

IN DEFENSE OF WOMEN --- LAWYERING IN A FEMINIST CONTEXT

AN INTERVIEW BY

MA. VICTORIA CABRERA-BALLEZA



In the latter part of August 1994, two women sought the assistance of the Women's Legal Bureau, Inc. (WLB, Inc.). The women were dismissed by an NGO because they engaged in a lesbian relationship with each other. A complaint for illegal dismissal was filed by WLB on behalf of the two.

A woman employee of a local court was demoted for saying 'no' to the sexual advances of the court's presiding judge who sexually harasses women employees and women litigants who happen to be in his sala. The woman filed an administrative case for grave misconduct and abuse of discretion against the judge, but the Supreme Court dismissed the case for "lack of merit". WLB filed a motion for reconsideration but it was also dismissed by the Court. The dismissal led WLB to ask: if no fair hearing can be expected from the highest court of the land, where can a woman seek redress?

In this interview, Atty. Eleanor C. Conda, Executive Director of the Women's Legal Bureau, Inc. shares with us the dynamics and complexities of working with the legal system from a feminist perspective.

Q: You've been into feminist lawyering for the last five years. Our readers would be interested to know what it is ...

A: It's the use of the law, the use of the legal system and processes to advance the women's cause, observing and upholding feminist principles. Translated into what we're actually doing, an example would be our feminist legal services to the women. Why feminist legal services? Because primarily we believe that legal services should be empowering. We depart from the traditional lawyer-client relationship wherein the lawyer's a giver or has the power in terms of knowledge of the law and the processes and the client is at the receiving end, at the mercy of the one with power. In our case we believe that it should not be so. In the case of a feminist lawyer, the whole process should be empowering to the woman, the client. Meaning, each conference with the woman is an opportunity for her to realize that her situation is only part of a bigger situation of women. It becomes a consciousness-raising session. It's also an occasion for the woman to find herself and to realize what she can do - like preparing for hearings or affidavits. At all times we believe that it should be the woman who should have control over the case. The feminist

lawyer is only out there to guide the woman in that process of making a decision and help her assess the pros and cons, in the end making the decision herself. And feminist lawyering - because we believe that the legal system is just one of the arenas for women's struggle. Working within the legal system is only a short term strategy for us. If we're only talking of one woman, one case, one domestic violence situation, one rape case, that will topple down the status quo of patriarchy, no. However, we also use the legal system to question the constitutionality of the law. Legal servicing has a long term aspect in that sense. When you're talking of discriminatory laws, we can use the legal system to strike them down for being invalid or unconstitutional.

Q: How did you get into feminist lawyering?

A: In 1990, there were two friends in law school who sat down and assessed where they wanted to go when they become lawyers - that was Evalyn (Atty. Evalyn Ursua, the current Deputy Executive Director) and myself. We considered the options before us, and we realized we had no option at all.

Q: That's interesting - especially when a lot of people are going into lawyering and look at it as a lucrative career ...

A: Yeah, and we said we want to make some meaning out of our being lawyers or our being about to be lawyers and there was nothing in the horizon for us that we wanted to do. But then we did not stop there. We found legal services as very limiting because that meant working within a system that we knew would be against the women. So we said the approach should be holistic - which means we had to adopt long term strategies like education and policy advocacy.

Q: Can you tell me a bit more about WLB? What are the objectives, the programs and services you provide?

A: We were officially registered in February 1991. The Bureau (WLB) has five major programs, closely interwoven with and complementing each other. We have the Feminist Legal Services (FLS), Policy Research and Development (PRD), Policy Information and Advocacy Assistance (PIAA), Women's Developmental Legal Education (WDLE), and Publications and Public Information (PPI) Programs.

Under the FLS Program, we provide legal assistance to women and women's organizations. The Program aims to promote the creative use of

traditional legal methods and avenues to fight for the cause of women and to inject gender sensitivity into the administration of justice.

Through the cases we handle under FLS, we work for the elimination of discriminatory laws against women. The FLS Program offers feminist legal assistance to women in cases involving gender-related issues and to women's organizations in matters relating to their operations. Legal services made available by the Bureau through this Program also includes preparation of legal opinions and memoranda for its clientele.

Q: Who can avail of your programs and services?

A: Any woman or any group of women from different sectors.

Q: Going back to your programs and services...

A: Yeah, going back...The PRD Program provides the baseline information and the policy proposals required for undertaking policy advocacy. To complement the material output of the PRD, the PIAA puts forward policy proposals to pertinent agencies. It also paves the way for the effective involvement of women in the legislative process by offering legal and technical support to advocacy groups. WLB is one of the founding members of SIBOL, a feminist legislative advocacy network which drafted the women's anti-rape bill.

The WDLE Program provides trainings and seminars to women's groups to equip women with basic legal skills and knowledge to enable them to deal with their peculiar situations themselves. This is WLB's way of further supporting other women's organizations. Moreover, the Program promotes feminist lawyering among law students and attempts to gender-sensitize them through symposia, dialogues, and law internship arrangements with schools of law.

The Bureau also produces popular educational materials and disseminates legal studies and researches through our Publications and Public Information Program. We consider this as another way of promoting feminist lawyering and a venue for disseminating feminist legal principles and theories within the legal profession. We used to run a weekly radio program on women's issues and the law intended to demystify the law and legal processes for women. But due to lack of resources, we had to discontinue the program. We have plans of reviving the radio program, though. In fact we are also considering going on television. We work a lot with the media and we believe the media plays a very important role in advocacy.

Q: Before setting up WLB, were you already active in the women's movement?

A: Not really within the movement. I was with the Senate then. I was the first technical assistant of the first Committee on Women and Family Relations of the Senate in 1987 under Senator Rasul. So I had a chance to work from within and to work with women leaders.

Q: So far, have you encouraged more women law graduates to work with the Bureau or at least consider feminist lawyering as an option?

A: To some extent, yes. Firstly, by taking in law students, by making them part of the Bureau's work, as full-time or part-time personnel. Secondly by encouraging and accepting interns although we've never really come up with a systematic, organized internship program simply because we don't have the person to conceptualize the whole thing. In 1993, we initiated the formation of a volunteer lawyers network. Members are women lawyers from different fields.



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Q: Do you have male lawyers who work with you in some of the cases you handle?

A: We have a very basic problem in accommodating male lawyers in the Bureau because of the nature of the cases we handle which are mostly rape cases or domestic violence cases. It's going to be very insensitive of us to have a victim - survivor relate her case, especially at the first instance, to a male lawyer. We also believe that at this stage in our work, as a feminist legal resource organization, we're still challenging the very male-oriented principles or patriarchal legal provisions of the law. We're not actually closing the doors, no! Perhaps in the future we can think of working with male lawyers. But right now, in the present phase in our work it is best that we limit the handling of cases to

women lawyers. Men can be involved in the cause but in another capacity.

Q: Have you had any project where men were involved?

A: Yes, in our Community-based Approach to Violence Against Women (Combat VAW) Project which is implemented in urban poor communities. We train some women to become legal advocates who will respond to cases of violence in the community. The reactions vary from outright hostility on the part of the male member of the family who can either be a father, a brother, a husband or a live-in partner; to passiveness, not caring what the woman does. But there were also some men in one community who showed willingness to help the women. At the very least, they tried to understand what the women were trying to do and expressed interest in also learning what the women learned. So outside the project, we had to come up with a short module on the issue of VAW for these men.

Q: What came out of this training with this group of men?

A: After they underwent the four-day orientation, they decided to form themselves into a support group. They decided they wanted to support the women because they felt they could do things that probably the legal advocates could not do, like talking to the other men about the issue over bottles of beer or intervening when a man batters his wife.

Q: For many of us, when you say law, when people talk about law, it sounds high-fallutin. Do you have attempts in your programs to demystify the law?

A: Everything that the Bureau does is an attempt to demystify the laws. For a long, long time, the legal profession has held the monopoly over the knowledge and skills related to the law. Thus, we try to simplify the language; we adopt popularized methodology. And of course we try to

preparing a legal document is part of the process of demystifying the law. We look for every possible occasion to discuss what is happening with a certain case or where in the process we are in. That way, women slowly lose that awe or fear about the law because a big part of such attitude stems from ignorance about it.

Q: What is the status of the petition?

A: It was dismissed for lack of merit. This signals that the Court is not ready yet to address the issue of trafficking or at least consider issues from the women's viewpoint.

Q: Don't you find this frustrating?

A: We're quite pragmatic about it. We look at it as part of the whole process of advocacy within the legal system. It's a first step. It's part of the process of raising people's awareness of the legal system as well as drawing public attention to the issue. In the latter, we work with friends in the media. So, when a case is dismissed, all is not lost.

Q: How do you foresee legislation on women in this country? Do you think there will be more legislators proposing bills that will advance women's status?

A: In the past Congress or even in other Congresses, we've seen posturings on the part of legislators when it comes to women's issues. And I think we will see more of that. This indicates that somehow women are beginning to be looked upon as a political force. But we're not talking yet of a women's vote enough to sway or influence results of elections.

Q: So far how many bills on women have been passed and what are these?

A: During the 9th Congress, three out of more than three hundred bills on women filed. One on social security, another on sexual harassment and another providing for assistance to micro and cottage business enterprises.

Q: Can you tell me some of your success stories in the Bureau?

A: If by success stories you mean outstanding achievements of the organization, I'm afraid that I may not be able to answer your question. For us in the Bureau, successes or victories come in seemingly small but important ways. Like women transforming themselves and finding their strength and power, after making the initial difficult decision of taking control of their situations. Women learning about their rights and asserting them. Women and some men seeing sense in the SIBOL rape bill and doing their bit for the campaign for its passage. Media tackling issues like rape and domestic violence. Women lawyers responding to our call for volunteers. And so on. For some, these may not be earth-shaking gains at all. But for us, they matter. They bring us nearer our goal.

Q: In terms of cases won?


A: We have a number of them over the years. Earlier I talked about our feminist legal services. Following the principles we abide by winning a case, for us, is and should not be the be-all of our legal services, although it is important. As important or more important is the woman's empowerment as she goes through the legal system or acts on her situation.

Q: What are most of the cases that women approach you for? What is the average number?

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develop a critical attitude towards the law. For example, we stress that the law is not God-given, it is man-made. Therefore it can be changed. Once the women have the basic knowledge about laws, then they find out that they can actually use them. And this is proven in our community-based projects. The legal advocates have acquired the confidence, because of what they learned from the trainings, to deal with authorities like the police, the prosecutors.

For women's groups there were also attempts on our part to demystify the legal processes. In 1992, we filed a petition for certiorari before the Supreme Court on a trafficking case that was brought to us. We asked some women's groups to take part in preparing some portions of the petition. Providing them with an opportunity in



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E: Mostly rape and domestic violence cases. As of June 1995, the Bureau has 89 active cases. Since we started in 1991, we have accepted more than 200 cases.

Q: What criteria do you follow in accepting cases?

A: We have two criteria. One, the case must involve a gender-related issue. Two, it could be any of the following: the woman is indigent or has no capacity to pay; the case involves far-reaching policy implications; or the case is sensitive or involves risk. However, we make it a point that cases that are not within our mandate are referred to other lawyers.

Q: Do you charge any fee?

A: We follow a socialized fee structure according to the capacity of the woman to pay.

Q: How do you handle cases of domestic violence wherein the women opted to reconcile with their partners or husbands when you have already gone through the whole process of documenting the case and filing charges?

A: We go back to the premise that it is the woman's life and nobody else's. Should the woman decide to go back to the husband or the live-in partner, it's her choice. But only after a really informed process of decision-making. That decision, I think, should be looked at from a larger context wherein a woman goes through the cycle of violence. The wooing part, the courtship, are part of the cycle. It's a cycle from which a woman will find it very, very difficult to get out of. All we could do is support her in the process, in trying to muster enough strength, enough confidence to eventually get out. Based on our working with women victims/survivors of domestic violence, there are many factors -- such as a woman's economic powerlessness, the children, pressure from family -- that render it difficult if not impossible for a woman to do something about the situation of violence that she is in or see her case through the end. We have to understand this. In the end, if a woman decides that she would reconcile with the battering husband or live-in partner, we could only stand by and assure her that we are still there should she need us.

Q: How do you look at the forthcoming World Conference on Women in terms of advancing laws pertinent to women?

A: The Platform for Action that will be discussed by governments during the Beijing Conference addresses problems that have long been faced and suffered by women. Governments will again commit to take action, including legislative measures, in response to various issues. Whether or not governments will be true to their

commitments and accountabilities under the Platform for Action would depend on their political will and sincerity, which most likely would not be there. Where then does this leave us advocates? International documents like the Platform for Action set standards which we could use in our advocacy, specifically, for changes in laws or for measures or programs that would be in the interest of women. They include undertakings which women could hold their respective governments accountable for. We advocates have yet to optimize the use of these international documents in our work in our respective countries.

Q: How would you assess the impact that the Bureau has made in the women's movement?

A: We are celebrating our fifth year in February 1996 - probably by that time the Bureau would be more prepared to talk about the impact, if any, of its work. But maybe the mere presence of a group in the movement that uses the law as entry point, somehow reminds women that there is a legal aspect to consider. But I still think it would be best to talk to the groups and individual women that we've worked with and let them answer your question for us.

Q: This is the last year of your term as Executive Director. What are your plans after your term?

A: I would like to continue working with sisters in the movement and being involved in the process of change. But this I may have to do in another capacity. Immersing myself in the Bureau for the past five years precluded my going into other endeavors. I want to try out other possibilities for me professionally. On the personal front, I hope to have more time for my significant others, for reading, writing and reflection and for growing spiritually. In other words, go on with the process of be-ing and becoming, which for me is what life is all about after all.

Q: What do you consider to be your most valuable learnings as a feminist lawyer?

A: Engaging with the legal system through case handling or advocacy for changes in laws, is fraught with dilemmas. Dilemmas such as the possibility or fear of cooptation. However, I realized over time that as long as there is certainty in a person's convictions, her 'bottomlines' while working within the system will not be difficult to define. Still, this does not mean letting down one's guard. There should be constant reflection about one's self and what is happening, and continuous reexamination of one's premises, positions and views. I think that my being a feminist lawyer has helped me much to grow.▲