

Civil Society as a Powerful Source for Change

Transformative change to advance equality doesn't just happen—it takes deeply committed advocates and visionary leaders. Social movements have led to changes in laws that are foundational to gender equality across regions and history. In the 1890s, nearly 32,000 women across New Zealand—a quarter of the country's female population at a time—signed a petition led by the country's first national women's organization urging the parliament to pass the Electoral Act; its adoption in 1893 made New Zealand the first contemporary country to grant women the right to vote.¹ In Switzerland, half a million women across the country, brought together by a broad coalition of trade unions, went on strike in 1991—the largest strike in national history—to pressure the government to implement the constitution's guarantee of equal pay, which led to the enactment of the Gender Equality Act five years later.² And in Brazil, after over seven decades of advocacy by domestic workers' organizations, the government enacted a constitutional amendment prohibiting discrimination against domestic workers and, two years later, a comprehensive law articulating labor protections in detail.³

Evidence about what's feasible, and data about impacts, can play a critical role in realizing effective policy change, which is why this book has sought to document the breadth of policy solutions across countries and the effects they have had. Yet data and evidence alone are rarely enough; this information requires champions—advocates, policy makers, and other individuals who care. Moreover, passing laws is often only the first step—ensuring governments realize their commitments is essential to long-term impact. In order to succeed at preventing discrimination and building other foundations of equality, enacting laws with built-in implementation mechanisms is crucial. So, too, are ongoing monitoring and accountability efforts to prevent implementation from stalling and enforcement from waning over time.

This chapter offers four examples of how civil society organizations (CSOs) have achieved transformative change on issues critical to gender equality in the economy in different settings, and examines some of the lessons and considerations that informed their strategies. In particular, the case studies featured in this chapter—spanning South Africa, Uganda, Jordan, and the globe—illustrate how civil society can play an effective role in passing new laws, in monitoring and strengthening the impact of the laws, in creating new programs to fulfill the laws’ purpose, and in supporting movements to advance gender equality across countries.

GLOBAL COMMITMENTS TO GENDER EQUALITY: WORKING TO REALIZE THEIR PROMISE

Yasmeen Hassan, global executive director from 2011 to 2022, described the beginning of Equality Now’s focus on gender equality in the law:

In 1995, we were super happy because the Beijing Conference, the Fourth World Conference on Women, happened. One of the things that they put out of that conference . . . [was] the Beijing Platform for Action. It is the first time that 189 countries had agreed on a way forward on women’s equality, and one small part of this Platform for Action is that within a certain period of time, states agree that they will amend or revoke all sex-discriminatory laws. So we were like, our work is done.⁴

However, as Hassan continued: “Four years after Beijing, [cofounder] Jessica [Neuwirth] turned to me . . . and said, ‘Guess what? We were so excited at Beijing, and not a single law has changed.’”⁵ Equality Now has been working to amend or repeal laws that discriminate against women and girls ever since.

Morocco: Closing Marriage Rape Loopholes and Advancing Regional Change

In 2012, after the suicide of a sixteen-year-old girl who had been forced to marry her rapist, local civil society organizations including Union de L’Action Feminine intensified their long-standing campaign to abolish Article 475 of the Moroccan Penal Code, which allowed rapists to avoid punishment if they married the victim.⁶ According to Hassan, “this really led to a whole movement in Morocco, where they took to the streets.” The protests were ultimately successful, resulting in the reform of the penal code in 2014.⁷

In the wake of the reform, Equality Now acted quickly to share comparative information on similar laws and to convene activists from across the region. As Hassan described:

That law got changed, but because there was all this momentum—and again, this is the grassroots activism—we were able to bring together very quickly a report of all the laws in the world that have the same kind of provisions and bring activists [together]. Then one after the other, the laws change in Lebanon and Jordan.⁸

Rather than conduct its own trainings or workshops, Equality Now “got Moroccan activists there to talk about the change in law and brought all these people together so that people can see the similarities and what the Moroccans did . . . the activists got to know each other, which in itself can open a lot of eyes. . . . They connected with each other and shared strategies and shared also sometimes resources.”⁹ The convenings had impact: as Equality Now attorney Antonia Kirkland recalled, “we had two convenings, one at the end of 2016 before the laws in Tunisia, Lebanon, and Jordan changed in the summer of 2017. Then another one at the end of the year to inspire further reform [including] in Palestine, which it did in March 2018.”¹⁰ Kirkland was quick to point out that Equality Now’s role in these efforts was primarily supportive: “We played a little part . . . I couldn’t quantify that, but I think we contributed in the sense that we brought people together.”¹¹

Equality Now also used its credibility with international treaty bodies to amplify local activists’ demands for reform of the rape law loopholes. Given Equality Now’s stature, name recognition, knowledge of the system, and connections within the treaty body committees, its “shadow reports”—submissions from CSOs to the United Nations (UN) regarding governments’ compliance with fundamental human rights treaties—can carry more weight than most.¹² Building on this reputational access, Equality Now

worked with [local] partners to put in submissions to the various UN treaty monitoring bodies, like the CEDAW Committee [Committee on the Elimination of Discrimination against Women] or Human Rights Committee, the Committee against Torture, the ones that are going to be having dialogues with the governments that have those laws. So we asked them to ask particular questions on those provisions and make specific recommendations, which they did in most cases. I think that helped put pressure on the governments from the highest level, the international level, to undertake those reforms.¹³

*Central Asia and the Former Soviet Republics: Strengthening
Laws on Sexual Violence by Amplifying the Advocacy
and Profiles of Local CSOs*

Replicating best practices across a region is a strategy that Equality Now has employed repeatedly. Prior to joining Equality Now, Tamar Dekanosidze successfully held the government of Georgia accountable for its failure to protect victims of sexual violence.

I was working for the Georgian Young Lawyers’ Association, which is a local human rights NGO [nongovernmental organization] in Georgia. I was doing strategic litigation at the local courts and specifically at the European Court of Human Rights in that period. I took three cases of femicides to local courts and the European Court in which we were arguing that the government was responsible for the killings of these women . . . because the women had applied to the police and prosecution for a

number of times asking for support, asking for protection. The [police and prosecution] did not provide any protection and, as a result, their husband[s] killed them. And therefore we were arguing that this government was responsible.

Dekanosidze went on to explain that in one case, a nineteen-year-old was killed by her husband after the police and prosecution ignored her complaints. In another case, a “twenty-five-year-old young woman who was subjected to continuous domestic violence by her husband had applied to the police seventeen times, a lot of times, asking for help. They didn’t provide her with any help and support and, ultimately, she was so desperate that she committed suicide.”

Dekanosidze described how “the cases my colleague and I took to the local courts were the first-ever cases [in Georgia and the region] when the government was sued for their failure to protect the rights of life or women who failed victims of domestic violence, and we . . . won all these three cases.” Dekanosidze and her colleagues also brought the cases to the European Court and advocated for change with UN bodies. The combination of the local legal cases, Georgia’s national women’s movement, the case before the European Court and support of UN organizations brought about significant changes in the law, in access to services, and in implementation of restraining orders.

Dekanosidze brought her experiences with national change and an appreciation of inter-country similarities and differences to Equality Now. Together with colleagues, she began with a comparative analysis of laws around sexual violence in the fifteen countries of the former Soviet Union, including in Central Asia, which Equality Now released as a report titled *Roadblocks to Justice* in January 2019. According to Dekanosidze, “this report has been the basis for all the work that we are now doing in the region, and this is really the first report of its kind that was developed concerning all the countries of the former Soviet Union.”¹⁴ She continued:

Based on the findings of this report, we made country-specific recommendations . . . in collaboration with the local groups in these countries. . . . For example, in Kazakhstan, for many years until last year the . . . criminal code allowed reconciliation as the basis for terminating a rape case, for dropping the case if the woman was raped and then the perpetrator and the victim had reconciled. . . . We supported the local groups in Kazakhstan who were advocating for this specific legal change, and the law was eventually changed last year. So today in Kazakhstan, reconciliation is no more the basis for discontinuing court proceedings and ensuring impunity for perpetrators of rape. Just to give one example.

When we spoke, Dekanosidze was working on how to improve implementation of laws, even as many laws require improvements: “One of the important things we are doing now, and we are going to replicate in other countries, is that we have just finished the development of a set of manuals on investigation, prosecution, and education on sexual violence in Georgia.”¹⁵ Given Dekanosidze’s prior experience finding that external pressure could importantly support the voice of local civil society

movements, she worked with other international partners to bolster the training's legitimacy in the eyes of governments. Dekanosidze explained: "In the beginning, we were thinking of doing the manual on our own, without having partners from international organizations [aside from Equality Now], but then we thought that having the UN Women and Council of Europe would create more pressure on the government to actually take this manual seriously and implement it."¹⁶

Local and Global

When working on national-level legal advocacy and reform, Equality Now's position on the appropriate role for an international organization is very clear: local actors and civil society organizations must lead. Equality Now supports those efforts.

One way that the organization does so, as director of communications Emma Thompson explained, is by sharing with local organizations actionable information and data to which Equality Now has access due to their work around the world, and which local groups may not otherwise be aware of:

It's about demonstrable evidence that gender equality is good for everyone. In bringing an example of what's changed in one country, maybe a single law has been repealed and that has meant more women stay in education or enter the workforce. The knock-on macro effect could be huge strides in terms of the prosperity and stability of that country. Our role as Equality Now is to present that solid information to policy makers in other places to generate more political will to reform discriminatory laws.¹⁷

This same wealth of evidence forms the foundation of Equality Now's global work. Equality Now issues global reports of progress in achieving gender equality in the law as well as numerous country-specific examples of where inequality remains.

This evidence has made a difference. These reports about discriminatory laws, their public dissemination, and the local and global advocacy around them have accelerated change and bolstered accountability by creating an effective monitoring mechanism. Indeed, between Equality Now's first reporting on discriminatory laws in 1999 and its Beijing+25 report published in 2020 (measuring how far countries have come since the Beijing Declaration), over half the laws featured in its reports—over fifty total—had been repealed, reformed, or voided.¹⁸

Some changes are swifter and more straightforward. As just one example, in 2015, after Equality Now included our data showing Ireland's status as a regional outlier on paternity leave in a report on discriminatory laws, advocates used this comparison with other European policies as a key talking point, contributing to their successful campaign to urge lawmakers to adopt the country's first father-specific leave in 2016. Ireland has since substantially increased leave.

Other changes take place over time and repeated efforts. Equality Now had highlighted the need for Syria to change its "honor killings" law since 1999.

Kirkland described how “over the years, they made it a little bit better, like they lengthened the sentence for a man that murders his wife or his sister for adultery, but it still wasn’t on par with other murders, so it was still discriminatory, so we kept putting it in and putting it in and we were not that hopeful. And then Syria’s mission to the UN wrote us back and said, actually we just changed it.” Across areas, the global and local partnerships bringing unequal laws to light have mattered.

Changing Legal Rights and Unequal Expectations

Equality Now’s work inevitably engages with the complex relationship between legal change and cultural change, as well as opposition to gender-equal laws. As Hassan related,

I believe that culture has always been used as a hammer on women’s heads and every time, from when we started Equality Now and started talking to government, they would give us this argument: “We’re just not ready for this. This is well enough and it works, so we’re just not ready for it and our culture has to change.” And I was just like, “You never say this to any other issue, to economic issues, to trade issues, that oh, the culture has to change. It’s in your benefit and you change it very quickly.” So I don’t believe that argument that you cannot have legal change and that culture change has to come before legal change. Legal change sometimes drives cultural change. But in a best-case scenario, you have political will, legal change, and cultural change.¹⁹

Likewise, Thompson noted, “In changing the law, you inherently have to change hearts and minds as well. . . . In changing the law, it starts a conversation.”²⁰ Kirkland further explained: “Legal equality is just the foundation for everything. It doesn’t guarantee that the norms will change, but if you don’t have legal equality, it’s much harder for them to change. And especially if those rights are violated, then there’s no recourse.”²¹

CHANGING THE LAW: EXPANDING PAID LEAVE FOR FATHERS AND PARTNERS IN SOUTH AFRICA

In November 2018, South Africa enacted ten days of paid leave for fathers and partners,^a the culmination of years of work by individual advocates, CSOs with a long-term commitment to gender equality, labor unions, and policy makers.

Sonke Gender Justice, a CSO that had been working to advance gender equality in South Africa for over a decade—including through a focus on men’s roles as allies—laid the groundwork by engaging in advocacy, organizing, and sharing

a. This summary refers to South Africa’s leave as “paid leave for fathers and partners” because it was designed to meet the needs of fathers and partners, including female co-parents. Of note, the leave also covers adoptive parents of all genders. The legislation itself, the Basic Conditions of Employment Act, uses the term “parental leave.”

research to build awareness of the importance of leave for fathers and the feasibility of passage. Sonke collaborated with women's rights organizations in this work and in particular collaborated on parliamentary advocacy with the women's rights organization Mosaic. An individual father, Hendri Terblanche, brought new energy to the effort after witnessing how difficult it was for men to be fully involved with their babies during his own newborn sons' hospitalizations. The Congress of South African Trade Unions (COSATU), South Africa's largest labor organization, leveraged its past experience advancing maternity leave, its access to policy makers, and its expertise with the legislative process to build broad support for the effort. And Cheryllyn Dudley, a member of Parliament, responded to Terblanche's call for expanded leave for fathers, helping to move the bill forward.

The group consisting of Terblanche, Sonke, Mosaic, and COSATU built an irrefutable case for paid leave for fathers and partners that demonstrated its powerful benefits for a wide range of stakeholders: it would reduce the burden of care on mothers, especially mothers in paid employment; it would improve gender equality for men in unpaid caregiving, and support greater gender equality at work; it would bring South Africa's labor policies in line with those of many countries globally and a growing share of its African peers; it would foster bonding and attachment between parents and newborn children; it would reduce parenting stress and absenteeism, thus benefiting workplaces; and for fathers like Terblanche, it would provide immeasurable support during one of life's most profound experiences.

Laying the Foundation: Putting Gender—and Leave—on the Agenda

By the time the new paid leave law was enacted in 2018, gender equality had been a focal point for a range of South African CSOs, helping to establish fertile ground for policy proposals that would advance equality at home and at work. Among the foremost organizations was Sonke, which had worked since its founding in 2006 on a wide range of issues central to gender equality, including gender-based violence and men's engagement in caregiving.

Sonke's work on paid leave for fathers stemmed from national statistics on unpaid care, which had found that women in South Africa spent around eight times as much time on unpaid care work with children as men, according to Sonke's Wessel van den Berg. The organization's first big opportunity to advocate for leave for fathers came in 2010 when it contributed to the White Paper on Families in South Africa, a government-led policy statement that drew on the expertise of CSOs nationwide and established a set of priorities for supporting families across the country.²² Drawing on its working relationship with then deputy director general of the Department of Social Development, Zane Dangor, whose unit was responsible for drafting the white paper, Sonke was able to be closely involved in its development²³ and worked alongside a wider network of CSOs to ensure that the paper used gender-neutral language and addressed the diverse range of family structures present in South Africa. In addition, Sonke played an instrumental role

in the paper's recommendations around paid leave for fathers. Under action steps for "family strengthening," the paper listed:

Put in place mechanisms and policies, including paternity and parental leave, to facilitate the balancing of work and family responsibilities and to promote equal parenting care and responsibility between fathers and mothers, and encourage gender equality in parenting.

While the language fell short of a binding commitment, the paper represented a significant step, according to Van den Berg, particularly since it marked the first time the government had put forth "a set of directions for policy to follow in terms of families in South Africa" since it became a democracy.

Meanwhile, COSATU, which worked to advance a broad set of priorities in support of the country's workers and had been a leading voice for equality since the apartheid era, had begun taking a more deliberate approach to gender in its own work, building on prior victories for women workers. One of South Africa's oldest and most influential trade unions, COSATU had played a pivotal role in realizing South Africa's adoption of four months' paid maternity leave in the mid-1990s and had drafted the union's first gender policy in 2000. More recently, COSATU had elected women to three of its six leadership positions, including its first woman president.²⁴ In short, by the 2010s, COSATU was moving toward a more "proactive" stance on gender equality, according to Matthew Parks, deputy parliamentary coordinator, positioning the union to take a leading role in advancing leave for new fathers.

Nevertheless, neither organization was focused chiefly or exclusively on paternity leave, given the range of other pressing issues relevant to gender equality and to conditions of work. Sonke had also cofounded the international MenCare Global Fatherhood campaign and driven the campaign's activities in Eastern and Southern Africa. Paid leave for fathers is an important focal point of MenCare internationally. In South Africa, however, after the white paper consultations, Sonke largely "shelved" its national paternity leave work—"not deliberately, but we just got involved in other things," in the words of Van den Berg. Likewise, though COSATU was generally supportive of paternity leave, the organization "didn't really prioritize it," according to Parks. In 2014, this all changed.

A Spark to Reenergize the Movement: One Father's Experience

On November 14, 2013, Hendri Terblanche's wife Giselle gave birth at just twenty-six weeks to twin sons, Danté and Juandré. While both boys survived, they each weighed just around two pounds at birth and required extensive time in the intensive care unit before they were allowed to go home. In total, Danté spent 139 days in the hospital, while Juandré spent seventy-nine days. Terblanche, who at the time was working as a financial manager in Cape Town, considered himself lucky to have a job that gave him the flexibility to visit his sons in intensive care while

they were building the strength to come home. Yet he saw numerous other fathers spend just three days in the intensive care unit—their full allotment of paid leave under South Africa’s legislation at the time—and then rarely return; “although they wanted to stay,” he recounted, “they had to return to work.”

Terblanche decided to take action. As a first step, he submitted a petition to the National Council of Provinces (NCOP), one of the upper houses of Parliament, taking advantage of a provision in the South African Constitution that provided that any “interested person” could submit a petition to the NCOP, and that any member of Parliament could then present it to the full body.

The petition made a powerful and data-driven case for expanding leave for fathers from three to ten days. For example, Terblanche included research that demonstrated that increased leave would improve outcomes for children, improve the health and well-being of new mothers, and increase fathers’ long-term care involvement with their children. For businesses, Terblanche showed that paid leave for fathers would improve fathers’ and mothers’ physical and mental health, making them more productive and committed employees.²⁵ Drawing on his financial training, Terblanche took his argument one step further, using data from Stats South Africa to work out the average cost of leave for ten days per birth of each child.²⁶

Terblanche also drew on comparative data. Over multiple years, the WORLD Policy Analysis Center had produced and disseminated data and tool kits on paid paternity and parental leave in partnership with national and international researchers, global and regional civil society leaders, UN agencies, and major media outlets. For example:

- In 2011, WORLD published research with leading researchers, including Zitha Mokomane at the Human Sciences Research Council of South Africa, on international perspectives on work-family policies and paid leave for fathers.
- In 2012, WORLD published work with the United Nations, including pieces for the Division for Social Policy and Development of the UN Department of Economic and Social Affairs in *Families at Work: What We Know about Conditions Globally*, which highlighted paid leave for fathers as a policy gap and an area for action.
- In 2013, WORLD launched *Children’s Chances: How Countries Can Move from Surviving to Thriving*, a global synthesis of data and comparative maps on laws and public policies in 190 countries, with Catherine Mbengue, chair of the African Child Policy Forum. This work included data on the gap between mothers and fathers on leave to care for new infants and the long-term impacts of this gap on maternal and child health.
- In 2014, WORLD launched a series of resources on the anniversary of the Convention on the Rights of the Child, including a piece with UNICEF on what it would mean to fulfill the convention’s potential. This work included infographics,

fact sheets, social media content, and knowledge translation materials shared directly with a wide range of South African and regional partners.

Also in 2014, Terblanche submitted his paid leave petition to the NCOP in July. In November, less than two weeks after the twins' first birthday, Terblanche presented his petition to the Select Committee on Petitions and Executive Undertakings, arguing that the cost of paid leave for fathers would be outweighed by the societal benefits it would bring as well as the direct benefits to employers with regard to decreased absenteeism and increased employee commitment.²⁷ He also noted that a range of other African countries—including Mozambique, Kenya, Algeria, Morocco, Rwanda, Tanzania, and Tunisia—had already adopted paternity leave, making it clear to the committee that paid leave for fathers was not limited to wealthy European nations.²⁸

A director in the Department of Labour submitted a brief in opposition, broadly arguing that paid paternity leave would be cost prohibitive. Yet as the Select Committee noted in its report, no economic impact statement had actually been undertaken; in response, the committee directed the Department of Labour to “look into the possibility of conducting an economic impact assessment” on paid leave. It also recommended the matter to the Portfolio Committee on Labour and the Department of Labour.²⁹ Yet given the committee's very tentative language, Terblanche decided to also pursue other strategies for advancing his cause, including personally contacting each member of Parliament—and as he did so, he came to the attention of some powerful allies.

Collaborating to Reach Policy Makers

As momentum began to build, Sonke continued to highlight research showing how South Africa compared to the rest of the world on paternity and parental leave. The MenCare Global Fatherhood campaign produced the first *State of the World's Fathers* report in 2015, with a dedicated focus on the benefits of paid leave for fathers.³⁰ In the same year, WORLD partnered directly with Sonke, alongside the MenEngage Alliance, to cohost a workshop on paternity and parental leave that brought together partners from across the region to share data, advocacy experiences, and research. WORLD's comparative data proved influential as labor leaders and members of Parliament noted the unfavorable comparisons. Van den Berg of Sonke said, “South Africa likes to position itself as an economic and policy leader on the continent, and showing where we are behind our neighboring countries, as well as how families have responded in countries where these policies have been implemented, is very powerful.”³¹

Meanwhile, as Terblanche set to work calling and WhatsApp-ing every MP he could reach, his one-man campaign began attracting media coverage. According to Van den Berg, “we saw a newspaper article about him and then [we] approached him,” with the goal of providing Terblanche with a greater platform to amplify his

message and media reach.³² At the same time, Parks of COSATU learned of Terblanche's efforts through a listserv and felt compelled to find a way to support; as he recalled, "I said, okay, let's see how we can support this and let me see how I can use COSATU's influence to try to make the MPs listen to [Terblanche] because I [could] see they were not listening to him despite his persistence."³³

Parks began meeting with contacts in government, including the Petitions Committee chair and Cheryllyn Dudley, a member of Parliament and of the African Christian Democratic Party. Meanwhile, Sonke worked to secure greater media coverage of Terblanche's efforts and simultaneously drafted a new position paper on paid leave for fathers in collaboration with the University of Johannesburg. To ensure that expanding leave was actually a strategy that would address inequalities in unpaid care, Sonke and Mosaic also held a series of consultations with women's organizations. Next, Terblanche worked with Sonke and partners to put together a draft bill, drawing on the position paper, which he shared with Dudley.

The collaboration soon paid off. In 2017, Dudley submitted a paternity leave bill to the National Assembly, which both Van den Berg and Parks attributed to the media attention that their and Terblanche's advocacy had garnered. Terblanche agreed that "the media played a crucial role" in attracting the attention of MPs.³⁴ This was especially notable as it was the first bill ever submitted by a private member, rather than by a minister, committee, or member of the Executive Council.³⁵ Ultimately, however, the member's bill drafted by Dudley deviated from the inclusive policy the group had sought to advance, in particular by excluding same-sex couples from full benefits.³⁶ In the end, Terblanche, along with Sonke and COSATU, opted to voice these concerns by making submissions on the bill once it was tabled, which came later in the process.

As the largest of South Africa's trade union federations, COSATU and its leadership, including Parks, were experienced in advocating for legislation. Parks was able to leverage COSATU's influence to push the bill to the next stage, bringing it before the National Economic Development and Labour Council, which would be essential for getting business buy-in. Yet initially, according to Parks, business leaders showed little interest either way, seemingly underestimating the effort and its momentum.

Meanwhile, Parks and COSATU were able to argue that South Africa was "actually quite far behind other African countries," several of which had already implemented policies similar to their proposal, as documented by WORLD research and shared across civil society in the convenings cohosted with Sonke.³⁷ He continued:

As a labour movement, we look to the Scandinavian countries as role models on many fronts, but . . . you're just not in a situation where we're going to get two years' paid leave . . . but I think it was useful to be able to say look at Kenya, look at Cameroon, look at Morocco. . . . So we are the leading industrial manufacturing economy on the continent. We have the most progressive constitution on the continent. I think

it was useful to say, look, other African countries are doing this thing. What's our problem?³⁸

The data accompanied by COSATU's institutional weight were enough to get the support of the Portfolio Committee on Labour—the parliamentary body charged with making recommendations on bills relevant to workers—and move the bill forward.³⁹

After the bill left the Portfolio Committee in November 2017, it was open for a public hearing and submissions from CSOs. Sonke and the women's rights organization Mosaic made a submission together, drawing on Sonke's original position paper on paid leave for fathers and on a consultation they had done with a wider network of organizations.⁴⁰ COSATU also presented an official submission in support, as did both Terblanche and another couple who had personally benefited from paid leave for fathers.⁴¹ From then on, the bill continued to move forward and go through rounds of edits, until it was finally adopted and sent to the president's desk.

A Step Forward: New Legislation

On November 23, 2018, the powerful collaboration among all the partners finally paid off. President Cyril Ramaphosa signed the Labour Relations and Labour Amendment acts into law, guaranteeing fathers and partners ten days of paid leave.⁴²

Moreover, while much of the advocacy and media campaign focused on paid leave for fathers, the amendments had wider-ranging benefits: for maternity leave, the payment amount was increased from 54 percent to 66 percent of the new mother's salary, meaning that mothers received more money than they previously did from the unemployment fund.⁴³ The language on paid leave for fathers was made gender-neutral so that it also extended to nonbirthing parents regardless of gender.⁴⁴ The new law also included an allocation of leave for adoptive parents or those who had a child by surrogacy, ensuring a legal right to time off from work in addition to payments that were already available. Finally, this right was available at the start of the adoption placement rather than on its finalization months later. Van den Berg of Sonke described this last inclusion as "a particular small clause that I pushed for personally on my own, which came from . . . my wife's difficult experience of trying to claim maternity leave as an adoptive parent."⁴⁵

Impacts and Limitations

All of the advocates involved in the push for paid leave for fathers and partners in South Africa viewed the reforms as a success, but they also noted that there were limitations. In particular, Terblanche, Sonke, and COSATU all acknowledged that ten days, while a distinct improvement over the previous allocation of three days' family leave, was still a very limited amount of time for new fathers, particularly in the case of a complicated or premature birth. A commitment to further expanding

leave is likewise reflected in the partner organizations' materials; since 2015, for example, COSATU's Gender Policy has stated that "there is a need for a minimum of 10 days paternity leave for fathers, with a view towards extending this to two months," and paternity leave was identified as a "key action area" at the organization's 2015 conference.⁴⁶

The details also had the potential to limit coverage. Parks explained that because many adoptions of extended family members in South Africa are unofficial, the adoption leave would likely reach only a fraction of those who needed it.⁴⁷ Van den Berg of Sonke also noted that the ability to access paid leave relied on having accumulated a positive balance in a worker's unemployment leave account. If a worker has a child early in their career, "you have a minimal balance in your account" on which to draw.⁴⁸ Ultimately, however, the groups saw the bill as worth supporting. As Van den Berg put it,

We saw it as an end of the stage. We didn't want to make too much noise about it and delay it. We rather thought, let's support this process, get it established, and then based on data we can motivate for better leave as we go along with data.⁴⁹

There was also a significant delay in implementation. Van den Berg described it as a delay in harmonizing the Labour Laws Amendments Act and the Unemployment Insurance Fund Act.⁵⁰ According to Parks, the problems ran deeper. As he characterized the process, "legislation is like a child. You must take it from creche to school to university."⁵¹ He described implementation delays at two stages. First,

the government needed to fix unemployment insurance fund issues [which would fund paternity leave benefits]. . . . The President wanted to sign a raft of four or five bills, including introducing a national minimum wage for the first time . . . So they wanted to wait for . . . the President to sign them all at once. So that was a delay of a year.⁵²

Second, even after the president signed the bill, the Department of Labour and Department of Public Service and Administration delayed the promulgation of the implementing provisions; ultimately, Parks and COSATU had to press South Africa's president to instruct the departments to complete the implementation. Consequently, though Parliament passed the bill in 2017 and the president signed it into law the following year, it wasn't until January 2020 that the provisions on leave for fathers came into force and May 2020 for some of the law's adoption provisions.⁵³

Though the legislative changes have been recent, there were early signs that the leave amendments were making a difference. According to Sonke, the Human Sciences Research Council's 2019 South African Social Attitudes Survey showed "lots of support from mothers and fathers for leave for fathers."⁵⁴ For Terblanche, one powerful sign of impact was that fathers began taking leave before the regulations were even finalized, as they were so eager to see the reforms enacted: "People were

saying it's now a law. Everybody was taking parental leave without the regulation actually taking place . . . the regulations took forever and a day, but people started using it.”⁵⁵

What's Next: The “Full Circle of Caretaking”

The push for paid parental leave in South Africa is a powerful example of how policy, evidence, and advocacy organizations can create fertile ground for efforts to successfully amend legislation. It also demonstrates the power that can come from individuals committed to change when they have an avenue for making their voice heard and the necessary support to successfully navigate government. On the heels of the victory on parental leave, Terblanche has been advocating with partners for paid leave for caregivers of older adults—what he referred to as addressing the “full circle of caregiving”—including by filing a second petition in 2018, which called for eldercare leave and urged that “eldercare is just as important as childcare.” Sonke also pushed ahead to publish the 2021 *State of South Africa's Fathers* report, which showed encouraging findings about fathers' uptake of leave: 91 percent of those who qualified for leave took it, of whom 74 percent used all or most of their leave to care for their children.⁵⁶

PROGRAMS AND SERVICES TO REALIZE
A LAW'S PROMISE: IMPLEMENTING CHILDCARE
LEGISLATION IN JORDAN

Effective enforcement is critical to ensuring laws have the intended impact. If a certain service or benefit is guaranteed by law but no one knows how to access it or no funds are devoted to its availability, the law's effects will be limited.

In Jordan in the mid-1990s, a provision in the Labor Code established that workplaces employing a certain number of mothers with young children were required to provide on-site childcare. For over a decade, however, the provision went unimplemented. And in Jordan as elsewhere, lack of access to childcare has long been a major barrier to work. According to a case study by SADAQA, a civil society organization in Jordan, 45 percent of women in Jordan who left the work force cited family circumstances and childcare burdens in their decisions.⁵⁷ This is in spite of their high educational attainment: as of 2011, women comprised the majority of Jordan's university students,⁵⁸ but their labor force participation rate stood at just 16 percent.⁵⁹

That year, SADAQA decided to take action—and through a thoughtful, comprehensive strategy involving community and media outreach, economic analysis, deep engagement with the business community, and, eventually, further legal reform, they took powerful steps toward ensuring the childcare law lived up to its potential for parents and families nationwide.

*The Personal Becomes Political: Taking Action to Improve
Work Outcomes for Mothers*

SADAQA was founded by two women who had deep personal experience with the lack of support for mothers engaged in paid work. Randa Naffa, a former professional tennis player turned gender advocate, had always “felt a strong belief in women’s rights, but it didn’t hit me personally until I got married and I had my first child.” For cofounder Lara Ayoub, an established journalist, the catalyst was her participation in a mentorship program, Vital Voices, designed to help women in Jordan and across the region advance their careers and grow their businesses. At the time, Ayoub didn’t yet have children herself, but during a focus group about the challenges facing women working in Jordan, she realized that “the common denominator was that when women get married and become mothers, they exit their career.” Yet one of the participants, a lawyer, brought the group’s attention to a critical tool: Article 72 of the Labor Code, which established that any business employing at least twenty women who collectively had at least ten children under age four was required to provide childcare. Despite being enacted in 1996—nearly fifteen years before the workshop—the law had never been implemented.

The workshop and the revelation about Article 72 are what launched SADAQA. While balancing their other careers, Ayoub and Naffa got the organization off the ground and recruited Reem Aslan to support the team’s management. They then turned to the questions that would drive their next decade of work: why hadn’t the childcare law been implemented, and what would it take to change that?

*Bringing Childcare to the National Stage: Research,
Awareness-Raising, and Skill-Building*

The members of SADAQA began by researching the availability of childcare nationwide. As they had anticipated, few employers provided childcare: as of 2010, just twenty-eight childcare facilities had been established and licensed pursuant to the law. To shine a spotlight on this lack of implementation, SADAQA undertook a two-part campaign: an awareness walk, and a comprehensive media strategy.

Building Awareness and Building Relationships through a Community Event. In 2011, before even registering as a nonprofit, SADAQA organized a walk to bring attention to Article 72. Importantly, the organization was able to convince the government to cosponsor the walk, which consequently served not only to spread awareness about the law throughout the community but also to build a relationship with government officials that would prove instrumental as SADAQA’s efforts to implement the law moved forward.

SADAQA’s deliberate approach to the walk proved successful. At a time when protests were roiling the region, the “peaceful walk with a civil society organization and the government, holding up [signs saying] ‘yes to a family-friendly work

environment” was overwhelmingly well received; as Ayoub recalled, “all these parents started calling us and saying, ‘Hey, don’t shut down! Stay open! Register!’” At the same time, they felt they needed further training to carry the work forward. Ayoub continued: “And I was eight months pregnant then. I was like, how are we going to do this? We don’t have the skills.”⁶⁰

Ayoub and Naffa saw the urgent need for the work but recognized that they needed help. They took a course on the methodology of community organizing from Marshall Ganz at Harvard and learned how to connect all of the stakeholders, engage government and employers, build networks and pressure, and continue to raise awareness. Not only did they take the course, but they also proceeded to teach it to the team they built.⁶¹

Using Media and Communications for Exposure and Accountability. A second key piece of SADAQA’s strategy was its extensive engagement with media, drawing on Ayoub’s training as a journalist; as she put it, “every activity we did was mirrored with media exposure.”⁶² SADAQA reached out to traditional media about the 2011 awareness walk but was also able to rely on the nature of the walk itself to generate attention. The very fact that SADAQA had partnered with the government for the walk was newsworthy when it took place in 2011, coming as it did on the heels of the Arab Spring protests of 2010.

Ayoub also produced a series of short television segments, which brought together factory owners and business leaders to discuss the barriers to providing childcare with representatives from the Jordanian government in a workshop format. Ayoub would air a segment of that workshop during the program and then, during the interview segment, ask for a commitment from the business leader to institute a day care within a set amount of time. The strategy brought both progress and exposure. As Ayoub described it, “I got it on camera . . . on national TV, but come one year, when he had a day care, I was able to quote him . . . or hold them accountable.”⁶³

Engaging Business Leaders

Although Ayoub’s interviews were powerful, getting the business sector on board was one of SADAQA’s greatest challenges and required a multifaceted strategy. During their initial research on implementation, Ayoub and Raffa had found that Ministry of Labor officials were extremely hesitant to apply Article 72 for fear that it would discourage businesses from hiring women or induce them to fire the women they already employed.⁶⁴

Identifying Barriers: Workshops to Listen to Business Concerns. SADAQA identified the five main sectors of Jordanian business: telecommunications, health, education, finance, and industrial.⁶⁵ In engaging businesses, SADAQA began by conducting workshops and interviews with businesses to listen to their concerns

and identify the reasons the businesses were hesitant to create on-site childcare.⁶⁶ SADAQA positioned itself as a partner rather than as an adversary. As Ayoub explained, the organization's approach was to make clear: "We want to help you. We want to do the work. We want to understand why this is not happening."⁶⁷

Some of the barriers to implementation identified by SADAQA ran across sectors, such as a lack of technical expertise and governmental guidelines as well as a lack of financial incentives and assistance.⁶⁸ In other cases, the barriers were sector-specific. Banks, for instance, often had smaller branch locations clustered in areas, but without necessarily enough employees to justify or mandate an on-site day care. Banks also had issues with finding space that met government criteria of being on the ground floor and in a safe location, given the public traffic through banks.⁶⁹

Addressing Financial Concerns: Strategies to Offset Initial Costs. Listening to business leaders, SADAQA learned that one of the major disincentives was the initial costs of building the day care space. To reduce this barrier to entry, SADAQA helped convince the government that businesses needed help covering the cost of initial set-up. According to Farhan Ifram, chair of the Jordanian garment export association JGATE and former CEO of a company that worked with SADAQA to institute a childcare center, "the government of Jordan supported us through the National Center of Family Affairs. It paid for the furniture. . . . On top of that, the National Center paid for the salaries of the caregivers at 50 percent for twelve months."⁷⁰

But SADAQA's team understood that, even with government support for start-up costs, businesses would be reluctant to institute a program that they believed would be a long-term drain on their finances. SADAQA needed to change the conversation. To do so, the organization commissioned a study to analyze whether childcare would actually help Jordanian businesses' bottom line, as research had demonstrated in other contexts. According to Ayoub,

We did research in 2016 on the impact of day cares for the employers and we took the telecom sector as an example . . . from that research, it was shown that a company could save up to a million dollars if they did a day care—700,000 JDS. . . . We got an economist to do it. It wasn't just us. . . . We needed facts. We needed to create a culture. It took time and that paid off at the end because now it's a norm.⁷¹

The study's findings were further validated when many companies that instituted day care started seeing its economic benefits. According to Ifram, his company saw a drop in absenteeism from 12 percent per day to 7 percent per day and a 33 percent decrease in turnover per year after creating an on-site childcare facility.⁷² He continued,

The surprise was that after one year I stopped talking about the childcare as a cost center. It became a profit center. So now when I market it, I don't market it as

a cost. Yes, it will be a cost at the beginning, but eventually it will pay back. It will pay back emotionally. It will pay back financially as well by reducing the absenteeism and the turnover. These two factors were really major. Our productivity went up, our efficiency went up. So we saw the benefit of having the childcare.⁷³

As Ifram emphasized, the economic benefits experienced by many companies were key not just to convincing businesses to implement day cares but also to keeping them going:

It has to be a sustainable model. Believe me, if our childcare was not successful at the end and it wasn't making money for us, we would phase it out. We will find ways to get out of it. So I'm telling you, I am a person who changed my opinion because of the outcome.⁷⁴

SADAQA has been able to elevate these experiences to help drive further implementation. According to Reem Abu Ragheb, an early childhood education consultant, teacher educator, and owner of three day care centers whom SADAQA brought in to head its technical implementation team, when "business owners come in and give their side of the story and [describe] the benefits they've seen . . . that makes it easier for others to become convinced to try it out."⁷⁵

Addressing Logistics and Legal Concerns: Providing Technical Assistance. Beyond financial costs, business leaders also raised questions and concerns about licensing, liability, staffing, and other issues involved with actually establishing a day care facility. In Ifram's words:

Frankly, in my first meeting where the government and all stakeholders wanted us to do a childcare, I was saying, "I'm scared to do one. What if something happens to a child? Is it our responsibility? Who's going to take care? We don't know how to do that" . . . We wanted to do the right thing, but we didn't know how.⁷⁶

Recognizing that companies were worried about entering an area in which they had no experience, SADAQA brought on Abu Ragheb to provide technical support and trainings. As she recounted:

Along the way, we realized that the main concern of the business owners was the liability. They didn't have the know-how and they were very scared of the liability that would be upon them because they were the owners. . . . So we started doing workshops that give an explanation of everything that is within childcare centers in the workplace. These workshops explain the regulations of the Ministry. They explained the minimum accepted model of the childcare center. . . . We give them details of what their role in the day care is, what they are responsible for, what the manager is responsible for, the responsibilities of the caregivers, and so on. . . . We've seen that they've been more accepting of the idea because their concern was a bit less.⁷⁷

Abu Ragheb's team worked with companies on site to help them with everything from creating a floor plan to hiring and training caregivers for the centers.⁷⁸ They also worked with individual sectors to obtain Ministry approval for alternative solutions when business facilities were not conducive to on-site childcare. As Abu Ragheb described it: "We found other scenarios that would work. So if a few factories or businesses were in an area where they do not have the space in that particular building, we'd have them establish one nearby that they can all share."⁷⁹ Likewise, for the banks with multiple small branches, SADAQA secured government approval for multiple branches to use one company-supported off-site center within a certain radius.⁸⁰

Ultimately, in its national framework, SADAQA developed five models for childcare facilities, taking into account the different issues facing different sectors: on-premise facilities, off-premise facilities within walking distance of the employer, shared facilities outside of businesses for multiple employers, employer-provided vouchers to use at childcare centers of the parents' choice, and home-based care.⁸¹

Finally, SADAQA led training for personnel, including human resource managers and more than 300 caregivers, to ensure the safety, quality, and effective regulation of the day care centers.⁸² While SADAQA continues to provide this hands-on support, it has also worked to put together a national framework, supported by the International Labour Organization, which has since been endorsed by the Ministry of Labor.⁸³

*International Partnerships: Leveraging Influence and Resources
to Support Locally Directed Work*

While all of SADAQA's work to advance childcare was locally driven and locally initiated, the organization also made strategic use of international partnerships. In particular, through Aslan and her work at the International Labour Organization, SADAQA had connections to the organization Better Work, which holds an annual forum for buyers in the garment industry to come from abroad. SADAQA used the forum to lobby the international buyers, explaining to them that companies that did not have day care facilities were breaking Jordanian labor laws.⁸⁴ Ifram noted that pressure from global corporations could be compelling: "We export all of our products to customers in the US. . . . Most of the American apparel brands want companies to follow the laws of the country. . . . The brands wanted that as well."⁸⁵

While SADAQA began as a short-term campaign, it eventually grew into a full-fledged organization requiring funds. SADAQA also developed effective, mutually respectful partnerships with international donors.⁸⁶ Recently, these relationships have allowed SADAQA to temporarily pivot in its work to help day cares survive the challenges presented by COVID-19, with donors enabling SADAQA to quickly and effectively meet needs as they arise.⁸⁷

*Celebrating Success: Recognizing Childcare Champions
to Drive Further Change*

Finally, one of SADAQA's most important strategies has been to celebrate each achievement, recognizing each business's successful establishment of a day care as an example for the rest of its sector. SADAQA uses each success to continue to drive momentum for further change. As Naffa described it,

We knew that some of [the companies] would be welcoming. We were very successful with a few companies in the health sector and when they established a day care, we would celebrate. We will emphasize this. Their successful stories which shed light on them in the media create a big buzz and PR campaign around the success stories. We would take them around to speak about their stories to other companies in the sector. So it was like trying to use some of the champions to influence others in the same sector.⁸⁸

Altogether, SADAQA persuaded forty-eight large companies to establish childcare centers in the initial phases of its campaign. At the time of our interviews, the organization had been involved not only in creating workplace childcare facilities but also in improving over ninety other facilities. SADAQA no longer had to seek out businesses with a positive story to tell; according to Abu Ragheb, "we've had many, many success stories. . . . Now business owners are reaching out to us."⁸⁹

From Strengthening Implementation to Improving the Law

Although Section 72 of the Labor Code had provided the powerful foundation for all of SADAQA's work, SADAQA quickly realized through their efforts to implement the law that it needed improvement. Specifically, the provision's exclusive application to women created an incentive for employers to simply stop hiring women or terminate those they already employed, while perpetuating gender stereotypes about work and caregiving. At the same time, the law's limitation to workplaces with at least twenty women with ten children under age four among them created an arbitrary threshold that left many women in need of care out of luck.

Proposing Amendments to Article 72. To that end, SADAQA lobbied for amendments to Article 72, specifically for the wording to change from "women" with children to "employees" with children, removing the gender reference.⁹⁰ SADAQA also lobbied to change the child requirements to fifteen children under age five. Business leader Ifram explained the importance of these changes:

[Under the original legislation] the children would go home from four to five [years of age], and at five they enter the school. . . . So we have a gap year that the child loses all their friends or their people who they have been used to. . . . Another improvement [was that the child threshold] became fifteen children, regardless of the parent, if it's a mother or a father. So now there is a gender equality.⁹¹

Abu Ragheb also noted the importance of childcare's availability to male employees in driving change within families: "It gives a chance for a father to take his child to childcare and the mother to go to work somewhere else, so the caregiving in the family itself is not only the mother's job."⁹²

Working in Coalition to Enact Reforms. Rather than address Article 72 alone, SADAQA worked with nine other like-minded organizations in 2018 to build a coalition to lobby for broader reforms to six articles in the Labor Code, with the goal of advancing more transformative change for women in the workforce. SADAQA applied the same thoughtfulness to coalition-building as they had to building relationships with government and business. As Naffa described it,

We were very careful selecting the NGOs, so every NGO came with its own expertise, knowledge, and with its own issue. So we had an NGO that was concerned with women's rights and nationality, we had an NGO concerned with pay equity, we took on the day cares, and two others were concerned with the issue of flexible work hours, so they came in with their expertise, with their case studies, with their arguments, with the justification to amend the law, with their relationship in the parliament.⁹³

The coalition developed an action plan to lobby the Parliamentary Labor Committee before moving on to the wider Parliament. The coalition members were able to build on their existing relationships with allies in the Labor Committee, who were already familiar with the organizations' work, and SADAQA made a presentation to Parliament.⁹⁴ Specifically, the coalition lobbied for changes to Articles 72 (childcare), 53 and 54 (pay equity and equal pay for equal work), 69 (flexible work arrangement for caregivers and others), 12 (right to work), and 66 (paternity leave).

Of the changes, the inclusion of paternity leave posed the biggest challenge. According to Aslan, Labor Committee members urged her to drop the paternity leave proposal, claiming that it would be enough to kill the entire package of proposed amendments.⁹⁵ Rather than drop the amendment, Aslan and SADAQA took the opportunity to sensitize members of Parliament to the impact of restrictive gender norms, giving a brief presentation on the importance of involving both parents in children's lives and explaining that a majority of Jordanian fathers wanted to be more involved with their children.⁹⁶

SADAQA and the wider coalition were ultimately successful in their efforts. Article 72 was amended to remove the gendered language and now requires that employers whose workforce includes employees (of any gender) who cumulatively have at least fifteen children under age five must provide childcare. Articles 53 and 54 were amended to give Jordanian women workers pay equity and to guarantee equal pay for equal work. Article 69 was amended to allow for flexible work arrangements for employees with family responsibilities as well as for employees who are

university students or have a disability. Article 12 was amended to give non-Jordanian children of Jordanian mothers (that is, those with non-Jordanian fathers) the right to work without applying for work permits. Lastly, Article 66 now guarantees Jordanian fathers three days of paternity leave.⁹⁷ While SADAQA's team is not satisfied with the length of the leave, Naffa noted, "At least it's established. It's the law. At least now it gives us a ground to start building on and asking for longer days."⁹⁸

Resilience amid Crises

In Jordan as in many countries, the COVID-19 pandemic posed a grave threat to even well-established social services and to childcare infrastructure in particular. During the country's initial three-month lockdown, Jordan's childcare centers lost 100 percent of their enrollment and income. In response, SADAQA launched an online platform, *Voices of Women Workers*, to bring attention to the impact of the lockdown on Jordan's care workers, the vast majority of whom are women. SADAQA also quickly produced four position papers documenting the challenges of the closures for working families and for childcare workers, urging the government to treat childcare workers like other essential workers in determining which sectors of the economy could reopen and calling on the government to address the rights and fundamental needs of childcare workers in the informal economy.⁹⁹

Once childcare centers were permitted to reopen in June 2020, SADAQA adapted its strategy once again to revitalize the sector after accumulated debts, additional compliance expenses, and low demand due to widespread job and income loss resulted in only 614 of Jordan's 1,460 childcare centers initially reopening. In particular, SADAQA raised resources for a relief fund to save sixty centers from closing and organized a campaign of care workers to demand the creation of a government fund to help sustain the sector and provide stability post-COVID.¹⁰⁰

Through these efforts—some of which are ongoing as of this writing—SADAQA has been playing a powerful role in ensuring that the provision of childcare in Jordan withstands the pandemic and its devastating economic consequences. And importantly, SADAQA's ability to respond quickly and effectively to the crisis built on the many years of work that came before, including its accumulated knowledge and relationship-building with working families, the care sector, employers, and government agencies.

USING LEGAL AND POLITICAL MECHANISMS TO IMPROVE IMPLEMENTATION: GIRLS' EDUCATION IN UGANDA

In 1997, Uganda became a leader in increasing gender equality in education after removing tuition for primary school and adopting Universal Primary Education (UPE). While just 60 percent of girls were enrolled in primary school in 1992, the number soared to 83 percent in 1997.¹⁰¹ Yet when the rapid gains in enrollment led

to a decrease in quality of education, civil society groups knew they needed to take action to fully realize the promise of free education for girls.

Through a multifaceted strategy involving budgetary analysis, media campaigns, a strong parliamentary partnership, and litigation, the Initiative for Social and Economic Rights (ISER) helped to not only achieve legal reforms but also ensure that the laws were fairly and effectively implemented.

*Increasing Funding for Primary School: A Critical Step
for Gender Equality*

As enrollment in school goes up, so do average class sizes, unless broader-based public investment ensures that education infrastructure and teacher training and recruitment keep pace. According to ISER executive director Salima Namusobya, by the early 2000s, reports showed that there was “a decline in performance of our government’s publicly funded education and there was limited infrastructure again in many public or government grant-aided schools.”¹⁰²

Following the Money: Budget Analysis as a Tool for Accountability. One of ISER’s first responses to these reports was to conduct a budget analysis. What the organization found was striking: since first implementing UPE, the government had not matched its per capita spending amount (referred to as its “capitation grant”) with the inflationary rates, meaning that real funding for education was consistently declining.¹⁰³ Even worse, in 2014, the government announced that it was cutting the little per capita funding available (from 7,560 shillings [\$2.88] to 6,800 shillings [\$2.60]), and chronically late disbursements created yet another barrier to schools’ solvency.

Consequently, schools were unable to hire enough teachers, address basic hygiene, or provide students with midday meals.¹⁰⁴ And without adequate public funding, they sought to pass on costs to students while circumventing the elimination of tuition. As Namusobya explained, the schools “started coming up with things like school development fees. . . . So in the end, you’d find that the amount of money that the parents still had to use in order to get their child into even a Universal Primary Education school was a lot. And many children were beginning to fall out of that education system.”¹⁰⁵

ISER’s budget analysis identified what it deemed “wasteful expenditure” within the Ministry of Education, including inordinate levels of spending on things like cars and conferences. In response to these findings, ISER filed a suit before the High Court of Uganda seeking to increase the capitation grant. Due to the matter’s urgency, ISER sought an interim order from the High Court that would block the cuts to the capitation grants and order the Ministry of Education and Sports to eliminate waste to free up funding pending the main case’s hearing.¹⁰⁶ The process for obtaining this order, however, proved to be particularly cumbersome as well as political, even compared to the normally lengthy litigation process. The procedure required ISER to first “go before a registrar, rather than an actual judge,” which

in Namusobyá's view gave the state attorney far more leeway to influence the decision.¹⁰⁷ The state attorney falsely claimed that an order for the Ministry of Education to review its existing budget and allocate more money to primary education would "freeze the budget process for the entire East African community" and thus freeze salaries for public servants.¹⁰⁸ Consequently, as Namusobyá explained, "there was a lot of fear and [the registrar] declined to grant that order."¹⁰⁹

Advancing Change through Media and Public Advocacy. Despite hitting this roadblock, ISER decided to continue moving its legal case forward while focusing on community mobilization through public advocacy and a media campaign. ISER had been strategic in choosing its partners, inviting a popular and vocal member of Parliament who served on the Education Committee, Joseph Gonzaga Ssewungu, to join them as a plaintiff.¹¹⁰ In an affidavit, Ssewungu spoke about the case's implications, noting that:

Based on similar experiences, I know that continuing to reduce the meager UPE capitation grant will certainly be a huge disincentive for children enrolled in UPE schools, especially the girl child, whose retention levels are already very low.¹¹¹

According to Saphina Nakulima, the programs manager for ISER's Right to Education Program, "the media blew the case to levels that we never expected . . . there was a lot of radio time given to us, TV time."¹¹² She continued, "[The story] was everywhere, in the newspapers, radio broadcasts, everywhere."¹¹³ Nakulima attributed this media attention partly to the popularity of Ssewungu and partly to the nature of the problem, which personally affected families nationwide.

ISER built on this more widespread attention by producing policy documents designed to reach a broad public audience. For example, through a photo essay titled "The Failing Universal Primary Education (UPE) System in Uganda: State Failure to Invest in the Nation's Future," ISER used compelling visuals of the crowded, unsafe, and unsanitary conditions in schools in three districts to clearly document the necessity of increased funding.¹¹⁴ This type of outreach, alongside the traditional media coverage, helped ISER engage a wide audience, with "so many people . . . from academia to the parents . . . up in arms" about the schools' inadequate budget.¹¹⁵

Ultimately, the media strategy proved so successful that ISER did not pursue the litigation strategy further. As Namusobyá explained, "it really worked very well because we got loads and loads of media interviews to an extent that the Ministry and the Minister for Education had to come out by themselves and make a commitment before Parliament to increase the capitation grants before the case went very far."¹¹⁶ Rather than reducing the capitation grant, the government increased it from 7,560 Ugandan shillings to 10,000 Ugandan shillings per pupil, representing a critical victory for students and their families nationwide and an important step toward realizing the promise of universal primary education.¹¹⁷

*Broadening Access to Secondary Education: Using Research
and Litigation to Address Disparities between
Public and Private Schools*

Beyond its implications for primary class sizes, the rapid increase in primary enrollment also created new challenges at the secondary level, as Uganda lacked adequate secondary school seats for the rising numbers completing primary.¹¹⁸ According to Namusobya, the government's solution was to draw up memoranda of understanding with private schools, whereby the government would pay the school a stipend per student to enroll those students without charging the students fees.

However, the private schools varied markedly in quality—and according to Namusobya, it was generally the “not very good private schools” that joined this new program, becoming known as “PPP” (public-private partnership) schools. Compared to the government-aided schools, the PPP schools received far less funding per student—about one-fifth as much—and no funding for teacher salaries, equipment, or infrastructure. Consequently, PPP schools often employed unqualified teachers, lacked necessary educational equipment, and had insufficient funding to provide safe, hygienic environments for their students.¹¹⁹ The situation was exacerbated by the fact that students who had been attending the PPP schools as private students, rather than government students, and who continued to pay high fees, left many of these schools when their families felt that it was unfair that they should subsidize the government students, leaving PPP schools with even less money.¹²⁰

Documenting the Disparities: Field Research to Build a Case. In 2016, ISER began conducting research on the PPP schools and visiting twenty-eight schools in nine districts throughout the country.¹²¹ The different government funding levels for the schools unsurprisingly created starkly different educational environments. The government-aided schools and highest-tier private schools were able to provide their students with the tools they needed to succeed, while students at PPP schools lacked even basic equipment. Nakulima explained,

I'll give you one quick example of the disadvantages this was breeding. We have a government policy on science. When you pass sciences in your senior six . . . before joining the university, you'd get state sponsorship [for university]. Now with the schools that are getting the little capitation grants, they could not maintain science teachers. The kids had never gone to laboratories because they don't have equipment. They don't have apparatus. They don't have all the chemicals that are needed. So the first time they see an apparatus . . . is when they're sitting exams. So that meant that we are having two sets of learners in society. We have those that go to high-end state-funded subsidized schools. They have access to everything, so they can fit into the science policy during university and be able to do science courses. And then we had a group of kids who are going into these . . . less funded schools that had no access to qualified science teachers.¹²²

In this way, the reliance on PPP schools to fill gaps in the availability of public secondary schools perpetuated disparities. The students most likely to be accepted into the government-aided schools were those who had performed the best in primary education, which largely meant those with the resources to attend expensive private schools. Poor students and those in rural areas were much more likely to attend the PPP schools, often after having attended an underfunded primary school; were unable to compete with wealthier students for scholarships and places at university; and were at a disadvantage academically if they did attend university. Meanwhile, those poor or rural students who managed to succeed at the primary level and were offered places at better schools were often unable to actually access that education due to fees.¹²³ The inequalities also reinforced gender gaps: families that were not able to send all of their children to more expensive schools generally sent sons, leaving their daughters at the PPP schools.¹²⁴ Thus, the educational stratification hurt poor students, but especially girls.

Going to Court to Realize the Right to Education. On the basis of these investigations, ISER opted to go directly to the courts; as Nakulima recounted, “when we finished with our research, all of the research members at the time were like, ‘On this matter, we have to go to court. We can’t even say that we’re going to the Ministry because for sure they see the disparities here.’”¹²⁵ It was simply too obvious for the Ministry to have overlooked it. She continued, “We went to court to say that there is inequality and discrimination in this situation where the state is funding Ugandan children at different levels, disadvantaging them in particular ways.”¹²⁶ ISER brought the case on the basis of Articles 21, 30, and 34 of the Ugandan Constitution, which guarantee the right to equality and freedom from discrimination and the right to education, to be afforded by the state.¹²⁷

Bringing the case was a risk, as it initially created significant friction between ISER and staff at the Ministry of Education, with the potential to jeopardize ISER’s future education work. Yet ISER was soon able to get the staff on board by pointing out that the Ministry would likely have to account for the system’s clear failures, including girls’ high dropout rates, but that by demonstrating that the problem was chronic and systemic underfunding of the schools themselves, the Ministry would shield itself from undue blame while taking critical action to improve educational outcomes.¹²⁸ By mending relationships despite ongoing litigation, ISER also positioned itself to play an effective role in monitoring the Ministry’s implementation of any court-ordered changes.

The case also took great persistence as it was marred by delays. The government did not even respond to ISER’s complaint for a year. When it did, one of its primary defenses was that “whatever the private schools are doing, it’s none of our business,” according to Nakulima.¹²⁹ The case was delayed yet again in 2018 when the previous judge was reassigned and a new one appointed. That particular

delay, however, proved beneficial to ISER. The new judge, Justice Lydia Mugambe, upheld ISER's position on the matter and in her judgment cited the International Convention on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child, and the Abidjan Principles, which outline "the human rights obligations of States to provide public education and to regulate private involvement in education."¹³⁰ The judge's inclusion of the Abidjan Principles was particularly significant given their clear applicability to private actors.

The judge further explicitly stated that the government has the primary duty of monitoring and regulating private provision of education, regardless of what body or organization is operating a school, negating the government's claim that it was not responsible for the PPP schools' failures. Judge Mugambe's ruling included the following:

Above all, there is a clear demonstration that the Government did not consider how as a part of its duty to protect the right to education, it was to regulate USE [universal secondary education] public-private partnership schools to ensure that they provide quality education and produce quality students from their educational systems. This burden remains on the Government always.¹³¹

The ruling continued by ordering that:

Government should take its lead position in regulating private involvement in education to ensure that minimum standards are always adhered to by the private actors and also that defaulters are sanctioned.¹³²

Next Steps: Monitoring the Judgment's Implementation and Creating Guidance for Future Policy Making. After the judgment in ISER's universal secondary education case, the Ugandan government instituted a moratorium on new public-private partnerships in education. ISER, however, skeptical that the ban will be permanent, has already begun engaging the Ministry of Education and Sports to develop policy guidance for private involvement in education. According to Nakulima, "we knew that public-private partnerships were disadvantaging vulnerable children, including girls, and we thought that we needed something concrete. We have the judgment, but we needed a policy to guide private actors."¹³³ ISER held initial preliminary meetings with key government officials and had planned a larger convening, which was delayed due to the COVID-19 pandemic.

ISER has also been tracking the construction of new secondary schools as part of its efforts to monitor the implementation of both the judgment and Sustainable Development Goal 4, which calls on countries to "ensure that all girls and boys complete free, equitable and quality primary and secondary education." Since the court ruling and phaseout of PPPs from the universal secondary education program, ISER reported, the Ministry of Education and Sports has grant-aided 165 community secondary schools to deliver public secondary education, completed

construction of approximately 102 secondary schools, and begun construction on an additional 117, with funding for further construction secured. Nevertheless, ISER continues to urge the Ministry of Education and Sports to expand access further, since under the current approach, equal access to education remains out of reach in some large or highly populated areas that are served by only one secondary school.

*Lessons Learned and Comparative Insights: Using Legal
and Political Processes to Strengthen Implementation*

Eliminating tuition for education can be transformative for girls—but as Uganda's experience shows, passing one strong policy is often just the beginning. Making sure that the policy achieves its intended impacts often requires adequate funding for implementation, ongoing monitoring, and the will to tackle any systemic challenges that threaten its success. In Uganda, ISER's dynamic advocacy using a range of different tools—from media and public advocacy to data analysis to litigation—has made a powerful difference for the accessibility and adequacy of education nationwide and offers valuable lessons about the potential impacts and challenges involved in different approaches to advancing change.

Indeed, ISER's powerful work to realize the promise of free, universal education in Uganda demonstrates how CSOs can use legal and political mechanisms to improve implementation. In Uganda, as in many countries, budget analysis by CSOs has been a valuable tool for increasing government's commitments to realizing the basic rights of women and girls.¹³⁴ Likewise, comparative data on budget expenditures can be a powerful tool, especially when combined with policy data illustrating what kinds of national approaches are feasible.

Lessons Learned and Comparative Insights: Changing the Law

Sonke's story illustrates one critical way that CSOs can advance gender equality: campaigning for new legislation. Sonke's story also highlights how civil society leaders can use data about other countries' policies, as well as rigorous research about those policies' impacts, to reach and influence decision makers.

Comparative data and research can also play an important role when they reach policy makers through media dissemination. In the Philippines, for instance, policy makers cited our recently published data showing that most other countries in the region provided a longer period of maternity leave, alongside our study with colleagues showing that extending maternity leave reduced infant mortality, to successfully advocate for a near-doubling of the leave available to new mothers, from sixty to 105 days.¹³⁵

At the same time, even while the need for evidence and policy models remains consistent, effective approaches to changing the law are likely to vary across countries and across issue areas. As Sonke's story demonstrates,

common questions CSOs seeking to change the law are likely to face across countries include how to form a political coalition, how to achieve the political will to make change, how to use media, and how to determine how far policy makers are willing to bend. In Sonke's case, working in partnership to advance a new piece of legislation through Parliament proved effective; in other instances or contexts, strategic litigation may have greater success than building political consensus.

For example, in India, Bharatiya Muslim Mahila Andolan (BMMA), a Muslim women's organization, used strategic litigation to overturn the "triple *talaq*" divorce law, whereby a Muslim man could divorce his wife instantly by simply repeating "I divorce you" three times. For BMMA, going to court proved to be the most effective strategy: the organization had previously attempted to reform family laws through Parliament and human rights bodies, but had consistently found that the specific needs and issues facing their community were ignored. In 2017, the organization's lawsuit secured a favorable ruling from the Supreme Court, which ordered Parliament to change the law. Attaining a Supreme Court judgment also brought substantial attention to the issue; as BMMA cofounder Zakia Soman recounted, "in the process of fighting these . . . cases, we were able to build a lot of public education and public awareness within the community."¹³⁶ In 2019, the Muslim Women (Protection of Rights on Marriage) Bill banning triple *talaq* came into force.

In short, the most effective tactics for changing the law will depend on the context—but whether through advocacy, litigation, movement-building, or a combination of several of these approaches, CSOs can play a powerful role in bringing about meaningful legal change. Moreover, simultaneous media and/or public awareness strategies can both increase the likelihood of legal change and ensure that reforms are adequately implemented.

Lessons Learned and Comparative Insights: Developing Programs and Services to Realize a Law's Promise

SADAQA's success implementing a potentially transformative law that had been languishing on the books for years underscores the powerful role that CSOs can play in working and truly engaging with a wide range of stakeholders—from business leaders to government agencies—to create real, sustainable change in the lives of individual and families. Further, SADAQA's work on legal reforms following its focused efforts on implementation illustrates how using the law to advance gender equality is often an iterative and ongoing process. Through a thoughtful strategy of listening, responding, and building relationships, SADAQA helped realize a series of significant changes that benefited from broad buy-in. This approach also enabled the organization to act swiftly and effectively when COVID-19 threatened to dismantle the childcare sector altogether.

SADAQA's example shows how CSOs that develop programs to implement the law can significantly shape its ability to influence individual lives. To be clear, the extent of responsibility that SADAQA took on for implementing the law is not the only approach; similar programs initiated by government could have similar impacts, and businesses also bear responsibility for meeting their legal obligations even if civil society help isn't available.

Meanwhile, some CSOs choose to start with services regardless of whether there's a law—and in so doing, often demonstrate why national laws and policies, and their effective implementation, are so critical for making change happen at scale. CSOs that start with service delivery are also particularly well positioned to identify ways to strengthen existing laws and/or tap into their existing networks to organize to advance legislative improvements. In this way, CSOs working on policies and working on services can strengthen one another's efforts.

For example, in India, a CSO called Mobile Creches recognized construction workers' unmet need for childcare and began providing services at work-sites in 1969. Yet while their services were transformative for the women they reached, it soon became clear that "you couldn't make much headway unless you attended to the policy at the national level, unless you looked at the laws," according to Mridula Bajaj, Mobile Creches' executive director.¹³⁷ While working to expand service locations in the 1970s, Mobile Creches' leadership came across a new law specifying that employers must provide a creche at the work-site and began asking employers whether they had heard of it and seeking information from the government about its efforts to advance implementation. Over time, advancing legal change—in partnership with other CSOs focused on early childhood development, gender, and education—became integral to Mobile Creches' work, given the significant influence that a national policy framework had on their own services and the well-being of the children and families they served.

CONCLUSION

As these stories show, partnerships among a wide range of stakeholders—including local civil society organizations, policy makers, labor unions, companies, media, and international groups—have played a powerful role in advancing gender equality. Moreover, these partnerships have yielded successes at all stages of legal reform—from drafting the first bill, to monitoring the law's implementation, to taking proactive steps to ensure the law is enforced. These stories offer insights about how each of us and all of us can contribute to change. The next and final chapter explores these lessons while evaluating how far we have to go and what it will take to achieve gender equality in our lifetimes.

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