PM **A Case Study & Open Discussion**

Moderator: **Joel Samuels**

Director, Rule of Law Collaborative, University of South Carolina

Payal Shah

Assistant Professor, College of Education, University of South Carolina

This Case Study evaluates the *Mahila Samakhya* (“MS”) Program in Gujarat, India. Generally, the MS Program aims to provide women and girls (1) instruction in human rights and (2) support mechanisms to engage with the formal and informal political and legal systems in place. Particular attention will be paid to the program’s collective nature and the extent to which the *sangha* approach, which refers to independent collectives of women, has been effective in addressing the larger socio-cultural issues of violence and autonomy, as well as the social, economic, political, and legal participation of women and girls.

5:00 PM **Closing Remarks and Adjourn**