

WOMEN'S POLITICAL PARTICIPATION IN DECISION-MAKING PROCESSES AND ORGANS IN GHANA: TRENDS, PRACTICES AND SOCIAL REALITIES

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Abstract

Since the attainment of sovereignty in 1957, numerous laws and policies, deriving a substantive basis from the Constitution have to date been passed to advance the course of women in Ghana. Notwithstanding the constitutional protection, laws, policies, institutional and structural frameworks, women in Ghana remain privy to continued forms of discrimination and abuse. This chapter discusses the realities of 'gender differences' in Ghana and contends that the gender differences are a manifestation of the inefficiency of laws as a remedy to socially constructed problems. It argues that the law is not what is, but rather what it ought to be. It further posits accordingly, that the struggle for women's emancipation, especially as regards their protection from discrimination and vulnerability, will have to be rooted in plural artefacts, premised on both social and legal remedies. Structural reforms, construed in law, are therefore inevitable for the emancipation of women in all decision-making process of the country. The chapter concludes that mainstreaming of gender impact reviews into parliamentary committee work, gender analysis of proposed and envisioned laws, policies and regulation, the introduction of tools for gender-sensitive budgeting, support for cross-party women's caucuses, and women's mentoring programmes are notable reform considerations towards this end.

1 Introduction

Since World War II, discussions around women's political participation, have gained momentum in international circles. Historically, these discussions drew much of its currency in normative developments at political platforms, starting in 1946 with the first major international action in favour of women's rights protection; namely the setting up of the Commission on the Status of Women by the United Nations (UN). Subsequent developments such as the declaration of the year 1975 as the International Women's Year, again by the UN, was a symbolic mobilisation towards women's rights realisation globally, more specially in the political sphere. This was followed by a robust declaration of the UN Decade of Women from 1976 to 1986. In 1979, the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted, building on the pre-existing legal

initiatives relating to women.¹ More perpetuations for women's rights also arose with the adoption of the Beijing Declaration and Platform of Action of 1995. The Beijing conference was in many respects an unprecedented initiative, in that it stirred attention on the then subsiding political and legal will on dealing with women's subordinate status, especially in political and decision-making processes. The Beijing Conference by and large marked the closure of notable international developments relating to women's rights.

These international developments pave way for regional mobilisation. In the case of Africa, the African Charter on Human and Peoples' Rights, the so-called Banjul Charter, which was adopted in 1986, catalysed the first regional framework relating to human rights protection and promotion on the continent. Despite its lack of specificity towards the plight of women in Africa, the charter triggered some room for women's political rights within the African geography.² The introduction, in 2003 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol), gave much needed and awaited thrust to women's agenda on the continent. Nationally, since the early 1990s more and more States slowly started giving attention to women's rights, especially in decision-making processes and organs.

In Ghana, sub-Sahara Africa's first independent State,³ the struggle for women's political mobilisation has been cumbersome, affected mainly by the political developments and trends since the attainment of sovereignty in 1957. As is the case in most parts of Africa and beyond, women's political mobilisation, in Ghana, has largely been narrated and predicated narrowly on their participation in the electoral processes of the country.⁴ Put differently, women's political participation in Ghana is conceptualised within the narrow confines of exercising voting privileges and more recently, their participation in the electioneering process; either as candidates to be elected into offices of higher political authority or as members of campaign teams for election candidates. Since the formation of the Fourth Republic in 1992, women's roles in political activities, mostly on executive level has been steadily growing, albeit at a marginal pace.⁵ Thus the growth, visibility and influence of female political figures in the

1 These pre-existing text include *inter alia* the Convention on the Political Rights of Women (1952); the Convention on Consent of Marriage (1951) and the Convention on the Nationality of Married Women (1957).

2 The African Charter gave birth to the Maputo Protocol for the promotion and protection of women's rights although the African Charter did not exclude women from enjoying their rights.

3 Ghana gained independence in 1957, making it the first African State to gain political sovereignty from colonial powers. For a historical exposition of Ghana see in general OY Asamoah *The history of Ghana (1950-2013): The experiences of a non-conformist* (2014); RS Gocking *The history of Ghana* (2005); WEF Ward *The history of Ghana* (1963).

4 S Bawa & F Sanyare 'Women's participation and representation in politics: Perspectives from Ghana' (2013) 36 *International Journal of Public Administration* 284.

5 B Allah-Mensah 'Women in politics and the public life in Ghana' (2005) 5.

socio-economic development of the country have been relatively modest. Several political, legal and social determinants account for this steady, yet weak political involvement of women in decision-making processes and organs of government, most notably patriarchy and poverty in the form of financial insecurities for women.

This chapter seeks to analyse the status of women in political decision-making processes and organs in Ghana. To this end, the paper uses three elements as a matrix to comprehend this analysis; namely the legal and institutional framework relating to women's rights generally, and social developments and trends pertaining to women in Ghana, particularly on parliamentary level. Based on this analysis, the paper argues for structural systemic reforms, rooted in law. The phrase 'political participation' as used in this paper predominantly refers to parliamentary and political party participation; but does not fall short of a broad based meaning, inclusive of elements such as women's participation in decision-making processes and organs in different spheres such as civic spaces, and political consciousness.

2 Legal and institutional frameworks

2.1 Legal framework

Since gaining its independence in 1957, Ghana has had series of constitutions replacing its predecessors down the years. This can be traced from the first constitution that came into force after independence which ushered the country into a new republic and came with it multi-party elections.⁶ Following a chain of four military *coup d'états*, Ghana returned to constitutional rule in 1993 through the introduction of the 1992 Constitution that instituted multi-party democracy.⁷ Most of the previous constitutions of the republic did not recognise the rights of women as the 1992 constitution does. This is because the 1992 Constitution was largely modelled after the African Charter on Human and Peoples Rights.⁸ The 1992 constitution expresses an instrumental supremacy over any other laws in the land,⁹ and tasks the Supreme Court, the apex court under the country's judicial system, with the supreme power of interpretation as well as striking down inconsistencies in acts and other provisions of policies and regulations passed by other branches of government.¹⁰

6 AK Aubyann 'Ghana: behind the transparent ballot box' in M Cowen & L Laakson (eds) *Multi-party elections in Africa* (2002) 79.

7 As above.

8 EK Quansah 'An examination of the use of international law as in interpretative tool in human rights litigation in Ghana and Botswana' in M Killander (ed) *International law and domestic human rights litigation in Africa* (2010) 37 39.

9 Constitution of Ghana 1992, art 1(2).

10 As above, art 2.

The whole of chapter five of the Constitution is explicitly dedicated to 'fundamental human rights and freedoms' that every citizen must enjoy,¹¹ regardless of origin, colour and gender.¹² Specifically, it provides for political, civil, social and economic rights, which includes *inter alia*, protection from forced labour and slavery,¹³ provides for equality and the prevention of discrimination on the grounds of gender or race.¹⁴ Other protections include freedom of expression,¹⁵ and freedom of association.¹⁶ Furthermore, the Constitution provides for fairness with regards to administrative bodies and their officials.¹⁷ Article 21(3) specifically provides that everyone is entitled with the 'right and freedom of forming or joining any political party and can freely participate in political activities subject to such qualifications and laws as are necessary in a free and democratic society'.¹⁸ Equality in economic rights with regards to working under satisfactory, safe and healthy conditions as well as equal work without distinction of any kind is also provided for.¹⁹

The Constitution further calls for distinctive care for mothers during reasonable periods before and after child-birth with paid leave and special care for the children so that women can realise their full potential.²⁰ Further, 'women shall be guaranteed equal rights to training and promotion without any impediments from any person'.²¹ Chapter 6 of the Constitution is dedicated to the Directive Principles of State Policy which must guide all organs of government, cabinet and political parties in the realisation of human rights and further tasks presidents to annually report to parliament on the necessary steps taken to 'ensure full realization of basic human rights'.²² Article 35(6)(b) read together with article 36(6) of the constitution places a positive obligation on the state to, *inter alia*, take appropriate measures to achieve regional and gender balance in recruitment and appointment to public offices' as well as 'necessary steps so as to ensure the full integration of women into mainstream economic development of Ghana'.²³ It also calls for equal economic opportunities for citizens with full integration of women into mainstream economic development of the country.²⁴ Article 42 also provides for equal right to vote.²⁵ It further guarantees the right to join any political party for every

11 As above, chapter 5.

12 As above, art 12.

13 As above, art 16.

14 As above, art 17 (2).

15 As above, art 21 (1)(a).

16 As above, art 21(1)(e).

17 As above, art 23.

18 As above, art 21(3).

19 As above, art 24(1).

20 As above, art 28.

21 As above, art 27.

22 As above, art 34(1) & (2).

23 As above art 35(5) & (6)(b).

24 As above, art 36(6).

25 As above, art 42.

Ghanaian of voting age,²⁶ and also provides for the right to political participation that seeks to influence composition and policies of government.²⁷

Given the above, the Constitution has been robust as far as the *formal* protection and promotion of women's rights are concerned. One must also take into consideration that the rights the Constitution protects are not exhaustive and may include 'others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man', even in the context of women's rights protection generally.²⁸ In this regard, rights that are guaranteed in 'treaties, conventions, international or regional accords, and norms' may be applicable.²⁹ This can also include 'provisions of international human rights instruments (and practice under them) or from the national human rights legislation and practice of other states'.³⁰ These provisions are briefly discussed below.

Regarding international law, it is a general truism, that international law, more especially international human rights law embodies a longstanding commitment to equal rights for women.³¹ However, the place of international law in the Ghanaian legal system remains a subject of interpretation. In terms of article 11 of the Constitution, international law falls short as a recognised source of law. The Constitution is also silent on the relationship, if any, between international law and national law. That withstanding, rights provided for under the Ghanaian 'Constitution are not exhaustive and may include 'others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man'.³² These may include provisions of international instruments seeking to promote human rights.³³ It is also provided for in the constitution that the state, in discharging of duties as obligated by article 37 shall be under the guidance of international human

26 As above, art 55(2).

27 As above, art 55(2) & (10).

28 As above, art 33(5). See also provisions such as arts 17(2), 22, 26(2), and 39(2).

29 *Adjei-Ampofo v Attorney General* [2003-2004] SCGLR 418.

30 *Ghana Lotto Operators Association & Others v National Lottery Authority* [2007-2008] SCGLR 1088.

31 The United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Constitutive Act of the African Union and the International Covenant on Economic, Social, and Cultural Rights, all contain a guarantee of equal rights without regard to sex. The African Charter on Human and Peoples' Rights and its ancillary Protocol on the Rights of Women in Africa and the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") impose more specific obligations on States to ensure women's equality.

32 MG Nyarko 'The impact of the African Charter and the Maputo Protocol in Ghana' in VO Ayeni (ed) *The impact of the African Charter and the Maputo Protocol in selected countries* (2016) 95-99.

33 As above.

rights instruments recognising the applicability and promotion of specific fundamental human rights.³⁴

Despite the anomaly on the place and status of international law under the Ghanaian legal system, Ghana remains a party to a considerable number of international treaties, including soft law norms. Notable among these are: The Convention on the Elimination of all forms of discrimination against women (CEDAW) in 1986,³⁵ The International Covenant on Civil and Political Rights (ICCPR) in 2000,³⁶ International Covenant on Economic Social and Cultural Rights (ICESCR) in 2000,³⁷ African Charter on Human and Peoples' Rights (The African Charter) in 1989,³⁸ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) in 2007,³⁹ as well as the Beijing Declaration and Platform for Action (BPfA) in 1995.⁴⁰

Signing and ratifying of international human rights instruments in the first place is a country's clear intent of upholding every right and freedom enshrined in those instruments. It is however worth taking into consideration that signing and ratifying of human rights instrument is one step whereas implementation for reflection of these rights on the ground is another. The mere fact that a country has ratified an instrument does not guarantee the reflection and improvement of basic human rights in those countries. There are several cases of countries that have accordingly ratified instruments but have not really reflected on implementation. The United Nations Population Fund reports that the probability of a woman being an illiterate is twice as men, pursuant to harsh working conditions, a very high number of women are impoverished in developed, developing and underdeveloped counties' with earnings less than men on similar works and 'discriminatory laws on land, property, inheritance and marriage' still exist in many countries despite their ratification of CEDAW.⁴¹

34 Constitution of Ghana 1992, art 37(3).

35 UNHR Office of the High Commissioner 'View the ratification status by country or by treaty' http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Treaty.aspx?CountryID=67&Lang=en (accessed 28 November 2016).

36 UNHR Office of the High Commissioner (n 36 above).

37 UNHR Office of the High Commissioner (n 36 above).

38 Ratification Table: African Charter on Human and Peoples' Rights' <http://www.achpr.org/instruments/achpr/ratification/> (accessed 12 December 2016).

39 Ratification table: 'Protocol to the African Charter on human and peoples' rights on the rights of women in Africa' <http://www.achpr.org/instruments/women-protocol/ratification/> (accessed 12 December 2016).

40 Government of Ghana 'The role of Ghana's public service in women empowerment: challenges and prospects (1)' <http://www.ghana.gov.gh/index.php/component/content/article/28-about-us/1744-co-ordinate-activities-in-the-water-and-sanitation-sector-minister> (accessed 4 December 2016).

41 UNFPA 'The human rights of women' (2006) <http://www.unfpa.org/resources/human-rights-women> (accessed 28 November 2016).

The president is endowed with the authority to execute treaties on behalf of the nation.⁴² However, this power of the president is 'subject to ratification by an act of Parliament or a parliamentary resolution which is passed by more than half of the members of parliament.'⁴³ In this regard, parliament serves as an oversight mechanism on signing and ratifying treaties, which binds on the nation after parliamentary approval.

In terms of the legislative and policy protection, legislative protection relating to women has been rapidly growing for the past two decades. Although no legislation or policy has yet been explicit as article 14 of the Maputo Protocol on the municipal level in Ghana, several pieces of legislation have till date been promulgated that are central to the political plight of women. The Labour Act, passed in 2003 too, has been vigorous in its protection of women's rights. The Act introduces a long overdue leverage of labour equity between both sexes. However, the whole of part VI of the Act is explicitly dedicated to the enjoyment of women's rights in a bid to promote women's participation in public offices through giving pregnant women and nursing mothers privileges so that their situation will not be a problem to their participation in public offices.⁴⁴ Legislative protection for women blended on their political empowerment has also been achieved through a legislative quota system. For example, in terms of the Legal Aid Scheme Act of 1997, it is prescribed that at least one out of four representatives from the Department of Social Welfare onto the board must be a female.⁴⁵ The Disability Act of 2006 in appointing its representatives calls for the inclusion of a representative from the then Ministry of Women and Children Affairs (now Ministry of Gender children and Social Protection) and two other representatives, to be female candidates.⁴⁶

The National Peace Council did not leave women out. In appointing members for its governing body, the president is obliged to appoint two persons, one of whom must be a woman.⁴⁷ In furtherance, the Regional Coordinating Council of the Regional Peace Council must appoint two persons onto its board of which one must be a woman as well as the district peace council also nominating two persons onto its board, one of which must be a woman.⁴⁸ There are other ongoing bills that will stand to improve women's political participation which includes the Affirmative Action Bill that will guarantee women's equality in political discourse and

42 Constitution of Ghana 1992, art 75(1); The president, also the head of the executive, has the power to sign and ratify any instrument he deems necessary or in the interest of the nation. This may be done personally by the president or through a designated person appointed by the president.

43 As above, art 75(2)(a) & (b).

44 Labour Act (651) of 2003, sec 55.

45 Legal Aid Scheme Act of 1997 (Act 542), sec 4(1)(h).

46 Disability Act of 2006 (Act 715), sec 43(9) & (10).

47 National Peace Council Act, 2011 (Act 818), art 4(1)(b).

48 As above, art 9(b) & 12(b).

in public service.⁴⁹ Currently, however, there are ongoing aspirant provisions from the 1998 policy statement on the affirmative bill from cabinet requesting the government to ensure 40 per cent representation of women at all levels of governance, such as public sector boards, commissions, councils and the executive.⁵⁰ This aspiration has as yet not materialised. Alternatively, there has been an acceptance of a proposal from the Constitutional Review Committee on the amendment of the Constitution that will obligate all State institutions to be composed of at least 30 per cent women's representation,⁵¹ in an attempt to promote women's participation; with the object of increasing their visibility in public institutions which essentially remains male dominated. In fulfilling its 'gender mandate of promulgating a national policy for addressing gender injustices', the government approved the National Gender Policy in 2015. The National Gender Policy of 2015 is aimed at 'mainstreaming gender equality concerns into the national development processes by improving the social, legal, civic, political, economic and socio-cultural conditions of the people of Ghana'.⁵²

2.2 Institutional measures

2.2.1 *The Ministry of Gender, Children and Social Protection*

From the formation of the National Council on Women and Development (NCWD),⁵³ then Ghana's main institution for advancing women's rights under the Foreign Affairs Ministry in 1975, to the Ministry of Gender, Children and Social Protection, Ghana has evidently advanced in the fight for women's rights. The Ministry of Gender, Children and Social Protection is the main ministry with a clear mandate of bridging the gender gap in the country. It has among its mandate the coordination to ensure gender equality and equity and also has objectives such as promoting gender mainstreaming as well as gender responsive budgeting in Metropolitan, Municipal and District Assemblies (MMDAs), the

49 Government of Ghana 'Gender Ministry, Stakeholders speak on Affirmative Action Bill' <http://www.ghana.gov.gh/index.php/media-center/news/1802-gender-ministry-stakeholders-speak-on-affirmative-action-bill> (accessed 3 December 2016).

50 Government of Ghana 'The role of Ghana's public service in women's empowerment: Challenges and prospects (2)' <http://www.ghana.gov.gh/index.php/media-center/features/1749-the-role-of-ghana-s-public-service-in-women-s-empowerment> (accessed 28 November 2016).

51 Government of Ghana 'White Paper on the Report of the Constitutional Review Commissions of Enquiry' (2012) 14.

52 Government approves national Gender Policy <http://www.ghana.gov.gh/index.php/media-center/news/1822-govt-approves-national-gender-policy> (accessed 4 December 2016).

53 Established in 1975, the NCWD was created to as an official national machinery to advise the government on women related issues. It coordinates activities of both national and international organisations on matters that relate to women in Ghana. Originally under the ministry of foreign affairs, it has commissioned many research projects, initiated and funded projects, thus raising awareness on gender related issues.

enhancement of evidence based decision-making with regards to gender equality and empowering women.⁵⁴

It further deals with 'formulating gender policies and guidelines', proposing programmes that promote women's activities as well as the development of institutions that encourage women empowerment'.⁵⁵ For example, the current minister of the ministry has a cabinet status and this can help the ministry to influence governmental policies to be gender sensitive.⁵⁶ Also notable among such programmes is the National Gender and Child policy of 2015 which has goals such as 'redressing gender inequalities, strengthening women's role in economic development and promoting 'women's equal access to and control of economically significant resources and benefits'.⁵⁷ Another is the celebration of international women's day in Accra in 2011, dubbed Empowering the Ghanaian Woman for National Development', where the first 'Ghana Women Excellence Award' was given out.⁵⁸

2.2.2 Parliament

The parliament of Ghana is operated under the unicameral system of legislature. It has 275 seats with single member representatives representing the 275 constituencies.⁵⁹ As the legislative branch of government with the power of enacting laws in the country, parliament since the country's independence has enacted laws for ruling the nation with some going a long way to improving women's rights such as the Interstate succession law 1985 (PNDC 111) and the Domestic violence Act, 2007 Act 732. In as much as some of the enacted laws and acts have social interventionist provisions for women's rights, parliament has failed to enact specific affirmative laws and acts for the improvement of women's political participation.

54 Ministry of Gender, Children and Social Protection http://www.mogcsp.gov.gh/about_us.php#objectives (accessed 1 December 2016).

55 As above.

56 The constitution provides in art 76(1) & (2) for a cabinet made up of the president his vice and not less than 10 but not more than 19 ministers of state and their duty shall include assisting the president determine general policy of government.

57 Nyarko (n 34 above) 101.

58 All Africa 'First ever Ghana Women Excellence Awards 2011' <http://blogafrica.allafrica.com/view/entry/main/main/id/0CSI9tXkenn5vuR5.html> (accessed 29 November 2016); held at the International Conference Centre, Accra in 2011, the awards ceremony was the ministry's initiative to join the rest of the world in celebrating women and recognising women who have strived to achieve excellence in political participations and fighting for women's rights. At the awards, 34 Ghanaian women were awarded for their tremendous work towards national development.

59 Parliament of Ghana <http://www.parliament.gh/content/376/45> (accessed 14 December 2016).

Article 78(1) of the constitution provides that majority of ministers of state shall be appointed by the president from the 275 members of parliament.⁶⁰ This is a clear opportunity where women have mostly been selected as part of the expected majority of ministers coming from parliament although the number of women in parliament is always not encouraging. Currently, the nation ranks 150 out of 185 in the Inter-Parliamentary union ranking on women's representation in parliaments around the world.⁶¹ Only 35 of the parliamentary seats out of the 275 are occupied by women, a marginal representation of 12.7 per cent, an improvement on the previous house with 30 of the 275 parliamentarians being women, representing 10,9 per cent.⁶² There is also in parliament the Parliamentary Select Committee on Gender which consists of at most 25 members with the main role of examining all agendas that relate to gender and children to ensure that issues concerned with gender are included in all appropriate legislations.⁶³ It also puts under consideration proposals that are meant to enhance the pursuit of affirmative action and reports to the House.⁶⁴ Further, the parliament of Ghana also serves as an overseer of the African Peer Review mechanism (APRM) which partly assesses the countries performance in attaining the New Partnership for African Development (NEPAD) goals, to ensure greater gender equity.⁶⁵

In as much as parliament has put up these measures to improve women's rights and their political participation, the picture does not tell an encouraging story. There has only been one woman speaker of parliament since independence.⁶⁶ Secondly, the Ministry of Gender Children and Social Protection has advocated for and forwarded the Affirmative Action Bill which seeks to rectify discrimination on the basis of gender and or sex but parliament has failed to pass the bill into law.⁶⁷ The affirmative bill if passed into law will provide for 40 per cent participation and representation of women in public institutions, governance, decision-making bodies and positions of power.⁶⁸

60 Constitution of Ghana 1992, art 78.

61 Inter-parliamentary Union 'Women in national Parliaments' <http://www.ipu.org/WMN-e/classif.htm> (accessed 29 November 2016).

62 Ghana web 'NPP grabs 24 female MPs' <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/NPP-grabs-24-female-MPs-495202> (accessed 20 December 2016).

63 Parliament of Ghana 'Committee on Gender and Children' <http://www.parliament.gh/committees/32> (accessed 29 November 2016).

64 As above.

65 World bank institute 'Parliamentary oversight of gender equality' [http://www.parlcent.org/en/wp-content/uploads/2011/04/handbooks_and_guides/Parliamentary_Oversight_of_Gender_Equality_Handbook_PC_WBI_\(2006\)_EN.pdf](http://www.parlcent.org/en/wp-content/uploads/2011/04/handbooks_and_guides/Parliamentary_Oversight_of_Gender_Equality_Handbook_PC_WBI_(2006)_EN.pdf) (accessed 29 November 2016).

66 Being appointed by then president the Late John Evan Atta Mills, Mrs Joyce Bamford Addo stands as the only woman to have graced Ghana's Parliament as the speaker.

67 Nyarko (n 34 above) 104.

68 As above.

2.2.3 *The Electoral Commission*

Backed by the constitution, the Electoral Commission of Ghana (EC) is the main body mandated to conduct elections in the country. Its importance with regards to influencing the country's institutions cannot be overemphasised. Through their activities individuals are selected for parliamentary representation, choice of leadership in government and even referenda for key decisions. It is the machinery through which people are elected to power positions and is endowed with the power to formulate policies and electoral laws which can go a long way to influence the elections. In this regard, the Electoral Commission is positively and strategically placed for women to have the opportunity of finding themselves in power positions. This could be achieved through gender-equality friendly electoral reforms that will see women getting equal opportunities just as men.

The commission can also use political platforms such as the Inter-Party Advisory Committee (IPAC)⁶⁹ to push through sensitive gender issues that will positively influence the gender equality course. The Electoral commission, because of the nature of its work, closely work with the National Commission for Civic Education (NCCE) do disseminate vital information on the election process, being it changes in electoral laws or the voting process. The Commission can chance upon such opportunity to use the NCCE to sensitise electorates and the general public on the importance of bridging the gender gap and doing away with stereotyping and prejudices towards electing and appointing women.

However, there exists no policy or electoral laws formulated by the electoral commission of Ghana that explicitly expresses affirmative action and stands to bridge the gender gap. It is of utmost importance to note that although encouragingly five of the seven commissioners of the electoral commission are women,⁷⁰ there do not exist explicit work that the commission has done in the bid to improve women's political participation since the creation of the commission.

69 The Inter-Party Advisory Committee (IPAC) is a body that serves as a platform for the electoral Commission and registered political parties in Ghana. On this platform, political party's views, challenges and expectations are brought forward to be addressed whereas the commission also uses the platform to educate the parties and bring forward significant changes that will affect the organisation of elections or the political parties. IPACs decisions, although not binding, goes a long way to educating parties and also influencing parties decisions.

70 Commissioners of the Electoral commission including the chairperson are appointed by the president. All 5 women commissioners are presidential appointments and so cannot be attributed to the work of the commission.

3 Trends, practices and social realities for women in decision-making processes and organs

The trends in women's filling political spaces in Ghana have been quiet challenging but have had a steady progress. Notably, these trends started in 1989 when Mrs Mary Chinery-Hesse was appointed as the Deputy Director-General of the International Labour Organisation.⁷¹ It followed with Dr. Mrs Matilda Fiadzibey, appointed as first administrator of Stool Lands (1996);⁷² Ms Esther Ofori, appointed the first woman Chief Executive Officer of the Ghana Trade Fair Authority (2001);⁷³ Ms Eva Lokko, appointed the first woman Director- General of the National and Premier Broadcasting station Ghana Broadcasting Corporation (GBC)⁷⁴ and Ms Elizabeth Adjei, the first female to be appointed as Director of the Ghana Immigration Service (2002);⁷⁵ Dr Regina Adutwum, the first Woman to be appointed the Director-General of the National Development Planning Commission (2005);⁷⁶ Her Ladyship Justice Mrs Georgina Wood, first woman to be appointed Chief Justice (2007); Hon. Justice Joyce Adeline Bamford-Addo made history as the first woman to be elected to the position of Speaker of the Fifth Parliament of the Fourth Republic of Ghana (2009);⁷⁷ Ms Christina Samia Yaba Nkrumah was elected as the first woman chairperson of the Convention People's Party and the first woman to ever head a political party in Ghana (2011);⁷⁸ Mrs Charlotte Kesson-Smith Osei became the first woman since the country's independence in 1957 to hold the position of Chairperson of the Electoral Commission of Ghana (2015).⁷⁹ Out of the seven commissioners of the Electoral Commission appointed by the president, five of them are women with the head commissioner being a woman.

Backed by the constitution, the Council of State, an advisory body to the president in the functioning of his duties which includes appointments, has some specific people to fill positions such as a former chief justice, a former chief of defence staff, president of the house of chiefs as well as an elected representative from all the ten regions of the country. In addition, the president appoints eleven (11) members to join which in all should be

71 International Labour Organisation 'Women's empowerment: 90 years of ILO action! (2009) 7 http://www.mondialisations.org/medias/pdf/wcms_br_en.pdf (accessed 5 December 2016).

72 Ministry of Gender, Children and Social Protection 'Ghanaian female achievers' http://femaleachievers.org/dir_profile_details.cfm?dowdirID=636&prof_categoryid=82&category_id=1 (accessed 5 December 2016).

73 National Commission on Culture 'Socio-cultural implications for women and leadership' <http://www.ghanaculture.gov.gh/index1.php?linkid=338&adate=17/05/2007&archiveid=645&page=1> (accessed 5 December 2016).

74 Ghana Statistical Service 'Women and men in Ghana' (2014) 11.

75 As above, 11.

76 As above, 11.

77 As above, 12.

78 As above, 12.

79 As above, 12.

26 in number.⁸⁰ The current president is yet to assemble a new council of state, but the immediate past government had six of the 26 members being women, three of them being appointed by the former president whereas the other three were elected from the regions.⁸¹

With regards to ministerial appointments, a critical look at the 1992 government where there was only one minister who was a woman,⁸², one can say there has been significant increase in ministerial appointments although not up to the expectation of bridging the gender gap. The immediate past government had some key appointment positions being held by women. These included the minister for Gender, children and social protection, the Attorney General and Minister for Justice, the Foreign Affairs minister, Minister for Education among others. In total, out of the 36 ministerial portfolios appointed by the president, only ten of them were women⁸³ The recently elected government has also named some women who are being vetted for some key ministerial positions such as the Foreign Affairs ministry, Attorney General and Minister for Justice, Minister for Local Government and Rural Development, Communications Minister, Minister for Gender, Children and Social Protection, among others. In total the government has named 8 women out of the forty-five ministerial appointments designated.⁸⁴

Although decision-making processes and organs warrant a variety of institutions, one major yardstick in measuring women's political participation has been premised on their representation at the highest levels of decision-making in public spaces, especially in government. Since the early 1990s, growth in these spaces have however, been gradual yet unstable (*see table 1 below*). During the 1992 elections, only 17 women out of 200 candidates made it into parliament.⁸⁵ The elections in 1996 and 2000, showed a steady growth of 19 women in Parliament, compared to 181 male representation.⁸⁶ In the elections in 2004, the number grew by a mere 6 aggregation, tallying 25 female parliamentarians.⁸⁷ In 2008 and 2012, female representation stood at 19 to 30 female representation, falling short since the elections in 1992 of meeting the threshold of 30 per cent female representation in parliaments set as part of the Millennium

80 Constitution of Ghana 1992, art 89.

81 Government of Ghana 'The Council of State' <http://www.ghana.gov.gh/index.php/governance/council-of-state> (accessed 7 January 2017).

82 National Commission on Culture (n 73 above).

83 One must note that the ten women appointed in the 36 ministerial positions include those were reshuffled. This means some were actually appointed twice and in the end reducing the number from ten to eight. Helen Ntoso, for example, was named the Eastern Regional Minister and later reshuffled to Volta Regional Minister.

84 233livenews 'Confirm list: 36 Ministers and Presidential staff for Akufo Addo's government' <http://233livenews.com/2016/12/24/confirmed-list-36-ministers-presidential-staff-akufo-addo-government/> (accessed 5 January 2017).

85 Ghana Statistical Agency *Women and men in Ghana: A statistical compendium 2014* (2014) 172.

86 As above.

87 As above.

Development Goals.⁸⁸ It should, however, not be denied that there has been a steady growth, albeit minimally, since the elections in 1992 (*see table 2 below*).

Table 2: Gender parliamentary representation in Ghana (1992-2012)

Gender Parliamentary Seats allocations per Election							
Sex	1992	1996	2000	2004	2008	2012	2016
Female	16	19	19	25	19	30	37
Male	184	181	181	205	211	245	238
Total seats	200	200	200	200	230	275	275

Source: Ghana Statistical Services (2014),⁸⁹ Ghana Elections 2016⁹⁰

Table 3: Progress in women's parliamentary participation in Ghana

Global Ranking	Country	% of Women as at 1995	% of Women as at 2017	% Point change
137	Ghana	8.0 %	12.7 %	4.2 %

Source: Inter-Parliamentary Report⁹¹

Trends in parliamentary figures in Ghana thus reveal that the space and avenues for women have been relatively low, and that decision-making, especially on the national front remains male oriented. It also reveals that women's inroads in political avenues are relatively still received with skepticism and pre-conceived perceptions of women's place in the national geography. Accordingly, the developments since the beginning of the Fourth Republic in 1992/3 retain the status quo ante; that is Ghanaian public life has been and still remains dominated by men. There is till date a heavy absence of meaningful and effective women representation, contribution and impact in socio-economic and political developments in Ghana.

88 As above. The Inter-Parliamentary Union (IPU) ranks Ghana 137 out of 174 countries for female representation in government. See generally, Inter-Parliamentary Union (IPU) 'Women in National Parliaments' <http://www.ipu.org/wmn-e/classif.htm> (accessed 12 November 2016).

89 Ghana Statistical Agency (n 85 above).

90 Parliamentary news Africa 'Ghana: Women's groups congratulate female parliamentary candidates' <http://parliamentafrica.com/ghana-womens-groups-congratulate-female-parliamentary-candidates/> (accessed 25 December 2016).

91 Inter-Parliamentary Union/IPU *Women in Parliament: 20 Years in review report* <http://www.ipu.org/pdf/publications/WIP20Y-en.pdf> (accessed 12 November 2016).

The same dreary picture remains painted for Ghanaian women in other aspects of the civic sector. In a report released in early 2010, the Ministry of Gender, Children and Social Protection authoritatively reported that out of twenty-eight boards surveyed nationally across Ghana, only three have met the affirmative action requirement of 40 per cent board membership being women. The same report revealed that at the directorate level in the civil service, only 18 per cent of positions are held by women.⁹² As far as the judiciary is concerned, four out of the thirteen positions in the Supreme Court are filled by women, with the highest office of Chief Justice held by a woman.⁹³ With regards to the Courts of Appeal, out of twenty-seven (27) positions available, only ten of the seats are filled by women since 2007.⁹⁴ At the High Courts too, out of 95 positions, only thirty-three (33) are filled by women.⁹⁵ It should however be noted that the above challenges are not unique to Ghana.⁹⁶ In fact, the commonwealth has been hard hit by the reality of gender inequality for at least the past few decades.

The question often asked, perhaps rightly so, is whether there is any value in strengthening women's participation in political processes. Is such a proposition, not sanctioned on a premise of devaluing women, making them look more vulnerable and thus subjecting them to male subjectivity, contrary to the ideal of female political independence? Does the political emancipation of women, especially when their credibility is in question, generally not compromise on quality and substance? Often these questions arise, when talks around women's political emancipation unfold, particularly in the area of affirmative action directed at women's manumission. Although there may (or may not) be some value in these questions, possible responses to these questions have become self-stating over the years.

The importance of equal gender representation in developing countries, such as Ghana, cannot be overemphasised. As Viljoen has once

92 See generally, Ghana Statistical Agency (n 85 above) 171.

93 The Republic of Ghana Judiciary 'Justices of the Supreme Court' <https://www.judicial.gov.gh/index.php/justices-of-the-supreme-court> (accessed 5 December 2016).

94 Justices of the Court of Appeal <http://www.glc.gov.gh/resources/list-of-judges/court-of-appeal/> (accessed 5 December 2016).

95 The Republic of Ghana Judiciary 'Justices of the High Courts' <https://www.judicial.gov.gh/index.php/justices-of-the-high-court> (accessed 5 December 2016).

96 To be elaborative: Within the sub-regional level in Southern Africa, similar trends and practices are visible. Take for instance, Namibia and South Africa, both relatively nascent and stable constitutional democracies like Botswana. As at January 2015 women's representation in the Namibian Parliament stood at 24% having reduced from 30% in the previous parliament. Of the 14 regional governors appointed in 2015, only five are female. Furthermore, according to the latest publicly available Public Service Report, women only have a 37% representation in decision-making bodies in the public sector. In the private sector, men account for 83% of positions of authority compared to women who only cover 17%. As far as the judiciary is concerned, out of the 14 judges of the High Court of Namibia, only two are women. No female judges serve on the Supreme Court bench on a permanent basis. In a similar trend, it is on record that as of November 2013 that in South Africa, men account for 70.1% in positions of senior management in the public sector, while women occupy 29.9%; marking the disempowerment of women in management and decision-making organs.

correctly averted, the effective integration of women in public mainstream requires 'female perspectives and presence.'⁹⁷ For too long a time, women in Ghana, as in most parts of sub-Saharan Africa and beyond, had not had the opportunity to meaningfully engage political processes and positions of authority; subjecting them to political marginalisation and political vulnerability. In instances where they have made inroads in public domains, their roles remained relatively ancillary and at times their contributions are received with political hesitation and skepticism. Jemina Anita De Sosoo, a leading Ghanaian feminist and politician once attested to this reality during an international interview: 'As women when you enter into politics you need to be courageous, because of insults like "you are a prostitute, you are this, you are that", so first of all I have to build their [male counterparts] confidence to assure them [that] I am also part of the system, though they have been insulting my name ...'.⁹⁸ Although De Sosoo's experience cannot necessarily be attributed to all women in Ghana, it is an immediate manifestation of the marginalisation and stigmatisation of women in political cosmoeses of Ghanaian public spaces.

Besides the historical challenges women in Ghana had to and continue to endure, global realities necessitates that any democratic process today would need equal representation of men and women to succeed, given the developments and events the global economy has undergone since World War it has been argued, rightly so, that the participation of women in leadership structures and processes would make a qualitative difference to the governance of countries, and that women have special skills and unique experiences they would bring into these processes and structure.⁹⁹ Actually, women in Ghana constitute 51.9 per cent of the total population,¹⁰⁰ thus constituting a major portion of the national economy. It would therefore only be morally accurate and tenable that 'power dynamics are equally shared by both sexes; due regard being given to both their interests and aptitudes'.¹⁰¹

A case can further be made for the argument that due to their strong social integration compared to their male counterparts, women leaders tend to take decisions that are more conducive to improvement in the welfare of societies. These include voting and showing allegiance in favour of increased attention and allocation of national resources to life quality

97 FJ Viljoen *International human rights law in Africa* (2012) 250.

98 S Knott 'Why are there so few women in Ghana's Parliament?' in *Pulse Podcast* (2016)1 <http://pulse.com.gh/features/gender-inequality-why-are-there-so-few-women-in-ghanas-parliament-id4774663.html> (accessed 26 November 2016).

99 RLT Miranda 'Impact of women's participation and leadership on outcomes' (2005) 5.

100 Ghana Statistical Service *Labour force report: Six round of the Ghana Living Standards Survey (GLSS6)* (2014) 1. The data generated from the survey suggest that the estimated population for the entire country at the mid-survey period is 26.4 million, with the number of females (13.7 million) being slightly more than the males (12.7 million).

101 G Somolekae 'Widening the frontiers of democracy: Towards a transformative agenda in Botswana politics' (2000) 14 *Botswana Journal of African Studies* 56.

issues such as health, social welfare and education.¹⁰² Thus the exclusion of women from decision-making processes deprives a country of a valuable contribution to the progress and welfare of its people.

Several socio-economic, legal and political determinants account for the under representation of Ghanaian women in parliamentary and other public spaces. As in most parts of Africa and beyond, the Ghanaian society has been predominantly patriarchal 'characterized by entrenched cultural norms, beliefs and practices that perpetuate gender inequalities'.¹⁰³ Patriarchy has penetrated and permeated not only the household setting but has principally been visible in government structures and processes.¹⁰⁴ This reality has often given rise to the low representation of women, since by virtue of socialisation women are regarded as less suitable for political office compared to male figures. Added to this phenomenon is the Ghanaian society's conservatism blended in religious connotations.

Domestic affairs, such as the burden of caring for children, the elderly, the disabled, and generally the household has been, in accordance with tradition been largely left to women. This subsidiary role has to a considerable amount contributed to women overlooking the probabilities of them moving beyond the domestic affairs into other spheres such as political and decision-making organs. This is because the practice and theory of patriarchy has made male leadership more acceptable compared to female leadership. However, the question that arises is whether patriarchy more specially culture should be disregarded in advancing women' discourse. This is a controversial question that requires deep analysis. Needless to hold, culture has a different connotation and meaning to different people and societies. Thus, one cannot eliminate long established and settled practices emanating from culture and tradition. The space for culture, in an ever globalising world, manifests the complexities between cultural relativism and modernity. In a legal context, one would speak of conflicts between customary law and practice viz-à-viz modern positive law. As Fombad rightly stated:¹⁰⁵

In every part of Africa, customary law co-exists with imported modern law. Conflicts between the two still persist and will not disappear soon. With the

102 For example developments in countries such as Namibia and South Africa affirm women parliamentarians' sensitivity towards social issues. Both the Combating of Domestic Violence Act of 2003 (in the case of Namibia) and the Choice of Termination of Pregnancy Act of 1996 (in the case of South Africa) which are crucial pieces of legislation to the plight of women have been initiated and motivated by female political figures.

103 T Maundeni 'Images of females and males in Setswana Language: how females are disadvantaged' in S Kaye, L Machacha & T Maundeni (eds) *Gender: Opportunities and challenges: Proceedings of the First National Conference of the Gender Policy and Programme Committee (GPPC) of the University of Botswana* (2001) 48.

104 S Bawa 'Women's rights and culture in Africa: A dialogue with global patriarchal traditions' (2012) 33 *Canadian Journal of Development Studies* 102.

105 CM Fombad 'Gender equality in African customary law: has the male ultimogeniture rule any future in Botswana?' (2014) 52 *Journal of Modern African Studies* 490.

growing importance of customary law and customary courts, it is now imperative for more imaginative ways to be found to deal with the underlying conflict between the two systems of law. The easy option of suppressing a rule of customary law is certainly not the best way to address the matter.

One of the 'imaginative ways' in dealing with culture and its impugned practices is to place universal values at the centre. Thus, cultural practices can only be accepted to the extent they do not violate and detract from human dignity, equality and justice between persons.

Political participation generally requires adequate financial resource capacity; of which many women are not able to provide.¹⁰⁶ Available data indicates that despite an impressive developmental record, there is persistent income inequality and poverty among women and men in Ghana.¹⁰⁷ This phenomenon has the adverse effect of earnestly disadvantaging women when it comes to commanding economic power and thus limits their opportunities to participate in politics as a result of the lack of necessary (financial) resources. Causally linked to this is the actuality that running for political office, especially on political party level, is a process bound procedure, often dominated and administered by men and associated with financial costs and implications.

Another shortcoming that has been a trend in Ghanaian governance structures is the 'restrictive exposure' of female parliamentarians compared to their male counterparts. To elaborate: Women who make it to cabinet, since the 1992 elections are often placed in 'redundant' traditional positions preconceived for women.¹⁰⁸ This trend cements entrenched perceptions and misconceptions about the political and overall leadership capabilities of women. This phenomenon may be understandable given the calibre and political immaturity and suitability of most available female candidates. Because of the low levels of Ghanaian women in public offices, such as parliament, most women do not have the specialised skills and knowledge, or, have not grasped the tactics and contours of making strides in political life, thus limiting their possible appointment to these strategic offices. The failure by the government in placing more women in strategically influential positions where their capabilities can be more highlighted and recognised, such as the ministries of defence, finance, foreign affairs and trade may also cement misconceptions about the political and leadership capabilities of women.

106 As above.

107 UNDP 'Inequalities in Ghana: A fundamental national challenge' (2014) 5 <http://www.undp.org/content/dam/ghana/docs/Doc/Inclgro/Ghana-unicef%20Inequality%20Briefing%20Paper%20FINAL%20DRAFT%20Apr%202014.pdf> (accessed 28 November 2016).

108 Notable of these positions include, the ministry of education, health, women and children affairs, communication, tourism etc.

4 Conclusion

As pointed out earlier many countries around the continent have and keep on striving to make room for women in the political discourse. Ghana, a nation ranked 53rd on the Democracy Index table¹⁰⁹ cannot be excluded in this regard due to the freedoms and rights enjoyed by its citizens as well as the freedoms and rights the constitution promises. From the above discussions one can tell the country has put in many measures to improve women's political participation. A look at constitutional provisions such as chapter 5 and 6, the government's commitment to signing and ratifying international instruments such as the African Charter, the CEDAW, the Maputo Protocol and the BPfA are just examples and indications of the country's willingness to advance women's rights and their political participation. Further institutions like parliament and the Ministry of Gender, Children and Social Protection have gone a long way to advance this course in upholding women's human rights, ensuring women's participation in politics and public life, and developing affirmative action.

However, the country has left more to be desired with regards to this discourse. The legal framework in its present form has not been as comprehensive in securing a substantive right for women in the political realm. Thus, the realisation and advancement of women in political spaces in Ghana remains kilometric. Coupled with this shortcoming is the uncertain nature of the space and status of international law, particularly international human rights law, within the broader scope of the Constitution, which remains a threat to the comprehensive realisation of women's rights, including their security in terms of political participation. Under current patterns and practices, thus, women's rights protection and promotion generally, depends on the subjective efforts and generosity of the courts, civil society, the executive and the legislature.

Structural reforms, construed in law, are therefore inevitable. Surely, women's rights mobilisation, especially in political processes and visibility in decision-making processes and organs will have to begin with women's emancipation on political party levels. This will necessitate promoting women's participation as active voters and credible candidates in electoral processes and institutions on political party levels. Subsequent, systematic measures such as women's candidate training, awareness campaigns, as well building the capacities of female candidates for strategically and 'predominantly' male oriented leadership positions. Further measures include development of female candidates capacity to analyse issues from a gender perspective; the development of gender-sensitive election manifestos, and the adoption of policies and/or quotas to promote the

109 The Economist Intelligence Unit 'Democracy in an age of anxiety' (2015) 5.

ability of women to participate fully at all levels of decision-making within political parties.

Secondly, due consideration should be given to the enactment of the Affirmative Action Bill. Not only is the promulgation of the Bill overdue, viewed in light of similar legislation in comparative jurisdictions, notably commonwealth countries such as Australia and Canada the subsequent outcomes of such legislation, may be a compelling reason to place emphasis on the enactment of the Bill. In the absence of any evidence to the contrary, there should be no doubt that a similar approach, if adopted in Ghana, would yield the preconceived outcomes. Considerable sight should also be given to legislative gender quota measures, especially in those pieces of legislation establishing parastatals with boards. Thirdly, although women's parliamentary representation is not a fallacy in its entirety, support for female parliamentarians has been extremely weak in the past. Thus, due consideration should be given on the development and strengthening of parliamentarians, particularly female parliamentarians on gender issues. Furthermore, the mainstreaming of gender impact reviews into parliamentary committee work, gender analysis of proposed and envisioned laws, policies and regulation, the introduction of tools for gender-sensitive budgets, support for cross-party women's caucuses, and women's mentoring programmes are notable reform considerations.