

BEYOND LAWS TO ACTION ON DOMESTIC VIOLENCE: LESSONS FOR GHANA FROM MEXICO

SUMMARY

Both Ghana and Mexico passed domestic violence legislation in 2007. Yet, a decade later, Ghana has only one functioning shelter owned and run by an NGO and another run by the State. Services in these two shelters are generally ad-hoc and un-coordinated. Mexico, on the other hand, has many more shelters – 72 in all – and a coordinated system of service provision for survivors of domestic abuse. In seeking to explain these differences in implementation, a study conducted by the Centre for Gender Studies and Advocacy (CEGENSA) in Ghana and FUNDAR in Mexico found that a key difference between the two countries lies in the nature of the women’s caucus in parliament. While Mexico has a system where the women in parliament have entered into a pact to vote as a unit on women-friendly policies, Ghana has a women’s caucus that leaves issues of policy concern to women to the Gender and Children’s Committee of Parliament. In this policy brief, CEGENSA makes a number of recommendations directed at enhancing the likelihood that policies aimed at tackling domestic violence will be implemented in the Ghanaian context.

Ghana is one of six countries in West Africa and 20 in sub-Saharan Africa to have enacted legislation to combat domestic violence. The Domestic Violence Act (Act 732) passed in 2007 was passed in the same year that the Mexican government passed a similar law, the General Law for Women’s Access to a Life free from Violence.

These two laws focus on the three P’s of effective domestic violence legislation – the Preventive, the Protective and the Punitive – components of legislation. With respect to protective services, the subject of this policy brief, the ideal situation is to have a comprehensive approach to providing protection for survivors of domestic violence. This would mean strengthening links among the

programme that works seamlessly to provide women and children requiring protective services with their requisite needs. Designed in this manner, shelters serve as a protective measure that offers protection from the abuser as well as an opportunity for rehabilitation.

Shelters in the Ghanaian context

In the Ghanaian context, shelters do not occupy a central position in protective interventions even though they are specifically mentioned in the Domestic Violence Act. The Act advocates the establishment of a fund to be administered by a board to be known as the Victims of Domestic Violence Management Board and anticipates that funding for the shelters will come from voluntary contributions and money approved by Parliament or the Minister of Finance. Although the fund has been launched officially, there is at yet no budget line devoted to this fund in the government budget. Consequently, there are only two shelters in the country – one publicly-funded and

Ideally, shelters should provide a space for survivors of domestic violence to receive a range of services – health, medical, legal, social – in a seamless fashion as and when it is needed.

established after the Act while the other run by a non-governmental organisation predates the Act. Both, however, offer services in an ad-hoc fashion.

Shelters in Mexico

Mexico has a total of 72 shelters, set up by both state and non-state actors. Some of these shelters predate the passage of the General Law for Women’s Access to a Life free from Violence

while others were set up afterwards. The National Women's Institute has established minimum quality standards for shelters and all members of the National Network of Shelters in Mexico strive to offer the model of protection developed by the National Women's Institute. A key guiding principle in the model of protection, framed by human rights principles, is to offer comprehensive services to survivors of domestic violence in a seamless fashion. Shelters offer women and their children three months of housing, clothing and food as well as a range of specialised support services – legal, psychological, medical and educational support as well as workshops to help them prepare for their lives after they leave the shelter. In Mexico, there are also Transition Houses where women are moved after they leave the shelter if they still have not found a place to live. In the Transition house, they can look for both a job and a new place to live.

Ghana has 2 shelters while Mexico has 72. In addition, Ghana provides services to its clients in an ad-hoc fashion while Mexico offers comprehensive services.

Explaining the difference between Ghana and Mexico

In 2014, the Centre for Gender Studies and Advocacy (CEGENSA) at the University of Ghana partnered with FUNDAR, a civil society organisation in Mexico to explore the variation in services offered to survivors of domestic violence in both contexts. There were a number of similarities between the two countries beyond the fact that domestic violence legislation had been passed in both countries in the same year.

It was clear that both countries had been influenced by global events, particularly the 1993 Vienna Declaration which highlighted the need for global efforts at developing concrete steps to address the different forms of abuse that women face, key among which is domestic violence. Both countries had also had financial support from international non-governmental organisations as well as donor agencies to support their efforts at

both developing and implementing domestic violence legislation. In Ghana, for example, the Leadership and Advocacy for Women in Africa Programme set up by Georgetown University's Law Centre in 1993 has had a lasting impact on the domestic violence movement in Ghana. The six alumnae of that programme have been influential in many ways in this movement. One of the six has played a pivotal role in the development of the Domestic Violence Act in the early 2000s as well as the legal instruments for the Act which were developed and passed in 2016. Another alumna set up the first shelter in the country. In Mexico, the Academy of Human Rights which contributed to the framing of domestic violence issues in Mexico as a human rights issue received initial funding for a five-year period from the Ford Foundation, an American based funding agency.

There is one major difference between these two countries though, one difference that helps to explain the fundamental difference in the number and quality of protective services offered survivors of domestic violence in both contexts. This difference lies in female activity in the Parliaments of both countries. Academics such as Beckwith and Cowell-Meyers (2007) have long argued that having a critical mass of women in Parliament, 30% or more significantly impacts on the development of women-friendly policies. Other groups such as Childs and Krook (2009) have suggested that it is not so much how many women are in Parliament that matters, but what the women in Parliament, no matter how few do. In both Mexico and Ghana, the number of women does not reach the critical mass suggested in the literature. While Ghana's Parliament has not had more than 11% of women since the inception of the Fourth Republic, Mexico's has inched up slowly and currently stands at approximately 25%. For the Mexican and Ghanaian state therefore, the critical mass argument for ensuring women-friendly policies does not hold. The numbers in both countries are insignificant even though Mexico's is twice as high as that of Ghana.

More importantly, in Mexico, the few women in Parliament have done something that the

Ghanaian women in Parliament have not yet done; they have entered into a pact. Mexican women in Parliament, some of whom knew each other in their previous lives as feminist activists came together in an informal fashion and agreed that irrespective of political party affiliations, they would come together to pass legislation that advanced women's caucus. In other words, whenever a Bill that advanced the cause of women was presented before Parliament, all female Parliamentarians would vote in its favour even if the parties to which they belonged were not in favour of the Bill.

This political pact has had tremendous impact on the successful implementation of domestic violence legislation in Mexico, key among which is the fact that they have ensured that there is a budget line in the Mexican budget that is specifically devoted to domestic violence and have thus ensured that there is funding on a yearly basis to the various actors involved in the provision of services to survivors of domestic violence.

Ghana's alternative to a pact

Ghana's parliamentarians have not agreed on a pact in a fashion similar to that of Mexico. This is not to say that there is no organising of any sort in the Ghanaian parliament. Indeed, since 1999, there has been a Women's Caucus in parliament and a parliamentary clerk has been assigned to the Caucus. However, unlike in the Mexican case, this Caucus has not agreed to make the passage and implementation of women-friendly policies a

key goal of their Caucus. Instead, this has been ceded to the Gender and Children's Committee of Parliament and the caucus focuses on the provision of welfare for its members and society at large. To this end, they have offered health screenings to female parliamentarians and refurbished the Maternity wing of the Korle Bu teaching hospital, the largest teaching hospital in Ghana.

Conclusion

Although Ghana and Mexico passed domestic violence legislation in the same year, Mexico has

The difference in the number and quality of services provided in Mexico as opposed to Ghana is explained by the nature of women's organizing in the Mexican Parliament, specifically the political pact between female parliamentarians of all political persuasions.

made far more progress in the implementation of this law both in terms of the numbers of shelters devoted to the provision of protective services for women and the nature of services provided. The key difference in implementation lies in the fact that female parliamentarians in Mexico have agreed, albeit in an informal manner to vote en bloc in favour of women-friendly policies whenever they are brought before parliament. Ghanaian parliamentarians have not done so. Although a Women's Caucus has been formally in place since 1999, their goals are more welfarist. Issues of concern to women are left to the Gender and Children Committee to handle.

Policy Recommendations

There is need for Ghana to provide integrated treatment and protection of women who are survivors of domestic violence. This necessitates taking a comprehensive approach involving stronger links among multiple sectors such as education, health, judicial system, mass media, police and social services. State funding will have to be provided to each of these institutions to enable them carry out their responsibilities towards survivors of domestic violence. The provision of funding for the implementation of the domestic violence act in Ghana will require the following actions by both state and non-state actors:

- The Women's Caucus of Parliament should formalise its activities with the creation of a fully functioning Secretariat.
- The Women's Caucus of Parliament should work more closely with the Gender and Children's Committee of Parliament.
- The Women's Caucus of Parliament should work to strengthen their cross-party support of issues of concern to Ghanaian women.
- Active civil society support and programming is needed for an increase in the number of women in parliament.
- There should be civil society support for the work of the women's caucus through its advocacy and capacity building efforts.
- There is need for activism around domestic violence and the provision of shelters with requisite services to support survivors.



Centre for Gender Studies and Advocacy
University of Ghana, Legon



ELLA
Evidence and lessons
from Latin America

Further reading

Barnes, Tiffany D and Stephanie M. Burchard. 2013. Engendering Politics: The Impact of Descriptive Representation on Women's Political Engagement in Sub-Saharan Africa. *Comparative Political Studies* 46 (7): 767-790.

Burnet, Jennie. 2011. Women have found respect': Gender quotas, symbolic representation and female empowerment in Rwanda. *Politics and Gender* 7 (3): 303-334.

Devlin, Claire and Robert Elgie. 2008. The effect of increased women's representation in parliament: the case of Rwanda. *Parliamentary Affairs* 61 (2): 237-254.

Jobarteh, Isolde Tengber. 2016. Ethnic Division and the Substantive Representation of Women: A Case Study on the Kenyan Cross-party Parliamentary Women's Caucus. Unpublished BA thesis, Uppsala University.

Johnson, Niki and Cecilia Josefsson. 2016. A New Way of Doing Politics? Cross-Party Women's Caucuses as Critical Actors in Uganda and Uruguay. *Parliamentary Affairs* 69 (4): 845-859.

Schwindt-Bayer, Leslie. 2006. Still supermadres? Gender and the policy priorities of Latin American legislators. *American Journal of Political Science* 50 (3): 570-585.

This Policy brief was produced as part of the ELLA programme. Find out more at <http://ella.practicalaction.org/>