

Legal Literacy:

An Entry Point for Achieving Gender Equality in Governance at Local Level

Gifty Dzah

WiLDAF, Ghana

Abstract:

Over the last 10 years, WiLDAF Ghana has introduced three innovative models to engage women in governance at district and national levels. While Ghana strives to achieve the Millennium Development Goals with impressive results under Goal 2, there are large numbers of girls and women who are ‘formally’ illiterate as well as ignorant of standards, principles and policies that seek to protect their human rights. Addressing the latter, WiLDAF has employed models namely legal literacy volunteerism, community reconciliation committees and coalition of women in governance to provide information or education on human and legal rights to community people. It has also used community approaches to address women’s access to justice and involve community people in governance at the local level. Legal literacy as the first entry point for empowering community people has created a ripple effect in getting ordinary people to engage in politics and governance at community and district levels. Acknowledging that interventions must have a strong gender equality focus, the models have included men and women. Effectiveness of these models in engaging in governance, challenges encountered and sustainability are assessed.

1. Introduction

Globally, good governance continues to be recognized as a critical tool to ensuring the development of nations (AusAID, 2000, UN ESCAP, 2010). While governments strive to be accountable and ensure they practice good governance principles, Civil Society Organisation's (CSO) role in ensuring that these principles are upheld and followed to the later is crucial. Continually, it has been recognized that ensuring gender equality in governance is core to promoting good governance. It is in this light that the UN minimum threshold of 30% women in decision-making positions to make decision-making effective is essential. (UN DAW, 1995). This includes decision- making in all public spheres. Ghana as a democratic country has the obligation to ensure gender equality and good governance by, among several other means, adhering to the 30% UN minimum threshold provision.

This paper focuses on the local governance sphere and the use of Legal literacy Volunteers (LLV) as an entry point to ensuring gender equality and good governance at the local level in Ghana. It also looks at the Legal Literacy Volunteerism concept and its interrelatedness with the concept of Community Reconciliation Committee (CRC) and the Coalition of Women in Governance (CoWiG) as models which have enabled the increased participation of it members in good governance.

Ghana had practiced several forms of local administration since independence, with periodic elections held in 1958, 1978, 1988/89 and then from 1994, there have been continuous four-year periodic elections.

In 1988, when the grassroots level governance structures were re-introduced by the Local Government Act, 1993, Act 462, it had among others the objective of providing more

responsive, equitable and participatory development; *participatory development by all-male and female*¹. This was aimed at bringing government and decision-making nearer to the people and quickening the processes of decision-making while serving as training ground in political activity. It was also believed that it would increase women's participation in governance issues.

According to the MLGRD (1996), the criterion for selection into the district level governance does not include educational level or background. However, continually it has been realised that the level of education of an individual is vital to full participation in deliberations in the District Assemblies.

In Ghana, the percentage of women in terms of literacy levels continues to be low. According to the Ghana Living Standard Survey 5 (GLSS 5) illiteracy is still higher among females (59.7%) than among males (37.3%) in all regions. It is worse in the rural savannah at 75.3%². 38.3% of women as opposed to 22.3% of men (a ratio of 3:2) have never been to school. Rural female illiteracy is 73.3% compared to 51% for men. 60% of female adults in urban areas and 80% of male are literate (GSS, 2008). The question that comes to mind as you look at these figures is how then do we (Ghana) ensure good governance in all spheres when the illiteracy level among the majority of the population (women) is that high. Such high illiteracy levels have the potential of affecting the ability to hold governments accountable to good governance principles and how effectively citizens can participate in governance.

It is often thought that decentralisation is in women's interest as many women participate in organisations at the local level. But as Evertzen (2001) points out, decentralisation makes the local level more important, and as this importance grows, so does male interest. This implies

¹ Author's emphasis

² 84.2% for women and 66.9% for men

that the attachment of importance to the decentralised level makes it competitive and thereby male dominated. Therefore, with a high illiteracy level and an increase in competition at the local level, gender equality in terms of number of women and men's participation poses a challenge.

WiLDAF Ghana's LLV programme, and the two other models that developed along with it: COWIG and CRCs whose membership comprise men and women and which does not demand all the burden that go with vying for an election has made inroads in not only ensuring increases in community access to justice but also that members of communities have access to and participate in governance at the local level. It works to also ensure that communities become aware of their rights and make efforts at access them. LLVs and members of the other two models (CoWIGs and CRCs) have also become their local area leaders and spokespersons on several issues including issues bothering on governance even though most were initially trained as paralegals.

In terms of methods, the paper employed both primary and secondary data collection methods. LLVs were interviewed and reports on their activities were also reviewed. In reviewing the activities of LLVs, the activities of CoWIGs and CRCs were also looked at as these other two models have direct interrelatedness with the LLV concept. Also, general literature on women's participation in governance was consulted for the paper.

The paper looks at the effectiveness of the models by providing some evidence of change from beneficiaries concludes with challenges of implementing the models and discusses the way towards the sustainability of the models.

2. The Legal Awareness Programme (LAP) Initiative

Since September 1992 WiLDAF, Ghana has trained over 1000 women and men who are leaders of grassroots organisations in legal education and leadership skills. The Legal Awareness Programme (LAP) started in May 1994 as a result of the outcome of a post-workshop evaluation meeting held for women who had participated in a legal awareness training programme. The post workshop evaluation meeting outlined the major challenges of access to justice for women and the needy. The workshop also outlined a programme: LAP, to deal with some of these challenges. In implementing the LAP, the LLV concept had to be developed as it became the medium through which the awareness could be raised. After several years of implementing the LLV concept, the CoWIG and CRCs were also developed as further boost to the awareness and active community participation programme.

The Legal Literacy Volunteers Model

In order to properly deal with the family's problems, the trainees brought together under the LAP who had training on some family laws in Ghana were used as volunteers responsible for 'first aid' to communities in accessing justice. The objectives of the LLV trainings were to help volunteers articulate their needs by identifying issues, which could form the basis for future planning for rights awareness programmes or law reform. It was also to equip the women and men leaders with the basic knowledge and skills to enable them train members of their organisations and communities to be able to understand and use the laws.

The Legal Awareness training curriculum, which produces the LLVs, covers family laws and focuses on building the capacity of participants for outreach; counselling and mediation work in their various communities. Specifically, understanding gender, foundations of human rights, the Intestate Succession Law, Marriage and Divorce Laws, Administration of Estates

Law, Wills Act, Children's Act, Domestic Violence Act are some of the core laws and programmes covered in the training curriculum. Other areas covered are rights under the constitution with emphasis on participation in political processes at local, district, regional and national levels. The training also focuses on exposing participants to leadership skills, and enables them to practice and internalize skills necessary for working with and managing groups. Trainees are taken through personal growth exercises to raise their self-esteem and develop enough assertiveness to enforce their own legal and other human as well as political rights.

The first batch of LLVs trained was drawn from grassroots organizations, social groupings (churches, workplace associations), governmental and non-governmental organizations as individuals from the same region. However, in recent time, the LLVs trained have been drawn from the above groups but must be from a particular district. For instance, the LLV could be a seamstress but must be from the district where the training programme is taking place. These women and men have varied professional backgrounds such as teachers, nurses, community development workers, agricultural extension workers, social welfare officers, non-formal educators, market women and district assembly persons. The common denominator among the participants is that they all have proven leadership ability in their various groups and or communities. Young women leaders are also targeted to take part in the training with a view to encouraging them to take up leadership roles in future.

Mass public legal education is one of the tools used by WiLDAF to achieve its objectives. Therefore, the LLVs engage in legal education designed to popularize legal provisions and judicial procedures in simplified language for the understanding of all. The legal education activities cover mainly human rights by using tools such as posters and simplified copies of laws, the mass media, especially radio and durbars, seminars and workshops. In recent time,

this approach to legal education has shifted from simple information sharing on the contents of the laws and the procedures for awareness creation to building capacities of people to take action to influence their social status, demand for action from duty bearers and to challenge practices that impinge on people's development. It has also built capacities for engagement in good governance and demand accountability from political leaders.

The LLVs as the first contact (first aid givers) in their communities work closely and directly with the communities and the WiLDAF team as well. Even though WiLDAF has direct access to the communities LLVs work in, the LLVs still act as anchor for their communities. They refer cases that are beyond them to the legal aid centres.

The Community Reconciliation Committees (CRCs)

The CRC concept became necessary when it was realised that majority of the cases that come to the LLVs to settle are non-maintenance and compensation cases which need negotiation and mediation skills and a team of mediators. Therefore, the CRCs comprise trained LLVs on alternative dispute resolution (ADR) skills, who are able to mediate and negotiate cases. The CRC teams are made up of some selected LLVs, using rigorous criteria that can assure credibility and earn the trust of the communities in which they work. .

It is also important to point out that for the CRCs under the LAP, all team members are trained LLVs. However, under the Rural Women's Empowerment project (RWEPP) all the members are not LLVs. This is because the RWEPP as the name implies trained only rural women farmers as legal literacy volunteers. However, in setting up the CRCs, men were selected from the 12 communities³ of the project and trained in basic ADR skills so that they

³ The RWEPP is a project for rural women farmers aimed at empowering them to access their land rights and also use their knowledge from the training they have had to help curb DV in their communities and also participate fully in governance processes in both their local level and the regional level as well. Therefore the project trained only rural women

can compliment the women on the teams. The men were added to the CRC teams to ensure gender equity and also increase community buy-in in the programme⁴.

All the CRC teams are known in their districts by the local government authorities, religious and traditional authorities. The intention is to get these power holders in the districts to be aware of the teams and also work with the teams so that the issue of usurping power is eliminated⁵. Therefore as part of the setting up of the teams, traditional authorities and religious authorities in the various districts are taken through a day's seminar on the ideology behind the CRC team as well as their work mandate.

So far, from reports of the teams, WiLDAF, Ghana has been noted that cases commonly reported to the teams can be categorised into broad areas as listed below;

- Compensation
- Custody
- Divorce
- Estate
- Maintenance
- Marital problems
- Marital/maintenance
- Paternity
- Paternity/maintenance

farmers. The only men trained as part of the project as LLVs were the social workers.

⁴ Community buy in is very necessary for the project because even though it targets women, men are needed to help make the attitude change especially on land issues so as to help the women attain the empowerment and autonomy they need when it comes to women and land issues.

⁵ Most cases before the setting up of the CRCs were mediated on by the traditional and religious leaders therefore instituting CRCs without involving them may cause some friction between the teams and them

It is important to note that the teams receive cases of domestic violence but do not sit to mediate or negotiate on those cases⁶.

Several studies on women's participation in governance mention certain critical socio-economic, institutional and demographic factors that hinder women's access to and participation in decision-making (Akpalu, 2001; Allah-Mensah, 2005; Ofei-Aboagye, 2000; ABANTU for Development, 2003). The factors identified as hindering the increase in women's participation in politics and decision-making include the lack of space and time, low educational levels, financial problems, gendered abuse from male opponents, and the lack of support from spouses and other family members. These are glaring hurdles individuals who want to participate in the local governance of their districts must deal with before they are elected. More often than not these hurdles become very restrictive and difficult for several women to overcome in order to get the opportunity to get elected into the district assemblies.

The Coalition of Women in Governance (CoWIG)

Over a period of time and with the continuous and increase call for women to be involved in decision-making processes towards promoting democracy and good governance, WiLDAF Ghana formed the CoWIG.

The CoWIG was formed in 2006 as an outcome of the project: **“Good Governance and women's participation in 7 West African countries”**. This was a project which WiLDAF Ghana implemented as part of the WiLDAF West Africa Sub-Regional Office. Even though the name of the Coalition is ‘women in governance’, the coalition has several active male members.

⁶ DV Act 732 criminalises DV therefore the CRCs do not have the jurisdiction to sit on them except to refer the DV cases to the appropriate authorities.

Members of the Coalition comprise district assembly persons (both male and female), representative of community youth organisations, and selected persons from civil society organisations.

The Coalition is in two parts - national and local level

- The National to deal with National level policies and
- The Local level to deal with local level/district assembly by-laws and policies

The Coalition among others created the platform for individuals and civil society to engage with and influence the local level decision-making processes.

The coalition for instance worked actively on educating community members towards the 2008 general and parliamentary elections. It is a fact that the Electoral Commission of Ghana together with the National Commission on Civic Education (NCCE) cannot on their own engage citizens in thorough civic education at the most remote areas, therefore the concept of COWIG is most helpful.

3. Effectiveness of the LAP through the three models

For communities in which there are WiLDAF trained LLVs, CRCs or COWIG members, the communities continuously appreciate the benefits of the interventions to them. These includes: helping them to access justice and helping them voice out their opinion as far as governance of their communities are concerned.

“WiLDAF Ghana’s Legal Awareness Programme (LAP) which has components of community outreach, alternative dispute resolution sessions, legal aid clinics, court representation and legal literacy Volunteer (LLV) training programme is a useful intervention in

empowering women and giving them access to justice”. –(ActionAid Ghana, 2009: 23)

According to some beneficiaries, they are more inclined to demand for their rights than before because of the influence of the LLVs and the COWIG members in their communities. The continuous community education has made them bold in addressing rights issues. Some of these communities are communities where before the intervention of the LLVs the women and children followed the rule of ‘a child must be seen and not heard’. Therefore for these community members to testify that the interventions of the LLVs have helped them to give them the voice as well as help them access the voice they otherwise did not have makes a lot of difference.

LLVs and COWIG members continue to report drastic changes in their lives and their status in their various communities. The training they received as LLVs and COWIG members has developed the inert leadership capabilities in most of them. Some LLVs have moved on to take up local government positions in the district assemblies as assembly persons and therefore have become COWIG members as well. Some are also actively participating in public and political services at the local, regional and even national levels. Through the proactive responses to the challenges of women in governance from WiLDAF, more female LLVs are willing to pursue their political aspirations; in spite of the inadequate financial resources. For instance, a woman from Kpando was ‘initiated’, and supported by WiLDAF to win the Assembly seat in her area. Another example is an LLV who lost her husband and was told to undergo widowhood rites. She was able to negotiate for a favourable rite because of the knowledge she had gained from the training as an LLV. As explained by one LLV in the Volta Regions:

“The programme is very useful to me as an individual and the community at large because it is free and less cumbersome and client friendly”- (November 2008)

All LLVs have been empowered to take up the challenge of community work. They lead community mobilisation in most spheres of community life; they engage in advocacy, mediation and counselling. Some LLVs have become local ‘consultants’ in their families, communities, and their town/villages, and representing their communities in land dispute negotiations with other bodies.

Most importantly the use of LLVs at the community level as indicated above has increased the interest in most of these LLVs so much that aside helping communities access justice, they have become very crucial to their local communities when it comes to governance as well. The LLVs who joined the District Assembly after being trained as LLVs indicated that their training did not only give them knowledge and skills as literacy volunteers but also gave them the confidence and the ability to be able to go forward and convince other community member of their ability to participate in promoting good governance in their districts. They mentioned that they found it easier to enter into politics after being trained as LLVs and working with their communities for some time because their work as LLVs also helped their communities build confidence in them.

The LLVs, COWIG members and the CRCs especially the LLVs are able to move into the grassroots communities to engage the communities in more education on both legal and civic rights than the WiLDAF team⁷.

⁷ The WiLDAF teams are few in terms of numbers and due to limited resources cannot visit the communities in the most inaccessible areas as often as possible and as often as the community member would need the services of a legal person. Therefore the services provided by the LLVs are of utmost importance.

Evidence of change:

“After the COWIG training in 2006, **Hajia M. Ali**, now Council of State Member noted that if she had had the training earlier before the DA elections, it would have made a difference, and then she could have won.

After the training as a COWIG member, she contested the PNC women’s organizer position.

Further to that, we all know now that she is in the council of state”.

(WiLDAF, Ghana COWIG report, 2009)

- The COWIG in Tema was able to ensure that the numerous by-laws the Assembly had passed for several years but had not been gazetted were gazetted by 2008.

They also ensured that the Assembly instituted a 50-50 quota (boys and girls) in the educational scholarships it offered to children in the district. Before then, the school children had to compete for the available scholarship.

- The Mpohor Wassa District also instituted an educational scholarship for boys and girls in the District. They instituted a “return to school programme” for all teenage mothers in the district who wished to go back to school and they had 7 teenagers returning to school as at 2008.
- An Assemblyman and a COWIG (Tema branch) member after his training helped the women in his electoral area to acquire loans as a process towards economic empowerment. He said noted that he did not know that the women in his electoral

area as part of the metropolitan assembly were entitled to those loans. He also added that he did not know that he could help them to access it.

- Ms. Janet Acquah⁸ is one of the LLVs trained at Krachi in April 2009. She was interviewed in November 2009 and this is what she said:

“It was as if for the first time in my life, a scale had been lifted off my eyes. After the training I saw things differently, because my understanding had changed. Between April and November, 2009, I have been to over 17 churches and several communities to disseminate what I learned.

As a result of awareness created through the educational and sensitization activities I carried out, I have received over 50 cases involving non maintenance of children, forced marriage, family exchange marriages, refusal to pay school fees, among others. For majority of these cases, I had to counsel the parties and the issues were resolved.

I believe that within a period of 8 months, I have been able to bring some positive change in the life of 50 women, children and men and this would not have been possible without the training and the empowerment I received from WiLDAF and the Krachi West District Assembly through the support of Cordaid. (WiLDAF, Ghana Report to CORDAID, 2009:36)

⁸ Permission granted as cited in WiLDAF, Ghana report to CORDAID, November, 2009, pg 36

- Beatrice Solaga – Onyansanaa community in Ga West Municipality expressed her gratitude after participating in LLV training. She said she learned a lot and had resolved to contest in the upcoming district assembly elections (2010) in her community. She said *“this decision to contest, I am really serious about it and nothing can change my mind”*. (WiLDAF, Ghana Report on RWEP to WASRO)

The LLV, CRC and COWIG concept continue to be beneficial to both the trainees and the communities they work in.

4. Challenges

In the communities, where the cultural practices are mostly unfavourable for women, there is usually an initial resistance to LLVs. For instance, some communities in the Volta Region felt the LAP and the presence of LLVs would change the cultural beliefs and norms of the people⁹. Seeking change of culturally embedded practices is not easy; but after the introduction of the LLV concept and their activities, the community leaders and their members acknowledge the essence and the need for doing away with some negative cultural practices detrimental to women. Even though in most communities it is taking some time to get the needed change in attitude, the acceptance and acknowledgement of the LLVs and their work in those communities alone are a step towards the final attitudinal change.

The female LLVs are sometimes stigmatised by society as bitter women seeking revenge against men especially in circumstances where they are divorced, widowed or have ever been in abused relationships. The LLVs who find themselves in such situations have to go out of their way to explain to their communities through their actions and activities that their training entitles them to be neutral and not vengeful.

⁹ Even though these norms and beliefs are detrimental to women

Some men are also accosted by their communities as men who have lost their ‘manhood’ of asserting their maleness over a woman¹⁰ and are now defending the rights of the vulnerable especially women.

Even though the LLVs, CRC team members and COWIG members are not paid, they continue to do their work on voluntary basis. It is interesting to still find LLVs trained by WiLDAF since 1994 working and using their knowledge to help their communities and themselves. However, it has become apparent that LLVs cannot continue to be asked to work on voluntary basis as they need some support.

Mentioning the voluntary nature of the models also brings up the issue of sustainability especially as these LLVs, CRCs and COWIG members are expected to spend their time to sit and mediate cases as well as educate communities on their civil and legal rights ‘pro-bono’. Continually LLVs have indicated they need some motivation -financially to compensate for the time and man-hours they use. They have also indicated that the financial compensation would help them with their transportation cost and help them increase the communities they cover. However, WiLDAF has realised that motivating LLVs and CRC teams financially is non-sustainable.

The LLVs are also faced with the challenge of attending to immediate needs of clients who bring cases to them¹¹, employing negotiation and mediation skills appropriately without being bias¹², going to court as last option after the failure of the negotiation processes.

¹⁰ Usually through force or violence

¹¹ Some clients who send their cases to the LLVs need alternative shelter until the cases are called for meditation, some also need basic things such as food and clothing and because the LLVs are not given anything in terms of money for these immediate needs they most often have to resort to their own money to help their clients at their expense.

¹² LLVs as mediators must remain unbiased and most often community members whose cases have been mediated on or the cases are still been mediated on usually want to give the CRC team members some gifts which the teams must refuse in order to remain neutral to go on with the cases.

Another challenge of these interventions is that so far, they are located in only WiLDAF, Ghana's coverage areas: Western, Volta, Greater Accra and Central regions. The LLVs and CRC teams trained in these areas are not enough in terms of numbers therefore the implication is that the areas are too wide for the available human and capital resources to cover thoroughly.

5. Conclusion and Sustainability of the models

As indicated above, providing LLVs and CRCs with financial compensation from WiLDAF is non-sustainable. Therefore, WiLDAF has developed a different approach to ensure sustainability. In this strategy towards sustainability, WiLDAF, Ghana signs memorandum of understanding with various district assemblies before initiating the LLV training programmes in those districts. Currently WiLDAF does not select LLVs at random to train but does the selection with the district assembly considering the fact that the potential LLVs selected should belong to the districts and would work in those districts.

The memorandum of understanding with the districts also ensures that the District Coordinating Director and the Chief Executive are both aware of the programme and its implication on them. Therefore, they are aware that after the training the LLVs must be involved in community education and they need vehicles/transportation for their community work. They are also aware that the CRC teams set up are to help mediate cases to reduce the pressure on the courts and to enable more people access justice than before. They are aware that these teams would need space/venue for their meeting and mediation sessions. So far, ten (10) districts have signed the memorandum of understanding with WiLDAF, Ghana and the hope is that the enthusiasm they showed when the project concept was discussed with them would translate into action as the LLVs and the CRCs have started work.

The three models; LLVs, CRCs and COWIG have been very beneficial for both the clients who access and use them as well as to the individuals who benefit from such trainings. Considering that continually politics in Ghana has become an arena for the ‘strong’¹³, various means and strategies must be adopted to enable more women get in on merit other than the ‘survival of the fittest’ criterion. Aside the COWIG which started off with the governance motive the LLVs and the CRCs did not have the governance motive but instead were targeted more at accessing legal rights. However, both the LLVs and CRCs teams have moved beyond the ‘legal rights’ mandate to participating actively in and demanding that good governance principles are adhered to.

¹³ Both literally and also in terms of finance

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