

PARTNERS FOR GENDER JUSTICE
CONFERENCE
ON
THE ROLE OF THE JUDICIARY IN PROMOTING GENDER JUSTICE
IN AFRICAN COUNTRIES

Accra, Ghana
19-21 November, 2008

OPENING REMARKS:

UN RESIDENT COODINATOR IN GHANA
MR DAUDA TOURE

UN and AU approaches to promoting gender justice

1. Honourable Justices, invited guests, ladies and gentlemen: Let me start my short remarks by acknowledging that 2008 is the 8th anniversary of the UN Security Council Resolution 1325 (2000) on *Women, Peace and Security*. As a follow-up the this resolution, in report to the Security Council in October 2004, the Secretary general Kofi Annan urged Member States, United Nations entities and civil society to *“Develop approaches and guidelines for ensuring that all programmes and policies in support of the rule of law, including constitutional, judicial and legislative reform, promote gender equality and women’s human rights¹”*. A lot has happened since, but regrettably not nearly enough.
2. The Millennium Summit of 2000 strongly reaffirmed gender equality and that women’s empowerment as development goals (MDG-3) - and significantly observed and underlined gender equality as an important means of achieving the other MDGs. In an article in 2002, former UN Secretary General Kofi Annan wrote *“When women are fully involved, the benefits can be seen immediately: families are healthier; they are better fed; their income, savings and reinvestment go up. And what is true of families is true of communities and, eventually, of whole countries²”*.
3. The African Union has agreed that *“State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalised and vulnerable groups³”*.

1 United Nations Security Council Women and peace and security: Report of the Secretary-General (13 October 2004)

2 New York Times/International Herald Tribune, Saturday 29 December 2002: “IN AFRICA, AIDS HAS A WOMAN'S FACE”, By Kofi Annan

³ African Charter on Democracy, Elections and Governance: Adopted by the 8th Ordinary Session of the assembly, Held in Addis Ababa, Ethiopia. 30 January 2007

4. In its gender strategy for 2008-2011, which builds on the current gender action plan (2006-2007), UNDP seeks to work in partnership with other United Nations organizations on initiatives aimed at helping national partners to: (a) incorporate gender equality into MDG-based planning and monitoring and apply gender-sensitive budgeting techniques; (b) reduce violence against women, the vulnerability of women and girls to HIV infection, and the burden of care that falls on them; (c) expand women's participation in governance and decision-making processes and strengthen women's property and inheritance rights; and (d) reduce time burdens on women and girls by mainstreaming gender into environment and energy policies.
5. Based on the UNDP corporate gender action plan (2006-2007), the UN Sub-Regional Office for Africa (ASRO1) based in Dakar, Senegal, is finalising the launch of a network of Muslim women for supporting the improvement in their political participation and decision making in their respective countries. This launch is scheduled Bamako, Mali on 27 – 28 November 2008, and will be attended by Muslim women leaders from government, civil society and national legislatures.

Significance of conference being held in Ghana

6. It is also significant that this Gender Justice Conference is being held in Ghana which recently celebrated its Golden Jubilee as an independent State – and in the throes of Presidential and Parliamentary elections on 7 December.
7. The theme of this conference – *The Role of the Judiciary in Promoting Gender Justice in African Countries* dovetails with our activities in support of activities for promoting access to justice for all Ghanaians.
8. Women in Africa are the most affected by conflicts. Women and girls in Africa are the least educated in most societies. Consequently, women in Africa tend to have the most fractured access to justice. To ameliorate this situation requires a “Marshall Plan” in capacity development of a whole range of stakeholders – including the judiciary, the police, the economic sectors (both private and public), academic and training institutions, civil society organisations, etc. Gender justice calls for a new paradigm in the administration of justice – including ADR, special woman friendly courts, education of the girl child, the modernisation of the rules of faith-based organisations and traditional institutions.
9. Unless the women, as custodians of most family livelihoods and values; and as the majority of food producers in Africa, are offered a fair opportunity in determining their own fate and that of their societies, the sustainable development of Africa will remain a mirage – and the attainment of the MDGs scholars' field of study on missed opportunities.
10. The discussions on the women's access to justice need to be concretely moved from the realm of conference rooms to the door-step of the village, where the most deprived of women and girls wallow in abject poverty and virtual

bondage to injustice – with little hope for remediation in the foreseeable future.

11. This conference in Accra MUST make that difference for the African woman – not as a matter of rhetorical inquiry of the elite, but rather as matter of basic human rights for the down trodden African woman. It is that stark! In the last few weeks, the world stood up to save the world from financial collapse. It cannot be too much to ask that the judiciaries of Africa – and indeed other institutions of Africa and the world rise up to the occasion and raise a voice for the women of the cradle of humanity – Africa, and commit to gender justice.

UNDP-Ghana approaches to promoting gender justice

12. In Ghana, modest gains have been made in women’s access to justice since Beijing, however barriers to certain rights still remain. There are still many who have difficulty accessing justice.
13. One of the key UNDAF (2006 – 2010) outcomes for Ghana is to make the capacity for equitable and participatory governance systems at all levels more effective – and guided by human principles – more effective. A specific output in this regard is to strengthen the “capacity of national and local institutions including CSOs to respond to the needs of women and disadvantaged groups”.
14. Ghana has a strong legal fraternity and well-entrenched judiciary system, and the UNDP-Ghana programme of support on *Promotion of Human Rights and Access to Justice* has found strong and committed allies the Ministry of Justice and Office of the Attorney General, the Ghana Judicial Service and non-State partners in our supportive role in (i) strengthening the capacity of the judiciary, CHRAJ and law enforcement institutions, (ii) expanding mechanisms for access to justice by the wider population of Ghana, and (iii) strengthening of capacity of national and local institutions – including CSOs to better respond to the needs of women and disadvantaged groups.
15. UNDP-Ghana is playing an active supportive role in the judicial service efforts to bring justice closer to every Ghanaian through the court-connected Alternative Dispute Resolution (ADR) mechanism. Alternative Dispute Resolution is less formal and inexpensive so can fill in the critical gaps in the justice sector. While ADR is less formal and inexpensive, the inherently patriarchal nature of our society can deny women justice even through this avenue. Clearly, therefore, gender justice would best served by cross-gender partnerships and alliances – with men serving as effective participants in the action to achieve gender equality.
16. In February 2007, Parliament of the Republic of Ghana passed the Domestic Violence Act, an indication of the seriousness with which acts of domestic

violence are viewed by the government, and how to deal with the menace in the future. UNDP-Ghana, has provided support through the Ministry of Women and Children's Affairs (MOWAC) to develop the Domestic Violence Policy and National Plan of Action to implement the Domestic Violence Law. It is expected that research instruments developed will assist in the accurate analysis of the trends and causes of domestic violence and guide future policy decisions and actions.

17. Ghana is making steady and sustained reforms and efforts to improve the justice delivery system to enhance access to justice for all. However, while justice reforms will improve access to justice, it will not be an adequate or effective response to the gender specific challenges faced by women if their peculiar gendered experiences are not deliberately acknowledged and factored into the reform strategy. Gender justice requires that women are able to ensure that power-holders, whether in the household, the community or the state - can be held accountable so that actions that limit women's access to justice on the grounds of gender, women's access to resources or capacity to make choices, are prevented and sanctioned.
18. Gender Responsive Budgeting (GRB) is a key indicator in access to justice and has a direct bearing on the adequacy and effectiveness of the response to the gender specific challenges faced in the justice delivery system. Through UNDP-Ghana's supportive role on gender activities to MOWAC in 2006, an in-depth gender analysis of government's past budgets was conducted. The findings indicated that although the GPRS identified gender issues, no concrete steps were taken to address gender in-balances and equity issues. The Ministry used this as an effective advocacy tool to draw the Government's attention to the benefits of gender responsive budgeting. It is worthy to note that in 2007, Cabinet approved implementation of Gender Responsive Budgeting across sectors and Government's commitment is reflected in the 2008 budget statement with directives to pilot GRB in three sector MDAs.