



**Workshop title: Corruption and Women“s Access To Justice –
Eye on the West African Sub-Region**

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Definitions:

- **Corruption:** Black's Law Dictionary - " the act of doing something with an intent to give some advantage inconsistent with official duty and the rights of others, a fiduciary or official use of a station or office to procure some benefit either personally or for someone else, ...an impairment of integrity, virtue or moral principles; especially impairment of a public official's duty by bribery"
- Transparency International - "the misuse of entrusted power for private gain"
- **Access to Justice:** The creation of an enabling platform which ensures that all persons especially the poor and disadvantaged are sufficiently enabled to take advantage of existing systems, mechanisms and processes, formal and otherwise, to seek remedies for injustice.

The West African Sub-Region

- An area of 5,112,903 square kilometers comprising 15 countries – Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.
- The countries in West Africa are members of the Economic Community of West African States (ECOWAS). They are also bound by their commitments and obligations under the African Union.
- An examination of customs and practices within the region shows that women have similar experiences/challenges - in the areas of - economic empowerment/access to finance, qualitative health services, education and training, participation in decision making, gender based violence, etc.

What are the Challenges Women Face?

- **Customary/ traditional and/or religious laws and practices** present a challenge to the actualisation of the rights of women.
- **Finance** –access to health and education for women and their families.
- **Legal processes for Rights Enforcement** – challenges of culture, tradition and religion, existing processes for the enforcements of rights discourage women – delay, expense and rather technical nature of the court/tribunal processes
- **Non-Implementation of Provisions Guaranteeing Women Rights**

Legal Framework For Women's Rights

- International, Regional and Local legal instruments, policies, strategies, initiatives platforms and mechanisms etc
- **Constitutions** of the various countries – prohibition of discrimination on grounds of gender – Section 33 Gambia and section 42 Nigeria.
- The **Convention for the Elimination of all Forms of Discrimination against Women (CEDAW)/Optional Protocol**
- **African Union Protocol on the Rights of Women in Africa**
- **The Millennium Development Goals**
- **The Beijing Declaration and Platform for Action**
- AU - Strategic Plan, Gender Policy, New Partnership for Development (NEPAD) - Africa Peer Review Mechanism.
- **ECOWAS Gender Policy, Country Gender Policies** among others.

- Largely ratified but not domesticated in most countries - an impediment to the implementation. Rights existent but inaccessible.
- Review of the status of the MDGs 5 years to terminal date - progress made in some areas but many of the goals are a long way from being achieved.
- 15 year review of the BPfA - constitutional, legal and policy reforms made – efforts “a drop in the ocean” when assessed against promises by African governments on issues of achieving gender equality, equity and women’s empowerment.
“African leaders are falling far short of the expectations of African women”.
- Existence of laws and policies does not translate to greater actualisation of the rights of women - lack of political will to take the required steps to make the rights a reality.

What Role Does Corruption Play In Compounding The Challenges Faced By Women?

- Corruption manifests in varied forms - denies women access to rights guaranteed and appropriate redress.
- Inadequacy of resources for addressing women's education and training needs. Funds allocated for these purposes are misapplied and illegal levies demanded.
- Law Enforcement agents demand and accept bribes and turn women away or frustrate their efforts to seek justice.
- Poor quality healthcare/medical facilities, coupled with limited access, contributing to high infant and maternal mortality witnessed in the sub-region – the highest worldwide.

How Does This Affect Women's Access To Justice/ What Remedies Are Available To Women?

- Access to Justice critical to the realisation of rights enshrined in the various legal instruments or other initiative. Where the attainment of justice is seen as expensive or tedious, the quest for same is often abandoned and access invariably unrealised.
- Where good or acceptable service is a function of money or other favours made available to the provider, persons unwilling or unable to make such payments are denied the benefit of the services.
- Women are at a disadvantage because of financial implications of such circumstances

- Better access to justice for women can be achieved through greater representation in the political and decision making process. In most countries of the sub region the 30% representation of women as recommended by the Protocol is still a mirage.
- Some efforts have been made to address the issue of infringement of women's rights and provide them access to seek redress; including initiatives undertaken which are not necessarily targeted at women, but from which women as key stakeholders stand to benefit.
- Efforts are commendable and have indeed served to protect the interest of women. However, a whole lot more needs to be done to ensure that their effectiveness is not limited and women are encouraged to take advantage of the initiatives.

Effect Of Corruption On The Attainment Of The MDGs

- Hinders the attainment of the MDGs. The areas of concern identified in this presentation can be linked to one or the other of the MDGs.
- ❖ Reduces available revenue required for addressing public needs,
- ❖ Jeopardises the availability of good quality goods and services,
- ❖ Produces a poor quality and ill-motivated workforce,
- ❖ Imposes leaders who are not interested in the welfare of the masses they lead.
- In the review of the attainment of the MDGs, most countries are found to be lagging behind and the quality of life of the people hardly likely to reach the desired targets by 2015.

- Transparency International Report titled - The Anti-Corruption Catalyst: Realising the MDGs by 2015, noted as follows:

“With five years to go, official progress reports show that many of the goals are off-track to being achieved. Globally and regionally, advances have been particularly slow on education (MDG2), maternal mortality (MDG5) and the environment (MDG7). Breakdowns in governance and the corruption that accompanies them have been important reasons for sluggish progress on the goals”

- **Conclusion/Way Forward**
- Making Processes Simple and Transparent
- Ensuring Convictions for Corrupt Practices
- Identifying and Celebrating Champions
- Holding Leaders Accountable – The Led to Question the Status Quo
- Demystifying the Court/Justice System
- Reforming Electoral processes - Votes to Count
- Awareness Creation and Public Education
- Values/Moral Reorientation

- Thank you for Listening.

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