

Workshop Program Point Sud 2019

Gender and Judging in Pluralistic Societies: A Comparative Assessment of Access to Justice for Women Across Africa

8th-10th August 2019

Institute for African Studies, University of Ghana, Legon

Organizers

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Abstract

In postcolonial Africa, courts established under the inherited legal systems (statutory courts) are accorded primacy in the structure of judicial institutions available for citizens to access justice. In the context of plural legal systems, there are many other normative orders that serve as avenues for informal justice or traditional justice (defined as courts that fall outside the inherited legal court structures). There exists a large sphere of informal institutions for accessing justice which is prevalent especially in the rural parts and deprived urban communities, and which is more easily accessed by a large number of citizens. These non-statutory judicial and quasi-judicial institutions include the traditional courts, chief courts and religious courts where most matters arising within local communities often find redress. It is also in these courts where women often find themselves seeking judicial redress.

Through activities of intergovernmental organizations such as the United Nations, and regional organizations such as the African Union, there have been concerted efforts to expand access to justice for women. Existing evidence suggests that efforts being made to improve women's access to justice across Africa are often biased towards the formal means—the statutory courts. Notwithstanding the plethora of policy initiatives, scholarly work produced in this area have not sufficiently engaged in comparative studies of the interactions and gendered impact of the formal (statutory) and informal (traditional) court systems. The overarching goal of this workshop is to examine the changing relations between the state/statutory courts and customary/traditional courts and how these changes affect women's access to justice in both spheres. This interdisciplinary workshop brings together mid to early career scholars and doctoral candidates from around the globe, with the goal of developing innovative, interdisciplinary and comparative research on the topic of access to justice for women in Africa.

Tentative focus of topics to be explored include; examining the pluralistic ways in which some communities remain prone to having more customary or religious courts than statutory courts. What are the opportunities and challenges for women accessing justice within these plural judicial systems? The gendered patterns of access to customary and religious courts—do men or women use these courts more often, and if so, are the pathways for accessing these courts equal? Are there discernible patterns of gendered outcomes in these courts—do women receive harsher sentences or punitive measures than men? What challenges do women face in accessing these courts? What innovative solutions and strategies can be used to improve access to justice, and equitable outcomes for women?