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### ***A political settlement approach to gender empowerment: The case of the Domestic Violence Act and girls' education policy in Ghana***

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## **Abstract**

Although rightly lauded as one of the strongest democracies in Africa, it is striking that women do not have a political quota in Ghana, and that women's rights have more often been handed down through the politics of patronage than achieved through civil society activism. This paper investigates the role of power and politics in influencing the adoption and implementation of gender equity policy in Ghana, focusing on two policy case studies: domestic violence; and girls' basic education. The paper finds that although policy on girls' basic education was easily adopted and implemented without any opposition, as it was considered a less 'contentious' issue, domestic violence policy faced significant opposition from religious and political groups. In response, the women's movement adopted a highly strategic approach to swaying public opinion, focusing on religious and cultural leaders, marshalling support among local community groups, and making use of informal gatherings to raise awareness about the issue. However, framing domestic violence in such a way as to be non-threatening to existing gender norms and relations limited its transformative potential and contributed to implementation gaps. Policy implementation in competitive clientelist settings tends to be a highly personalised and political process, and with few political gains to be had from enacting domestic violence legislation, successive governments have failed to even present a plan for implementing the law. Both cases reveal the role of the political settlements in influencing policy-making on gender equity and point to the need to move beyond the influence of women's presence in formal politics towards a deeper analysis of power and politics in shaping gender equity policy

**Keywords:** Ghana, gender, inclusion, legislation, education, domestic violence, coalition-building, gender parity

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## Abbreviations

<b>CPP</b>	Convention People's Party
<b>CSO</b>	Civil society organisation
<b>DANIDA</b>	Danish Development Assistance
<b>DFID</b>	Department of International Development
<b>DV</b>	Domestic violence
<b>DOVSSU</b>	Domestic Violence and Victim Support Unit
<b>DWM</b>	December Women's Movement
<b>ESP</b>	Educational strategic plan
<b>EU</b>	European Union
<b>FAWE</b>	Forum for African Women Educationalists
<b>FIDA-Ghana</b>	International Federation of Women Lawyers
<b>FCUBE</b>	Free compulsory universal basic education
<b>GEU</b>	Gender education unit
<b>GSS</b>	Ghana Statistical Service
<b>GWL</b>	Ghana Women's League
<b>IDS</b>	Institute of Development Studies
<b>JHS</b>	Junior high school
<b>JICA</b>	Japan International Cooperation Agency
<b>LAWA</b>	Leadership and Advocacy for Women in Africa
<b>MOGWSP</b>	Ministry of Gender, Children and Social Protection
<b>MOWAC</b>	Minister for Women and Children's Affairs
<b>NETRIGHT</b>	Network for Women's Rights
<b>NCWD</b>	National Council for Women and Development
<b>PNDC</b>	Provisional National Defence Council
<b>STAR-GHANA</b>	Strengthening Transparency, Accountability and Responsiveness in Ghana
<b>SHS</b>	Senior high school
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation
<b>UNICEF</b>	United Nations International Children's Emergency Fund
<b>UNFPA</b>	United Nations Population Fund
<b>UPE</b>	Universal primary education

<b>USAID</b>	United States Agency for International Development
<b>VAW</b>	Violence against women
<b>WAJU</b>	Women and juvenile unit
<b>WIB</b>	Women in Broadcasting
<b>WiLDAF</b>	Women in Law and Development in Africa
<b>WISE</b>	Women's Initiative for Self-Empowerment

## **Introduction and background**

Despite Ghana's apparent success in building a multi-party democracy and achieving middle-income status, concerns remain over the extent to which women have benefited from these wider processes in both political and developmental terms. In 2014, Ghana ranked 124 in the world in the UNDP's Gender Inequality Index, with a score of 0.554 (UNDP, 2015). Furthermore, although Ghana was one of the first countries to introduce a quota to elect women to parliament in 1960, today it does not apply a quota system. As a result, women represent only 11 percent of parliamentarians (Quota Project, 2015). The low performance in gender indicators, alongside the low percentage of women in politics, would indicate that an increased presence of women in politics in Ghana could lead to their greater influence to adopt policies that promote gender equity (Phillips, 1995; Escobar-Lemmon and Taylor-Robinson, 2014). However, although this is a significant argument, it does not tell the whole story of the circumstances under which a country adopts gender-equitable policies, as there are other factors beyond women's increased presence in politics. Literature on the politics of development, and in particular the political settlements literature, highlights the role of elite interaction, informal politics and power relations in affecting political commitment to inclusive development (Hickey et al., 2014). A political settlement can be defined as the balance of power between organised social groups in a given society (Di John and Putzel, 2009), and reflects the growing understanding in development studies of how institutions actually function in practice and the underlying forms of politics and power relations, and particularly negotiations that take place among elites and social groups. Given that such bargaining processes in most developing countries tend to be based on 'personalised deals', rather than 'formal rules', institutions tend to function in informal and clientelistic ways (Khan, 2010).

Drawing from this literature, this paper seeks to examine the extent to which securing gender equity in Ghana flows from the dominant power relations and ideas that underpin how formal democratic institutions actually function. We do this by investigating the gendered dimension of the 'political settlement' in Ghana through analysing efforts to promote and implement different kinds of policies aimed at achieving gender equity. Our objective here, following Nazneen and Mahmud (2012), is to explore the ways and extent to which Ghana's political settlement is gendered, and specifically how it shapes women's inclusion in politics and the possibility of gender equity policies adopted and being implemented. We focus on two policy case studies, namely legislation on domestic violence, and girls' basic education.

We used qualitative research methods through the use of key informant interviews with stakeholders who were deeply involved in the process. In total, eight people who were leaders in the coalition and people involved in implementing policies at the sector level were interviewed (see Appendix for list of interviewees). Primary data collection was supported by an extensive review of the existing literature on domestic violence and girls' education, to examine the dynamic interaction of actors, institutions and also ideas in shaping two different types of gender equity policy,

which we characterise as being, respectively, transformative and ameliorative of existing gender relations (cf. Htun and Weldon, 2010). The paper is structured as follows: the next section discusses the history of women's inclusion in politics and policy-making in Ghana. The two subsequent sections focus on the politics behind each policy case, starting with domestic violence legislation. The concluding section offers a comparative examination of the two policies, with reference to the broader politics of securing gender equity within Ghana's competitive clientelist system.

### **Women's inclusion in politics and policy-making in Ghana**

Ghana's status as one of Africa's success stories, in terms of both economic and political development, has recently been challenged by scholarship suggesting that its impressive achievements, in terms of growth, poverty reduction and multi-party elections, are compromised by an underlying political settlement. This political settlement creates few incentives for political elites to establish institutions capable of meeting the more difficult tasks of challenging structural inequalities and economic transformation (Whitfield, 2011; Oduro et al., 2014; Abdulai and Hickey, 2016). From this reading, Ghana is characterised as a competitive clientelist political settlement, in that it combines elements of formal electoral competition as the accepted means of exchanging power between elites with the persistent presence of informalised patron-client relationships as a means through which status and resources are accumulated and distributed. Competitive clientelism, particularly where there are strong factions competing for power and regular turnovers, as pertains in Ghana, tends to encourage political elites to adopt short-term time horizons rather than programmatic agendas, and to use public institutions as a means of securing political loyalty through the distribution of rents rather than impersonal allocation of rights (Levy, 2014). As outlined in Oduro et al. (2014), this form of governance has characterised Ghana since the mid-1990s, with intra-elite negotiations required from 1992 to 1995 to ensure actual buy-in to the multi-party system re-established in 1992. Prior to this, Ghana had experienced a 'dominant party' political settlement from its independence in 1956 with Nkrumah's presidency, until the 1980s, with the numerous dictatorships that followed the fall of Nkrumah. The political history from the independence period through to the early 1980s, we argue below, provided the opportunities available for women and their interests to be represented in terms of both politics and policy.

### **Critical junctures and women's engagement in politics (1950s-80s)**

Women played a significant role in Ghana's struggle for independence. Tsikata (1989) records that the women's section of the Convention People's Party (CPP), developed the women and youth wings of the party and used these structures to marshal massive popular support, and also to form women's groups, including the Ghana Women's League (GWL). In recognition of this contribution, once in power the CPP introduced a number of measures to enhance women's political participation. In 1960 it established the national women's association, the National Council of Ghana. As Adomako-Ampofo (2008) argues, although the association was not independent from the government, it offered women a space for organisation, training and development. The CPP also sought to enhance women's participation in formal

politics. According to Tsikata (2009a), Ghana became one of the first African countries to introduce and implement a quota system for women through the enactment of the Representation of the People (Women Members) Amendment Act of 1960. The Act ruled that in addition to the seats provided by law, there would be 10 additional seats for women. Women members of the national assembly were to be elected for each region by the members of the assembly representing that region (Burnett Harvey, 1966: 37). The Act led to women's representation of 18.2 percent (19 women) of the 104 parliamentary members in 1965 (Tsikata, 2009a: 33-34). These gains for women were, however, short-lived.

The fall of the CPP government through the first military coup in 1966 introduced an unstable period of rule marked by frequent shifts between the military and civilian governments, with largely negative implications for the inclusion of women in politics and policy formation. The closed nature of governance under male-dominated military regimes left women out of decision-making roles. Moreover, the National Council of Ghana Women was disbanded following the fall of the CPP government, leading to a 15 years-long gap in national women's organising (Tsikata, 2009b). The dictatorships also introduced a chaotic socio-economic order, which made it dangerous for women to gain a public profile, including, for example, prominent businesswomen victimised as the cause of economic hardship and mismanagement. The political misfortunes that women experienced intensified following the 1979 uprising under the Armed Forces Revolutionary Council (AFRC) led by Flt Lt Jerry John Rawlings. This era saw market women portrayed as the causes of the economic woes of the country, leading to their public humiliation and torture (Adomako-Ampofo, 2008).

However, under the Provisional National Defence Council (PNDC) that held power from 1981 through to 1992, also under the leadership of Jerry Rawlings, there was a strong commitment to women's political inclusion, particularly under the auspices of the 31st December Women's Movement (DWM), led by the wife of the dominant leader. The movement revived women's national-scale organising and permeated every region and district of Ghana with a large following. In line with the wider mobilising strategies of the PNDC, which emphasised building its support base amongst popular, rather than more elite social groups, the women's movement and party structures were populated mainly by market women, workers in the informal economy and artisans (Allah-Mensah, 2005).

The role of the women's movement was instrumental in developing and passing key bills, including the interstate succession law, which came into effect on 14 June 1985 and offered legal protection for widowhood rights concerning inheritance and abuse (Gedzi, 2014). The movement was also instrumental in strengthening the National Council for Women and Development (NCWD), the women's machinery, which later became the institutional base for the creation of Ghana's Women and Children's Ministry, (now the Ministry of Gender, Children and Social Protection). The dominant party/leader type of political settlement was effectively used by women during this period to negotiate their interests, frequently in informal ways through the dominant leader's wife, Mrs Rawlings. These interests included women's participation in the

democratic process, especially during the preparation for the transition from military dictatorship to constitutional rule. The Constituent Assembly had a fairly reasonable number of women representatives. The Movement also received a lot of political support for the economic empowerment activities for women. Indeed, the first cohort of women who became candidates at the district assembly level's first elections in 1998, and subsequently in the 1992 general elections, were mainly members of the movement (Allah-Mensah, 2005). The argument proffered here is that their inclusion in the political space was a matter of patronage, rather than an institutionalised process as a matter of rights, reflected in the failure to highlight the importance of instituting an effective quota system. In addition, the PNDC's dominance closed the political space for wider mobilisation, leaving women with little choice for an alternative mobilisation opportunity (Tsikata, 2009b).

### **Current political settlement and women's inclusion in politics (1992-2012)**

The political openings of the early 1990s enabled space for a broader range of actors to engage in politics. With the democratic transition, women's civil society participation revived. Two notable examples of women's movements in this period are NETRIGHT, which lobbies on issues of economic justice, and The Women's Manifesto Coalition, which lobbied for women's increased representation in formal politics. As Adomako-Ampofo (2008: 401) argues, these organisations were significant precursors to the Domestic Violence (DV) Coalition which built from these networks. Moreover, women's groups championed by women academics intensified research on women's rights and violence against women and used international protocols to leverage the framing of issues around the importance of women's political inclusion and the promotion of gender equity (IDS, GSS and Associates, 2016).

One major critical juncture saw the inclusion of women and women's interests in the 1992 constitution-making process, including through the nationwide efforts to collate the views of Ghanaians on the future of democracy in Ghana, with women's rights amongst the issues raised (Allah-Mensah, 2005: 18-19). The ruling government decided to install a Committee of Experts to draw up proposals for a draft constitution, and only two women were appointed to the nine-member committee. The Committee did make some proposals around women's political inclusion, including recommending a Council of Ministers to be appointed on the basis of special expertise, experience and equitable regional and gender representation, and on women's rights issues, such as addressing debilitating customary practices, female circumcision, property rights, equal conditions of work and equal representation and participation of women and men on boards and in appointments to public positions (Committee of Experts, 1991). Nonetheless, these proposals were ironically whittled down in the 1992 constitution formulated by a Consultative Assembly with more female representation than the membership of the Committee of Experts (Republic of Ghana, 1992; Svaniker, 1997). The Consultative Assembly (CA) did not ensure that any of the above-mentioned gender issues were categorically included in the constitution, including a quota for women's political participation.



Some critics explain this gap between women's sizeable inclusion in the Consultative Assembly, and their limited influence, in terms of the characteristics of the women who gained inclusion. The PNDC government used urban informal sector agents to sponsor, form and register over 30 informal organisations (e.g. of hairdressers, fishmongers, drinking and chop bar owners), some of which became representatives in the CA (Allah-Mensah, 2005). The National Council of Women and Development (NCWD), which was an advisory body to government, controlled then by the 31st December Women's Movement (DWM) alone, had 10 representatives (Bluway, 1998). Women's inclusion thus arguably reflected the PNDC's broader clientelist strategy of securing support from a particular constituency, rather than a broader commitment to women's empowerment. This also meant that many highly educated and articulate women were excluded from the process in ways that seem to have undermined the quality of representation, with some observers (e.g. Bluway, 1998) noting that the largely politically acquiescent and less educated representatives failed to raise strategic issues, including affirmative action and making women's rights legally binding in ways that would have significantly changed the role of women in politics and public life. ,

Women's political representation within the fourth republics, unsurprisingly, has been limited at both the national assembly and local government levels (see Table 1). In a parliament of 275 members, only 29 are currently women, which mirrors the trend since 1992. The situation at the local government level (Table 2) is similar: in the local level elections in 2010, only 7 percent of the elected and 3 percent of appointed members were women (Ministry of Women and Children's Affairs, 2012).

**Table 1: Women in parliament**

Year	No. of parliamentary seats	Women	Percentage
1992	200	16	8.0
1996	200	18	9.0
2000	200	19	9.5
2004	230	25	11.0
2008	230	20	8.3
2012	275	29	10.5

Source: (Allah-Mensah, 2005; Bawa and Sanyare, 2013).

**Table 2: Women in local/district assemblies**

Year	Total no. of contestants	Percentage of women elected
1998	4,282	5.0
2002	4,589	7.6
2006	4,734	10.1
2010	6,103	7.0

Source: NDPC (2001); Ministry of Women's and Children's Affairs (2012).

The recommendations from the constitutional review commission established in 2011 by the Mills administration to undertake a consultative review of the 1992 constitution included a strong reiteration of the need for affirmative action to increase women's effective participation in politics. This recommendation was championed especially by the women's movement, civil society organisations, thinktanks and research and academic institutions, and backed by the Ministry of Women and Children's Affairs. The resulting government white paper supported the principle of affirmative action, but rejected the recommendation for political parties to amend their constitutions to undertake measures that would boost women's chances for parliamentary representation (Republic of Ghana Constitutional Review Committee, 2011). The rejection of the recommendation to compel political parties to include measures that will enable more women into politics and leadership positions reflects the powerful grip that political parties have over public institutions in Ghana's competitive clientelist context, and the powerful incentives for them to focus first and foremost on ensuring their political interests and survival. This stance is a reflection of the broader patriarchal norms which closely constrict women's political agency. The constrictor did not only resonate in women's formal participation in politics, but also in areas as critical as policy on domestic violence, which is the focus of the next section.

### **Policy case 1: Domestic Violence Act 2007**

This section explores how the gendered dynamics of Ghana's political settlement identified above shaped the process through which the Domestic Violence Act was promoted and adopted, and the extent to which it has been implemented. The quest to address domestic violence is not a recent phenomenon in Ghana, or Africa more broadly, and cannot be seen as a western idea or imposition (Burrill et al., 2010: 1). The roots of domestic violence lie within the colonial period, and specifically the British hut tax system, which mandated that men pay for any extra wives they had as a way of discouraging polygyny (Burrill et al., 2010). Efforts by some men to increase their control over the labour of their wives led to conflicts over separate wealth and income that the women controlled. This meant that this colonial project of domestication, through which African households became connected to the political economy of colonialism, 'contributed to the consolidation of a moral authority and reordering of household relationships within the state and among members of the household' (Burrill et al., 2010: 9). Some analysts interpreted this as the very foundation of, or at least a catalyst to, forms of violence in the household which subsequently became entrenched.

### **Background and narrative to the Domestic Violence Bill**

The issue of domestic violence came to prominence in Ghana in the 1990s, due to a combination of international, regional and national pressure and events that unfolded around the same time. In March 1995, the Women in Law and Development in Africa (WiLDAF) network met in Togo and proposed the creation of an African Charter on Human and People's Rights to address women's rights. Although the charter was not signed until 2003, the issue of women's rights – including protection against violence – was already on the table in regional meetings. This, combined with the Beijing

Conference in September 1995 that resulted in the Beijing Platform for Action, a document that set clear steps governments should take to end VAW, offered a stepping stone for women's groups in Ghana to push for policy change on domestic violence (Fallon and Aunio, 2010).

As shown in Table 3 below, adapted from Adomako-Ampofo (2008), the first key national trigger came in 1997, when from a nationwide study, the Gender and Human Rights Documentation Centre made stunning revelations about the prevalence and forms of domestic violence in Ghana, including the finding that one in every three Ghanaian women suffers from physical violence at the hands of a current or past partner; about 27 percent of women had experienced psychological abuse, having been forced to have sex by their male partner (Coker-Appiah and Cusack, 1999). These psychological abuses were serious enough to warrant the attention of any government or group of people.<sup>1</sup> In 1998, in partial fulfilment of its international obligations under CEDAW, the government established the Women and Juvenile Unit (WAJU) of the police service as a specialised unit to handle cases of abuse against women and children. However, newspaper reports of married women being killed by their husbands on grounds of infidelity (Adomako-Ampofo, 2008: 405), and the serial killings of women in the years preceding the 2000 elections, led to women's demonstrations against VAW, with the issue becoming politicised by the main opposition party (interviews with gender activists (February-April 2014)). Thus, given the seriousness of the issue, it became a hot political topic in the prelude to the 2000 elections. When the opposition came to power, it set up the Ministry of Women's and Children's Affairs in response to women's demands.

Women's groups, with academia and internationally recognised civil society groups, and cognisant of government's commitment to global and regional protocols, intensified their mobilisation around the issue, and resolved to form a coalition in 2002. Research-based awareness-raising became a key strategy. Research by University of Ghana law students and human rights experts for the International Women's Human Rights Clinic at Georgetown University in 2003, found that women in Ghana were inadequately protected from high rates of domestic violence (Cantalupo et al., 2006). These findings coincided with parliament's consideration of a Domestic Violence Bill proposed by the Law Reform Commission. However, efforts of the women's movement to build alliances within government and parliament were heavily undermined by the stance taken by the then Minister for Women and Children's Affairs (MOWAC), Gladys Asmah, who opposed the bill, both at cabinet and within parliament, where she was a leading member of the women's caucus; although the interviews were not explicit on this issue, this has been cited in other documents (Boas, 2006); this though was not explicitly mentioned by those interviewed. According to Boas (2006), the minister's opposition, and that of others,

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<sup>1</sup> Records from the Domestic Violence and Victim Support Unit (DOVSSU) indicated that between 1999 and 2000, there were 109,784 cases of domestic violence, with women being the biggest victims (Participatory Development Associates, 2014).

**Table 3: Chronology of events and critical moments for the Domestic Violence Law**

<b>DATE</b>	<b>EVENT</b>
<b>1998-99</b>	Discussions on DV legislation started by LAWA, Gender Centre's research findings, WAJU established.
<b>1999</b>	The above discussions picked up by International Federation of Women Lawyers-FIDA-Ghana and efforts made to push it as a private members bill in parliament. Consultation with the women's caucus showed that this would not work.
<b>2000</b>	Serial murders of women lead to intensity in calls for action by government.
<b>2001</b>	A draft bill submitted to the attorney general's (AG's) department for consideration.
<b>2002</b>	Law Reform Commission submits its research and proposals to the AG. AG then considers all submissions as basis for drafting a first draft for public comment. The bill then becomes a government bill.
	The Ark Foundation holds maiden 'activists' night out' – an annual dinner for anti-violence advocates and activists to relax and reflect together. The commitment to establish the National Domestic Violence Coalition is made during this first meeting.
<b>2003</b>	Women's Initiative for Self-Empowerment (WISE) organises a national strategic planning workshop on the Domestic Violence Bill, held to actualise suggestions from the night out.
	As part of the outcome from the strategic meeting, the National Domestic Violence Coalition is established. The key members of the coalition are mainly women's groups who formed the NETRIGHT, but later others, including MPs, join.
	The AG's department prepares second draft and there is a national consultation on the bill.
	Challenges with the consultations and the then Minister for Women and Children's Affairs, who opposes the bill.
<b>2004</b>	Over 100 individuals and organisations sign up as members of the coalition.

	There is a change in the ministerial appointment for women and children's affairs.
<b>2005</b>	Women's ministry continues with consultation on draft bill to cover whole country with widespread support for the passage of the bill.
<b>2006</b>	In May the bill is introduced in parliament by AG.
<b>2007</b>	In February, parliament passes the bill into law after six years of civil society advocacy, political agitation and parliamentary quandary.

Source: Adapted from Adomako-Ampofo (2008: 408-11).

including male MPs, traditional authorities and religious leaders, focused in particular on the issue of marital rape. Realising the extent to which this issue was acting as an obstacle to the bill as a whole, the women's coalition decided in 2005 to downplay this aspect, and to shift the framing from one concerned with women's rights to emphasising its 'pro-family' aspects, as is explained later on.

The year 2005 also marked a turning point in other respects, particularly the appointment of a new Minister for the Women and Children's Ministry, Alima Mahama, who had previously worked within women's organisations. In addition, the Country Report from the Beijing +10 conference, which reiterated that high levels of gender-based violence persisted in Ghana, called on the government to undertake legislative and administrative reforms in this area (UNDP, 2010). Women's movements utilised these proliferating global calls to end VAW and pushed the government to act, claiming that it had the obligation under CEDAW to introduce laws against domestic violence (Hodzik, 2009). According to a gender activist interviewed:

there was a lot of talk about it, but domestically, when you talked about it, people felt that it was not a common phenomenon and the concept was foreign. The Gender Centre decided to research into the problem to see the extent of the problem in the Ghanaian society.<sup>2</sup>

This impetus helped lead to the bill being tabled in 2006, and subsequently passing into law as the Domestic Violence Law (Act 732) in 2007. The Domestic Violence Act 2007 incorporates a broad definition of domestic violence that includes physical, sexual, psychological and economic abuse, or any other act that may harm an individual. It also involves a fairly broad definition of the family that involves couples, children and other relatives (Domestic Violence Act, Act 732 2007: 3).

The protracted process of claims-making, negotiation and compromise regarding passing the DV Act in Ghana was closely shaped by the relative power of the different actors and ideas involved, and how these interacted with both formal and informal institutional arrangements. The next section analyses some of these aspects

<sup>2</sup> Interview with civil society and gender activist/advocate, 28 March 2014.

in more depth, starting with the role played by the women's coalition and moving onto analysing how their strategies and the outcomes (in terms of policy articulation and adoption) were shaped by the broader character and dynamics of Ghana's political settlement and the dominant players therein.

### **Coalition-building and informal negotiations**

Ghana's journey towards the Domestic Violence Law enactment was significantly influenced by women's collective action, and specifically by the nature and strategies of the coalition that was formed to campaign for the bill (Adomako-Ampofo, 2008: 396). 'The processes that led to the passage of the Domestic Violence Act were through the instrumentality of a coalition of civil society organisations'.<sup>3</sup> The National Coalition on Domestic Violence Legislation (DV Coalition), founded in 2003, was one of three coalitions that have emerged over the past decade, along with the Network for Women's Rights in Ghana and the Coalition on the Women's Manifesto for Ghana (Tsikata, 2009b: 186). Bringing together varying elements of the women's movement in Ghana, which included a range of different types of civil society organisations, academics, journalists, lawyers and grassroots advocacy groups, helped overcome potential weaknesses naturally inherent in collective action within the women's movement. A strong secretariat, a highly capable coordinator and highly committed core of leaders ensured that the membership rose from about 15 people to over 100 groups, organisations and individuals, and that a clear campaigning and mobilisation strategy was adhered to (Adomako-Ampofo, 2008; Tsikata, 2009b). Realising that the passage of a DV bill was going to be a tough and long draw-out struggle, the coalition also started to reach out to other potential allies, including the female caucus in parliament, some male MPs and students.<sup>4</sup> Awareness-raising was a key strategy, given that, according to a former minister at MOWAC:

most people who opposed the bill did it out of ignorance. Opposition stemmed from lack of clarity and understanding about the concept. They thought the bill was confrontational to men but when they were educated and sensitized about it, they got to understand the issues.<sup>5</sup>

This broad approach was joined by more direct lobbying of key figures, including potential opponents such as queen mothers, chiefs and religious leaders, and an effort to use church platforms, mosques and various local languages during numerous consultation and community sensitisation meetings on the bill at the district levels to reach citizens directly. One of the key male gender activist notes that:

first, we went to the men's/women's fellowships of the churches and then they invited us; we also went to pastors several times and then they allowed us to get to the congregations. We also used other organising strategies, like using the president's wife, and MP's wives.<sup>6</sup>

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<sup>3</sup> Interview with a former coordinator of the Domestic Violence Coalition, 17 March 2014.

<sup>4</sup> Interview with a former coordinator of the Domestic Violence Coalition, 18 March 2014.

<sup>5</sup> Interview with former Minister of Women and Children's Affairs, 21 March 2014.

<sup>6</sup> Interview with gender activist, 26 February 2014.

But, it is notable that there was little effort to mobilise rural women as actors within the coalition at the initial stages. The local-level consultations seem to have been undertaken and intensified as a damage-limitation strategy once the government (and the women's minister in particular) had rejected their demands. This arguably reflects the urban-elite nature of the coalition, a point we return to below.

### **Role of ideas: framing domestic violence by opposers and activists**

The Coalition maintained the basis of their calls through democratic processes, using available channels of engagement, like the media, advocacy and different forms of lobbying. The Ghanaian media had mixed effects, on the one hand emphasising the views of opponents to the bill and framing it as being spearheaded by elite women groups for their own interests (Hodzic, 2009: 334), whilst on the other hand helping to popularise the issue by their reportage on abuses perpetrated against women (PDA, 2014), including through the role played by Women in Broadcasting (WIB).

The group's initial call was contextualised in the constitutional rights and legal framework. However, this framing helped catalyse opposition around the key sticking point of marital rape from a considerable number of male parliamentarians, religious and traditional leaders and even from some women, who saw the concept of marital rape as foreign and almost unthinkable under Ghanaian culture. Under Ghanaian law, all sexual relations during marriage were consensual. The Criminal Offences (CO) Act 1960 section 42g on consent mentioned that when consent is given, the use of violence is not prohibited. It explicitly mentioned that in marriage the two parties give consent to sexual relations and this can only be revoked if the parties divorce. Hence marital rape was not considered a crime. The women's movement against DV vigorously protested for this section to be repelled from the CO Act.

The law reflects the heavily entrenched gender norms in Ghanaian culture. During the government's stakeholder consultations on the draft bill, the bill was rejected because of the nature in which it was presented – instead of presenting it as a human rights, family and developmental issue, it was rather presented in a traditional manner and became known as a potential cause of marriage break-ups, especially in relation to the subject of marital rape.<sup>7</sup> Individual interviewees indicated that the opposition and support against and for the bill came from both sides of the political divide;<sup>8</sup> in other words, there were members from the same political party that either supported or opposed the bill, as exemplified in the support from Nana Akufo-Addo, the then attorney general, and Gladys Asmah, the then minister, all from the same party. The champion of this opposition was Gladys Asmah, the then Minister of Women and Children's Affairs, who launched a country-wide campaign against the bill. Asmah called for arbitration via customary law as an alternative to the DV bill (Hodzic, 2009).

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<sup>7</sup> Interview with a former coordinator of the Domestic Violence Coalition, 18 March 2014.

<sup>8</sup> Interview with civil society and gender activist/advocate, 28 March 2014; interview with a former coordinator of the Domestic Violence Coalition, 17 March 2014.

In response to government opposition, and in order to counter the family breakdown argument from the opposers to the bill, the coalition reframed domestic violence as threatening to family life. The bill was also framed in terms of family values, to help secure the buy-in of religious leaders (Essel, 2013). One respondent noted that 'some religious leaders opposed the law, but were not vociferous...they thought that it was going to break up marriages'.<sup>9</sup> However, this reframing did not in itself reduce opposition around marital rape, which the Coalition eventually decided to start downplaying, in order to achieve the other goals within the proposed bill, which covered other equally critical issues. One of the interviewees and a member of the Coalition indicated that language regarding the marital rape issue was modified, to state that consent should be sought within marriage on sex.<sup>10</sup> This modification facilitated the passage of the bill.<sup>11</sup> The coalition also added a focus on the developmental pay-offs of such a bill, whilst stating the positive implications of such a law on families and society. A leading think-tank, the Centre for Democratic Development (CDD), though not a member of the Coalition, supported this argument by stating that:

the bill would assist the nation in quelling violence against women, which would in turn enable the country to increase its productivity. The more women are able to participate as equal partners in the country, unimpeded by violence in their homes, the more likely that they will contribute to the country's economic development (CDD, 2005: 5).

Intense opposition by the government eventually led to removing marital rape from the law. The bill was re-drafted and sent to parliament. There was also no mention of repelling section 42g of the Criminal Offences Act, despite intense mobilisation by women's groups to do so. The Act was successfully passed in 2007. Although the DV Act mentions that violence cannot be justified on the basis of consent, which is an important breakthrough, marital rape is not explicitly prohibited. Despite this major loss, section 42g on consent was eventually repelled after the DV Act was passed (Fallon, 2008). These findings demonstrate the power of gender norms and ideas in shaping domestic violence policy-making, eventually leading to a diluted DV law that does not challenge structural gender inequalities and patriarchal notions of the family. One can argue that deploying a rights-based discourse in the early framing of DV could have been politically naïve in a context in which women's rights were highly contested. This contrasted with the more strategic use by women's activists of a discourse around 'family unity' and 'development' in Uganda. However, this alternative framing had a price. The Ghanaian movements' later strategic re-framing of the issue in the face of opposition to the marital rape clause, like in Uganda, contributed to a policy that limited the transformative effects for women, as it did not grapple with issues like consent, marital rape and intra-household gender inequalities.

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<sup>9</sup> Interview with gender activist/advocate, 8 April 2014.

<sup>10</sup> Interview with a former coordinator of the Domestic Violence Coalition, 18 March 2014.

<sup>11</sup> Interview with a member of the Women's Coalition, 8 April 2014.



## **Politics of implementation**

The National Domestic Violence Policy and National Plan of Action identifies a number of actions required for the DV Act to become effective, including: the development of the legislative instrument; the establishment of a management board, with a secretariat and governing board; the provision of shelters and health care; and the training of staff in the key implementing agencies, particularly police and health officers. Government officials within the Ministry of Women, Children and Social Protection that is responsible for delivering on this, note that progress has been very slow, at least until 2013, from which point a new minister appointed seems to have brought some impetus to the proceedings. For example, the development of a legislative instrument (LI) has taken longer than the passage of the bill itself, and has still not been finalised. Under the new minister, the LI has been drafted, and presented to the attorney general's office in July 2013. A committee met to finalise it in June 2014, although this has yet to be completed. This failure places constraints on what can be achieved: for example, a fund has been established to provide financial assistance to victims of domestic violence, but this cannot be operationalised until the legislative instrument has been established.

The ministry coordinates and engages with various stakeholders involved in the implementation, including the DV Coalition, the Gender Centre, FIDA-Ghana, the Attorney-General's Department, the Ministry of Interior, the Ministry of Health, and the Domestic Violence and Victims Support Unit (DOVVSU), to work towards implementation of the DV Act. The National Policy and Plan of Action was developed and adopted in 2008, and a set of guidelines for policy action has also been developed. Among the key actions so far taken towards actualising the Act are the following:

- Setting up a management board and the establishment of the Domestic Violence Secretariat by the board to coordinate implementation of the Act;
- Dissemination of copies of the Act, abridged and in six local languages, to school children, traditional leaders and regional directors of the ministry;
- Development of guidelines for the construction of shelters for victims. Establishment of two shelters, one in Accra through collaboration with the Christian Council, and one in Wa, which belonged to the Social Welfare Department;
- Establishment of two courts for trying DV cases, in Accra and Kumasi.

Notably, the legal and, social and physical infrastructure required to enforce the Act has been only been partially institutionalised, if at all. As Manuh (2008: 2013) puts it, 'we have seen that several challenges remain for the effective implementation of the law in the Ghanaian context'. There is no clear budgetary allocation for operationalising the Act. Table 4 indicates that part of the problem here has been the very small budget allocated to the Ministry of Gender Children and Social Protection, up until at least 2012, for all its activities, including support for the implementation of the Domestic Violence Act and for the secretariat.

The table also shows that the ministry remains heavily dependent on external support, with donors providing an increasingly large share of the ministry's budget. This has left implementation subject to the uncertainties of donor funding; according to one civil society advocate:

there are no resources committed by government; it's now donors who are doing 'pick and choose' on different aspects of the policy. Currently, donors who supported the cause initially have shifted their focus to 'early marriages' and this is also affecting the full implementation of the bill.<sup>12</sup>

**Table 4: Budgetary allocation to the Ministry of Gender, Children and Social Protection**

Year	Amount allocated to Ministry of Gender	Percentage of national budget	Funds from donors	Overall total of funds (national budget and donor)
2009	2,752,774.00	0.1	6,768,571.00	9,521,345.00
2010	4,147,266.00	0.13	4,371,404.00	8,518,670.00
2011	3,285,625.00	0.17	10,037,071.00	13,322,696.00
2012	3,833,158.00	0.14	11,840,332.00	15,673,490.00

Source: Ministry of Women and Children Affairs (2012: 45).

Donors such as DANIDA, UNICEF, Action AID and UNFPA have helped develop a regulatory framework that sets out how both state and non-state institutions can work in the area of domestic violence (Quaicoe-Duho, 2014), although the uptake of such opportunities has been slow. NGOs like the Ark Foundation have established some victim support centres in addition to the centres in Wa and Accra, although these are woefully inadequate to support the cases received. More positively, in 2014 the Ministry of Gender, Children and Social Protection (MOGCSP) developed a communication strategy on domestic violence (DV) to facilitate educational campaigns and training for the prevention of gender-based violence and protection of survivors of gender-based violence. A DV Victim Support Fund was launched and a training manual developed for DV service providers, as well as for the sensitisation of stakeholders on domestic violence and the provision of professional psychosocial support for DV victims (Ministry of Gender, Children and Social Protection, 2014).

In terms of explaining the general lack of progress on implementing the DVA, those involved in the process point to a number of problems, many of them political in nature, including the electoral turnover of the party that adopted the legislation within one year of the Act being adopted, frequent changes in ministerial appointments and a more general lack of political commitment to providing the required funding. The Act lacked strong support from the kinds of powerful players required to ensure the

<sup>12</sup> Interview with civil society and gender activist/advocate, 28 March 2014.

effective implementation of public policies, particularly those in cabinet and parliament. Given this somewhat familiar lack of support for gender issues within the political elite, we tend to agree with Sardenberg (2011) that women's organising is vital, not only to get laws on the statute books, but can also play a role in monitoring the implementation of these policies and holding government accountable in making domestic violence legislation more effective (Sardenberg, 2011: 1). However, the efforts of the DV Coalition have substantially waned since the bill was adopted as an act, in part because of financial limitations, but also because its strategic focus was mainly on securing the passage of the legislation, rather than its implementation (Tsikata 2009b; Manuh and Dwamena-Aboagye, 2013).

Another challenge to the successful implementation of the law in Ghana is the prevalence of customary law, which, although it does not support domestic violence and marital rape, advises women to obey their husbands and to be ready for sexual relations whenever their husbands want (Archampong, 2010). With the passage of DV law, responsibility shifts from the village elders to the justice system and any customary practices that are harmful to people are prohibited. Although this is a significant development, many people still adhere in practice to customary law. This can constrain women from raising their case and asking for help, and can reduce the transformative effect of the law in practice.

The political settlements literature suggests that policy implementation is particularly problematic in competitive clientelist settlements, where the public bureaucracy is heavily personalised and politicised and used primarily as a means of distributing rents, rather than delivering public goods and protecting the rights of citizens in an impersonal way (Levy, 2014). As argued by Whitfield and Therkildsen (2011), ruling elites choose policies and implementation arrangements as part of their strategies for maintaining ruling coalitions and/or winning elections (Whitfield, 2011:8). It seems likely that the NPP government saw the passage of the DV law not as being critical to its continuity in power, but rather as something that needed to be done to assuage certain elements of its ruling coalition (notably the educated and often lawyerly element of the women's movement that formed part of its social constituency), on the one hand, and to avoid international censure, on the other hand. It seems reasonable to conclude that the lack of either an instrumental political rationale for pursuing the legislation or a genuine ideological commitment to gender equity could help explain the slow progress in terms of both adoption and implementation, before and after the election.

### **Analysis: the political settlement and domestic violence legislation in Ghana**

The protracted process through which the legislation on domestic violence was eventually secured in Ghana needs to be understood in relation to the hybrid elements of political openness and patron–client politics that characterise its competitive clientelist political settlement. The openness of political space secured by the transition away from dominant party rule not only meant that women's groups had more room to manoeuvre, but also that they could start to escape from the overbearing patronage of the erstwhile first lady. Tsikata (2009b) argues that the

women's coalitions represent an enlargement and consolidation of the space for women's organising in Ghana, although as Lust (2009: 122) points out, these openings are also available to many other interest groups, like the youth and the disabled, some of which will have competing and opposing interests. Importantly, where electoral competition is as fiercely fought as it is in Ghana, this space becomes heavily politicised in a partisan sense, with the key political organisations pursuing power deploying their mobilising and discursive strategies to secure electoral advantage. Unable to align directly with either political party for fear of undermining their broader appeal, women's organisations can too easily become marginal to the main political dynamics at play, which often revolve around organised social groups, such as unions, business associations and ethno-regional groups bargaining with ruling elites for the distribution of goods on a club or private (rather than public) basis, in exchange for political support (Levy, 2014). These groups also have well established sets of links to deliver the goods and their memberships are predominantly male.

Such contexts reduce the possibilities for political parties to adopt programmatic agendas, including around women's rights, unless they can directly help patronage politics and/or secure election victories, and it is notable that neither political party in Ghana, including the allegedly 'social democratic' National Democratic Congress, has championed women's rights or gender equity more broadly. The fact that successive presidents – who are also party leaders and who retain considerable agenda-setting and legislative powers in Ghana (Oduro et al., 2014) – failed to support the agenda, presented a further obstacle here. Within this generally unfavourable context, women's groups have sometimes found the government of Ghana to be responsive around election time (Adomako-Ampofo, 2008: 400). What seems to have been more critical here was the removal of the focus on the marital rape clause, and the appointment of a new Minister for Women and Children's Affairs (MOWAC), plus transnational pressure before and after the Beijing Women's Conference, rather than the election per se.

Lacking the support of dominant players, the women's movement also lacked allies in the multiple venues required for women's representation to be effective in terms of securing policy change (Escobar-Lemmon and Taylor-Robinson, 2014), denied not just by the lack of a quota to help secure a critical mass of women in parliament, but also by the initial opposition from within the women's ministry itself. Although MOWAC is not renowned for its agenda-setting powers, its minister nonetheless holds a cabinet position and is expected to champion women's rights and issues. The fact that the then Minister for Women's and Children's Affairs during the first two years of the campaign directly opposed the bill was cited by most of our interviewees as the most significant obstacle to progress. The concerns she raised over the marital rape element of the bill resonated well with those initially opposed to the bill, such as religious groups, male parliamentarians and a cross-section of the Ghanaian public, who perceived the introduction of the bill as a foreign imposition and a potential threat to marriage and the social and cultural norms of Ghana. According to some women activists interviewed, the new minister had a far greater affinity with the

coalition and its cause, in part because she was from the CSO family and therefore could better relate to them, the issues and their modus operandi; and in part because of her previous role in the women's movement.<sup>13</sup> This was confirmed by her during an interview in 2014, in which she noted that: 'I had exposure with CSO work and knew how to handle them. I had been one of them actually and I think this experience helped me to manage my dealings with them'.<sup>14</sup> This allowed the Coalition to use these ties, both formally and informally, to help ensure her support. This appears to be the exception that proves the rule, in that women generally lack access to the informal venues and processes which continue to characterise policy-making in Ghana and clientelist political settlements more broadly (Parks and Cole, 2010: 9). In general, gaining access to and navigating the informal rules, unwritten conventions, patron-client relations and midnight meetings where critical political decisions and agreements are negotiated, requires levels of social and financial capital that are more amenable to male than to female politicians (Waylen, 2013).

## **Policy case 2: Girl child education policy in Ghana**

Access of girls to basic education came to be adopted and implemented as a policy agenda in Ghana in a much faster, less contentious and more thoroughgoing manner than was the case with legislation on domestic violence. This was due in part to the nature of this apparently more 'ameliorative' form of gender equity policy, as opposed to the more challenging and transformative focus on domestic violence, but also due to the fact that it is closely aligned with the dominant incentives and ideas that underpin Ghana's contemporary political settlement. It is striking to note that although girls' access to education has been emphasised within each of the many education reforms undertaken in Ghana going back to independence, and has never been a serious bone of contention between the key policy actors involved, it was only in the late-1990s that real progress started to be made (see Table 6). It was at this point, when the international 'Education for All' agenda gained further impetus from the focus on basic education in the poverty reduction and later the MDG agenda, and after Ghana emerged as a competitive clientelist system within which the provision of public goods was seen as central to securing popular legitimacy (Carbone, 2012; Kosack, 2012; Oduro et al., 2014), that girls' access to basic education gained real momentum.

### **Towards gender parity in Ghana's primary education sector**

Ensuring that the girl child should have the same educational opportunities as her male counterparts was stressed within Governor Guggisberg's educational expansion reforms of 1919-27, which, among their 16 principles, included that '...equal opportunities to those given to boys should be provided for the education of girls' (Okrah, 2003). Girls' education was also a focus in successive waves of post-independence reforms. In 1961, under the presidency of Nkrumah, primary and middle school education was made free for all. Although enrolment levels increased

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<sup>13</sup> Interview with civil society and gender activist/advocate, 28 March 2014; interview with former Minister for Women's and Children's Affairs, 21 March 2014.

<sup>14</sup> Interview with former Minister for Women's and Children's Affairs, 21 March 2014.

significantly, quality of education was low, and so were the rates of students who continued from primary to secondary education. These challenges continued through to the dictatorship years (Little, 2010). In 1987 under Rawlings, Ghana underwent another major reform in education targeted at improving both access to education and quality of education. The measures introduced included concentration of resources on basic education through a reduction of the years of pre-university education and removal of subsidies in tertiary education (Little, 2010), and gender mainstreaming through making textbooks gender-sensitive and fostering a gender-inclusive curriculum (World Bank, 2008). However, the agenda progressed more rapidly with the return of multi-party democracy and establishment of a new constitution in 1992. Article 38 of the 1992 constitution endorsed the provision of free compulsory universal basic education (FCUBE), such that:

The State shall provide educational facilities at all levels and in all the Regions of Ghana and shall to the greatest extent feasible, make those facilities available to all citizens; the government shall within two years after Parliament first meeting after the coming into force of this constitution, draw up a program for implementation within the following 10 years for the provision of free, compulsory and universal basic education (Republic of Ghana, 1992 Constitution).

In response to this constitutional provision, and also to address some weaknesses with the 1987 reforms (Akyeampong et al., 2007: 5-10), the Ministry of Education launched the FCUBE in September 1995, with the goal of improving access to quality basic education over the 10 years to 2005. The main objectives were to: expand access to good quality basic education; promote efficient teaching and learning; improve teacher morale and motivation through incentive programmes; ensure adequate and timely supply of teaching and learning materials to schools; and improve teacher and community relations. These moves were strongly supported by international actors and newly emerging transnational norms around 'Education for All' (EFA), as reflected in the World Conference on Education for All held in 1990 in Jomtien. The implementation of the FCUBE was supported by a number of development partners, including the Department for International Development (DFID, UK), the United States Agency for International Development (USAID), the African Development Bank (ADB), the European Union (EU), the Canadian International Development Agency (CIDA), the Japan International Cooperation Agency (JICA) and the World Bank (Sawyer, 1997).

However, Ghana was already implementing an educational reform programme with a component on equity focused on gender mainstreaming in schools in all subjects, including carpentry and technical drawing, before 1990 (Sutherland-Addy 2002: 74), suggesting a level of domestic commitment to gender equity in education. A committee set up to review the system of education in Ghana in the late 1980s had already revealed the need to focus specifically on girl-child education (Akyeampong et al., 2007: 10), and the official national vision for girls' education in Ghana is that:

all Ghana's girl-children – and their brothers – are healthy, attend safe, welcoming schools, are well taught by qualified teachers who understand their needs, achieve according to their potential, graduate and become productive and contributing members of our nurturing society (Academy for Educational Development, 2002).

In responding to this constitutional mandate, successive governments have made many attempts and put in place different actions and measures to address the challenges of girls' enrolment and completion rate and progression from pre-tertiary to tertiary levels in education (The Constitution, Republic of Ghana, 1992). The nature of the policy formulation process included parliamentary debates and consultations with stakeholders such as the Ghana National Association of Teachers, civil society groups, traditional and community leaders, religious bodies and development partners. Unlike the case of domestic violence legislation, this process did not encounter any contentious challenges. Indeed the focus on the girl child was one of the key recommendations from different committees' reports (GEU, 2002).

The Girls' Education Unit (GEU) was created in 1997, as a specialised unit within the Basic Education Division of the Ministry of Education. Its objectives include increasing enrolment, retention and achievement of girls in science- and technology-based subjects. It was also charged with ensuring a reduction in the dropout rates for girls, and increasing the transition rate of girls from junior high school (JHS) to senior high school (SHS). To achieve these, a number of strategies were applied, including stakeholder mobilisation at all levels, improving collaboration and communication and mainstreaming gender sensitivity concerns into GES programmes. The GEU also had a wider institutional mandate, including improving efficiency to deliver on their objectives and targets within the unit itself (GEU, 2002). These initiatives, policy measures and actions were strongly supported by non-governmental actors and collaborators.

The government's commitment to achieving gender equity has been expressed in the Education Sector Strategic Plans, Affirmative Action Bill, Complementary Education Programme, and Sector Institutional Framework, among others (Ministry of Education, 2003; GEU 2002; Agyare-Kwabi, 2013). The emphasis on access to education for all, including girls, has been maintained during the 2000s and 2010s, despite changes of government, and has been joined by a growing focus on the quality of education (see Oduro et al., 2014). The Educational Strategic Plan (ESP) for 2003-15 focused on four key areas: equitable access; quality of education; education management; and science and technology education training; whilst the 2010-20 ESP paid particular attention to quality, equity – especially gender equity – and considered the whole pre-tertiary education system, rather than only basic school.

As a result of the above policies, girls' enrolment rates have increased in recent years. Tables 5 and 6 below are indicative of the increase in female enrolment from 2003 to 2008. Table 5 demonstrates that enrolment ratios increased for both boys and girls between 2003 and 2008, while the gap between male and female enrolment

decreased. Table 6 shows that enrolment increased for boys and girls in all the levels of basic education, and the ratio of female to male students increased. It also shows that the lowest rates of enrolment are, as expected, at the high school level.

**Table 5: Gender enrolment and parity: 2003-08**

	<b>2003/2004 (%)</b>	<b>2004/2005 (%)</b>	<b>2005/2006 (%)</b>	<b>2006/2007 (%)</b>	<b>2007/2008 (%)</b>
Female gross enrolment ratio	83.1	84.4	88.8	91.6	93.0
Male gross enrolment ratio	89.5	90.5	95.3	95.8	97.3
Gender parity index	0.93	0.93	0.93	0.96	0.96

Source: Compiled from: World Bank Database; UNESCO database.

**Table 6: Gross enrolment ratios and gender parity indices in basic education**

<b>KG</b>	<b>2008/09 (%)</b>	<b>2009/10 (%)</b>	<b>2010/11 (%)</b>	<b>2011/12 (%)</b>	<b>2012/13 (%)</b>	<b>Deprived Districts (DeprDist) 2012/13 (%)</b>
FGER	92.2	96.5	97.5	98.4	115.3	112.7
MGER	93.5	98.1	99.2	100.4	112.4	110.6
<b>GPI</b>	<b>0.99</b>	<b>0.98</b>	<b>0.98</b>	<b>0.98</b>	<b>1.03</b>	<b>1.02</b>
<b>Primary</b>	<b>2008/09 (%)</b>	<b>2009/10 (%)</b>	<b>2010/11 (%)</b>	<b>2011/12 (%)</b>	<b>2012/13 (%)</b>	<b>DeprDist 2012/13 (%)</b>
FGER	92.79	93.03	94.7	94.9	104.5	97.2
MGER	96.97	96.7	98	97.9	105.5	100.3
<b>GPI</b>	<b>0.96</b>	<b>0.96</b>	<b>0.97</b>	<b>0.97</b>	<b>0.99</b>	<b>0.97</b>
<b>JHS</b>	<b>2008/09 (%)</b>	<b>2009/10 (%)</b>	<b>2010/11 (%)</b>	<b>2011/12 (%)</b>	<b>2012/13 (%)</b>	<b>DeprDist 2012/13 (%)</b>
FGER	76.93	76.3	76.4	78.1	79.2	65.4
MGER	84.05	82.5	82.6	83	85.2	72.0
<b>GPI</b>	<b>0.92</b>	<b>0.92</b>	<b>0.93</b>	<b>0.94</b>	<b>0.93</b>	<b>0.91</b>

FGER: female gross enrolment rate; MGER: male gross enrolment rate; GPI: gender parity index. DeprDist: Deprived Districts.

Source: Ministry of Education (2013: 37).



### **Advocacy for girls' education?**

There is some evidence that government has been influenced by NGO campaigning for girls' education, which apparently led to the creation in 1997 of specific programmes and a Gender Education Unit (GEU) within the Ministry of Education (CAMFED, 2012:13), and that these efforts were closely shaped by the international emphasis on ensuring education for all. Following the 1990 World Conference on Education for All in Jomtien, the formation of the Forum for African Women Educationalists (FAWE) on a continental level and the establishment of the Ghana chapter added to the impetus of NGOs regarding mounting an advocacy campaign for girls' education. There are a number of Ghanaian NGOs who coalesce around the issue of children's education as their core mandate, and especially for girls' education, including FAWE, STAR-Ghana, ActionAid-Ghana, Northern Network for Education Development, CAMFED-Ghana, IBIS-Ghana and Plan Ghana, some of which form the Ghana National Education Coalition Campaign (GNECC) (Sutherland-Addy, 2009: 75). Of these, FAWE played a pivotal role in the formulation process after being called up by government as the main CSO representative. FAWE for instance, runs its own programmes at the community level, working with local government authorities and traditional and religious bodies and leaders to promote issues of girl-child education (FAWE, 2000).

Women's groups were thus involved in helping government to formulate the policy agenda, rather than being the main protagonists for it, as was the case with the DV bill. Indeed, there was no sustained need to push government, since measures were already being undertaken by government and its agencies, in response to either global or national commitments. CSOs did push government to move faster with the reforms, and when government resisted in favour of a more cautious approach, some, such as FAWE, GNECC, STAR-GHANA and Action-Aid-Ghana, undertook initiatives such as sensitisation, scholarship schemes for girls and the establishment of a girls' endowment fund (IBIS, 2009: 13-14). Given the uncontested value that all of the key actors placed on girl's education, there was no need for advocates to re-frame the issue in more ameliorative terms; discussions focused largely on the constitutionally-embedded right of girls to education, albeit with an emphasis on this being a useful means to other developmental ends. Nor did women's groups have to use informal processes to promote this policy agenda, as they were invited into formal policy spaces to help formulate the agenda as respectable policy partners (IBIS, 2009: 18). Where such advocacy may have been more influential was at the local level, where NGOs and CSOs used community durbars, focus group discussions, meetings with chiefs, parents and guardians and traditional leaders to sensitise people on the significance of girls' education and highlighted the negative impact of cultural practices on girls' retention in school. Negotiations with traditional leaders focused on cultural practices that negatively affect girls' right to education, like early marriages and *trokosi*<sup>15</sup> – the two main reasons given for girls' restricted access to school in some local communities – especially in the North and Volta

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<sup>15</sup> *Trokosi* is a practice in certain parts of the country, in which usually girls and women are given into servitude of gods to atone for the sins of their family members, often males.

regions, respectively. In some parts of northern Ghana, these practices included early betrothals, elopement and girls' initiation (IBIS, 2009: 20). Tanye (2008: 172) writes that girls who undergo the trokosi system are denied their rights to access education and health care. But civil society advocacy has helped to bring some level of awareness of the negative impact of such practices, in part through raising awareness of the illegality of the practice. This notwithstanding, the practices remain quite prevalent.

### **Politics of implementation**

Since 1995, successive governments have put in place the guidelines, strategies, programmes, projects and budgetary allocations required to deliver on their promises around education for all, whilst supporting other forms of interventions from the private sector, religious groups, communities, civil society and development partners (GEU, 2002). The Gender Parity Index indicated that Ghana had risen from 0.93 percent in 2003 to 0.99 percent in 2012/2013 for the primary level and from 0.88 percent to 0.93 percent at the junior high school level (GoG Official Portal, 15 November 2013, and Tables 5 and 6 above). The number of girls showing interest in and taking science courses has increased, especially at secondary level, and girls are staying in school for longer periods than before. However, Sutherland-Addy (2002: 183) notes that the government struggled with a single and coordinated package of activities which could be labelled a girls' education programme, despite the policy options developed to address girls' education. These policy options include Education Strategic Plans (ESP 2003-15, 2010-20), the fast-track initiative (2003-04); and the capitation grant, among others. There have also been scholarships (CAMFED Ghana, 2012: 17). The retention of girls as they move up the academic ladder, and their performance levels, remain significant concerns. Amongst the key challenges are cultural and traditional limitations on female participation in school, violence-based constraints, teenage pregnancies and early marriage, child labour and poverty and financial constraints and sexual harassment (Lambert et al., 2012)

The problems of Ghana's education sector are not restricted to the issue of girls' education: the FCUBE programme as a whole was beset with several challenges, including weaknesses in management and poor supervision (Fobih et al., 1999), with recent research revealing the extent to which the education sector in Ghana has become increasingly politicized, with damaging implications for performance levels. Oduro et al. (2014) argue that the tightening of electoral competition over the 2000s has meant that education policy-making in Ghana has steadily moved away from an impersonal and bureaucratic approach and towards a more personalised, and politically driven approach. This is evident in multiple forms, from formal policy processes being overturned in favour of politically-driven initiatives to the large turnover of staff that occurs when a new incoming government replaces existing staff with party loyalists. Successive governments have focused more on issues of quantity and access, rather than quality, and on high visibility and populist projects (e.g. School Feeding Programmes, exercise books, scholarships) that score points with teachers and youth (Agyare-Kwabi, 2013), rather than more difficult issues around the quality of education and retaining girls in school for longer periods.

From this perspective, the push around access to education in Ghana can be seen to flow more clearly from political drivers concerning the political support that can be gained from this. Although some argue that this flows from the onset of multi-party democracy (e.g. Stasavage, 2005), Kosack's (2007) study of education policies in Ghana shows that this is not the case, but that rather what led to the strong and successful focus on access to education during the 1990s was the fact that the Rawlings' regime had been promoting this since the mid-1980s (under a dominant party setting) in line with his efforts to build a strong political constituency amongst subaltern groups. According to Kosack (2007: 46), 'a successful political entrepreneur of the poor, not democratic institutions, generates pro-poor policies in developing countries. A government makes pro-poor policy when its power depends on the support of the poor', or, in other words, when the poor have a degree of holding power within the ruling coalition (see also Mosley, 2012).

### **Politics of promoting gender equity in Ghana: a comparative perspective**

The two policy cases discussed in this paper differ significantly in their process and implementation. Whereas the women's movement played a key role in the passing of the DV Act in the face of intense opposition from the government, in the universal primary education policy it was the successive governments along with transnational norms that played a central role in its adoption. Moreover, whereas the DV Act took years to adopt and implement, the policy on universal primary education was quickly passed and rapidly implemented. This reflects the extent to which ameliorative policies like girls' basic education are easier to adopt and implement than more transformative policies like the DV Act, that involve challenging gender relations.

The passing of the Domestic Violence Act was an important step on a long journey to eliminate domestic violence in Ghana. The process of demanding the domestic violence law took at least six years to bear fruit, and legislation was only adopted in 2007 once the most controversial part of it (concerning marital rape) was modified. The legislative instrument is yet to be finalised and there is little evidence as yet that norms around domestic violence have started to shift in Ghana. In contrast, there was no need for a major campaign effort to persuade government to focus on girl's education: the case for doing so was not only seen as non-controversial, but also fitted closely with the political incentives of successive governments. Once this commitment to providing accessible education was in place, and was seen to have benefits in terms of popular legitimacy and the distribution of patronage, successive governments continued to actively promote the access agenda. Despite the shortcomings, implementation went further in girls' education than in DV; it seems more likely that improvements in girls' basic education were achieved so rapidly in Ghana as part of a wider push for universal access to education, rather than as a direct result of efforts to promote gender equity. One of our interviewees noted that Ghana's government tends to enforce general laws adequately enough, 'but when it comes to laws for something specific like the DV, it takes forever...'.<sup>16</sup> This reflects the wider sense in which Ghana struggles to adopt affirmative action legislation more

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<sup>16</sup> Interview with gender activist, 26 February 2014.

generally (Abdulai and Hickey, 2016). It draws attention to the problems of promoting inclusive development in contexts of competitive clientelism, where the incentives are geared towards spreading resources thinly in accordance with the logic of pork-barrel politics and making deals rather following (constitutional) rules.

The findings therefore demonstrate the gender dimension of the political settlement in Ghana, whereby in a competitive clientelist setting, gender equity measures that fit within wider policies of inclusion and access progress further than policies that explicitly address gender issues. This is because transformative policies for gender equity do not generate enough rents for politicians, and are often met by opposition from competing groups, leading to a weak political commitment. This is reflected in the intense opposition by the government and conservative groups to the DV Act and the subsequent re-framing of the issue by the DV coalition to overcome this opposition. The slow progress in policy adoption of the DV law also reflects the limited access women have to informal political networks, which are an essential part of the politics of policy-making under competitive clientelism. A shift in the leadership of the Ministry of Women's and Children's Affairs, along with a strategic re-framing of the issue, eventually led to its successful adoption, but without a strong political commitment, implementation so far of the DV Act has been very slow in comparison to the UPE policy.

**Appendix: List of interviewees**

1. Gender activist, 26 February 2014, Accra.
2. Former coordinator of the Domestic Violence Coalition, 17 March 2014, Accra.
3. Former coordinator of the Domestic Violence Coalition, 18 March 2014, Accra.
4. Former Minister for Women and Children's Affairs, 21 March 2014, Accra.
5. Civil society and gender activist/advocate, 28 March 2014, Accra.
6. Gender activist/advocate, 8 April 2014, Accra.
7. Civil society activist, 23 April 2014, Accra.
8. Legal practitioner and consultant to the Ministry of Gender, Children and Social Protection, 25 April 2014, Accra.

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