



**Opening Address by Chief Justice of the Republic of South Africa  
Chief Justice Mandisa Maya**

**On the occasion of the 2<sup>nd</sup> High-Level Meeting of Women Leaders Judicial  
Officers of Africa**

***“The Maputo Protocol @ 20: Consolidating the Jurisprudence of Equality for  
the Next Generation”***

**22 April 2026**

**@Sandton Hotel, Johannesburg**

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Thank you Programme Director, Justice Mhlantla

1. Speaker of the National Assembly of the Republic of South Africa, Ms Thoko Didiza,
2. Minister of Justice and Constitutional Development of the Republic of South Africa, Ms Mamoloko Kubayi
3. Minister in the Presidency for Women, Youth and Persons with Disabilities of the Republic of South Africa, Ms Sindisiwe Chikunga
4. President of the Supreme Court of Appeal of South Africa, Justice Mahube Molemela
5. President of the Constitutional Council of the Republic of Mozambique, President Justice Lucia Ribeiro
6. Chief Justice of the Supreme Court of the Federal Republic of Nigeria, Chief Justice Kudirat Kekere-Egun
7. President of the Supreme Court of The Gambia, Justice Naceesy Salla-Wadda,
8. Chief Justice of England and Wales, Dame Sue Carr, Baroness Walton-on-the-Hill, joining us online
9. President of the Constitutional Court of the Republic of Burundi, Justice Valentin Bagorikunda

10. Vice President of the Constitutional Court of the Republic of Angola, Justice Victoria Izata
11. Vice President of the Constitutional Council of the Republic of Chad, Justice Aminata Atche
12. Deputy Chief Justice and Vice President of the Supreme Constitutional Court of the Arab Republic of Egypt, Justice Fatma El-Razaz
13. Vice President of the Constitutional Council of the Republic of Senegal, Justice Aminata Ndiaye
14. Deputy Chief Justice of the Republic of Zimbabwe, Justice Elizabeth Gwaunza
15. Vice-President of the African Court on Human and People's Rights, Justice Chafika Bensaoula
16. Honourable Judges representing various jurisdictions in the continent
17. Esteemed members of the South African Judiciary
18. Secretary-General of the CCJA, Mr Moussa Laraba
19. Our Special guests and Women leaders from Civil Society
20. Members of the Legal fraternity and Academia
21. Our sponsors and partners (UNDP, UNESCO, Tourism SA, Juta, PPS Insurance)
22. Esteemed Guests
23. Members of Members of the public following these proceedings on online
24. Members of the media

Good morning

It is a distinct honour and pleasure to welcome you all to this gathering which marks the 2nd High-Level Meeting of Women Judicial Leaders of Africa, hosted by the Conference of Constitutional Jurisdictions of Africa (the CCJA) in collaboration with the South African Judiciary as a member of that august body. We are very proud and truly delighted to host this gathering in our beautiful country and share with you our rich cultural heritage and stunning fauna and flora. South Africa prides herself on her warm and exceptionally hospitable people and indeed many of you have expressed their appreciation for the warm reception from the moment you touched down at our Oliver Tambo International Airport. We do hope that you will feel at home during your stay in the City of Gold while building meaningful connections.



I wish to extend a hearty welcome to the leader of South Africa's legislative branch, the Speaker of the National Assembly, Honourable Ms Didiza, and the representatives of our Executive branch, Minister of Justice and Constitutional Development, Honourable Ms Kubayi, and the Minister in the Presidency for Women, Youth and Persons with Disabilities, Honourable Ms Chikunga. We thank you for being a part of this important event. Your attendance re-affirms our government's commitment to our collective efforts to advance the vision of our Constitution and your leadership has been instrumental in driving various initiatives that seek to protect the rights of vulnerable members of our society and support the empowerment of women. As the Judiciary we are eternally grateful to you for your consistent support.

I also extend a warm welcome to our distinguished guests, the CCJA member heads and representatives of Supreme and Constitutional Courts of the various jurisdictions across the African continent and all our other esteemed international colleagues, including the Vice-President of the African Court on Human and Peoples' Rights, Justice Bensaoula, and the Chief Justice of England and Wales, Dame Sue Carr, Baroness of Walton-on-the-Hill, who is joining us virtually. We are deeply grateful for your attendance and look forward to strengthening our ties further and fostering a spirit of cooperation that will yield positive outcomes for our judiciaries and the communities we serve. Your presence enriches this gathering and highlights the importance of international co-operation in advancing justice, promoting the rule of law and protecting human rights.

I would also like to welcome and express our deep appreciation to our other key collaborators and sponsors: representatives from the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), Juta & Company, the Professional Provident Society (PPS), South Africa Tourism and many others I cannot mention in the interest of time. And to all the other luminaries present here today and our speakers, it is an honour to have all of you in our midst and we appreciate that you have taken your valuable time to join us despite your busy schedules.

This meeting comes at a profoundly symbolic moment: precisely 20 years since the entry into force of the Protocol to the African Charter on Human and Peoples' Rights



on the Rights of Women in Africa, also known as the Maputo Protocol, in November 2005.<sup>1</sup> The Maputo protocol, which has been ratified by 46 nations,<sup>2</sup> stands as Africa's most progressive legal instrument offering comprehensive protection of women's rights as it mandates member States to eradicate gender-based violence and harmful practices, secure women's economic and social empowerment and guarantee parity across our continent's political and judicial institutions. Simultaneously, we mark 30 years of the South African Constitution passed in 1996, which serves as the cornerstone of this nation's democracy and constitutes an unwavering beacon of equality, dignity, and freedom. Its transformative jurisprudence has inspired courts continent and world-wide to bridge law and lived reality. Together, these milestones frame our urgent mandate, which is to consolidate Maputo's vision through constitutional justice, ensuring that women's leadership on the judicial bench drives equality for the next generation.

### **Reflecting on Libreville: The Inaugural Foundation**

Distinguished colleagues, please allow me to take you a few steps back, to the beginnings of this crucial platform. The first High-Level Meeting of African Women Judges, held in the first week of May 2023 in Libreville, Gabon, was nothing short of a continental milestone – a gathering of judicial leaders from 35 African nations in a first-of-its-kind meeting hosted by the CCJA and Gabon's Constitutional Court, with pivotal support from the UNDP, United Nations Office on Drugs and Crime (UNODC), and United Nations Women. This ground-breaking assembly brought together African women heads of jurisdictions, vice-presidents, and members from diverse nations such as Gabon, South Africa, Algeria, Kenya, Malawi, Eswatini, Mozambique, Benin, Angola, The Gambia, Egypt, Morocco, Comoros, Ethiopia, Djibouti, Central African Republic, Senegal, and Zimbabwe and many others.<sup>3</sup>

This first High-Level Meeting was a landmark gathering of senior women judicial leaders, which ignited Pan-African judicial dialogue on gender justice, constitutional

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<sup>1</sup> [African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.](#)

<sup>2</sup> <https://www.amnesty.org/en/latest/news/2025/08/car-maputo-protocol-womens-rights/#:~:text=As%20of%2028%20August%202025,Niger%2C%20Somalia%2C%20and%20Sudan.>

<sup>3</sup> [The Judiciary First Meeting of African Women Judges page 5.](#)



rights, and the rule of law. There, resolutions were forged to advance women's rights under the Maputo Protocol, to review progress, identify gaps, and pledge collaborative jurisprudence. That meeting was not just a talk shop as many conferences end. It was launchpad with a deep purpose – its lessons are documented in the agenda of Session 1 of this meeting, which seeks to ensure continuity as we reflect "From Libreville to Johannesburg."

Under the theme "*The presence of African women in the judiciary: assessment and perspectives*,"<sup>4</sup> Libreville created a resolute framework for reflection on the universal barriers to women's judicial entry – cultural, legal, institutional, and social – obstacles which impact the enforcement their constitutional rights, and of course the gains in the appointment of women to the Bench across civil and common law traditions. The sessions dissected three sub-themes: the first, experiences, best practices, and barriers to promoting women judges; the second, justice sector support via regional learning; and the third, actions for transparent access to judicial roles.

At this seminal meeting, the South African Judiciary was represented by my colleague at the Constitutional Court, Justice Mhlantla, who presented the gender statistics of our Magistracy and Superior Courts, and the role of the South African Judicial Education Institute (the SAJEI). She was accompanied by the President of our Supreme Court of Appeal, Justice Mahube Molemela who shared her own journey in the judiciary through the SAJEI's brilliant Aspirant Women Judges' Programme which was conceived by far-sighted and intrepid women led by the first woman Minister of Justice of democratic South Africa, Ms Bridgitte Mabandla, and the South African Chapter of the International Association of Women Judges 30 years ago. President Molemela's account of her appointment in the High Court and the SAJEI's revival of the Bridgitte Mabandla Aspirant Women Judges Programme as it is now called, inspired continent-wide replication calls from heads of courts and ministries.<sup>5</sup>

The engagements in this first meeting laid bare the reality of gender inequity which persists to this day in the judicial space across the continent and indeed the whole

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<sup>4</sup> Libreville Declaration page 1.

<sup>5</sup> [The Judiciary First Meeting of African Women Judges page 5.](#)



world. Despite the equality mandate in Article 8(e) of the Maputo Protocol calling for equal representation of women in the Judiciary and the gains achieved such as 50% women judges in some countries<sup>6</sup> and the 5/11 female bench<sup>7</sup> of the African Court on Human and Peoples' Rights, gender parity continues to lag significantly in African judicial systems. The barriers which persist include deeply rooted cultural and religious stereotypes, flaws in selection and recruitment processes despite commitments, common law impartiality gaps, absent or inadequate gender-sensitive institutional policies, mentorship voids, and judges' realities of discrimination, bullying and harassment, threats, work-life balance strains.<sup>8</sup> Faltering political will and entrenched patriarchal structures continue to confine women and their influence to lower-level positions, registries, or administrative roles rather than high-level decision-making power. Although these obstacles play out differently for different women globally, most are quite common for all of us.

The meeting culminated in the Libreville Declaration – a strategic blueprint noting women's leadership capacity, their unique and positive impact in the judiciary, and justice access disparities which harm women. It pledged actions, including identifying entry and promotion obstacles in the justice sector; identifying replicable good practices and measures to advance women's participation and their strategic positioning in judicial institutions; stocktaking on the state of gender equality in judicial systems; promoting awareness of the advantages of gender parity; creating structured and continuous engagements, physical or online, for CJCA members to ensure sustained progress in the objectives of the gathering.

As I have said, this meeting marked the beginning of a movement whose spirit of bold assessment and solidarity anchors this conference which will review progress, gaps, and challenges, operationalising the Libreville Declaration through Maputo-themed sessions, research briefs, and craft the Johannesburg Declaration/Five-Year Action Plan.

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<sup>6</sup> Kenya (51%), Lesotho (58%) and Zimbabwe (58%) Regional – Regional Study by UNDP and UN Women (2023) titled *Women in justice in Africa: A comparative study of women judges in 14 countries* - page 25.

<sup>7</sup> <https://www.african-court.org/afchpr/current-judge/>

<sup>8</sup> [The Judiciary First Meeting of African Women Judges page 6.](#)



## The imperative of this 2<sup>nd</sup> meeting

This second meeting carries an even greater imperative as we consolidate gains from Libreville and propel gender justice forward across our continent. At its core, the meeting fosters high-level judicial dialogue on the multifaceted barriers to women's full participation in the judiciary, the unique challenges women judicial officers face in upholding constitutional rights, and the transformative role courts play in advancing the rule of law through a gender lens. We will interrogate persistent obstacles ranging from cultural stereotypes and biased appointment processes to institutional gaps in mentorship, gender-sensitive policies, and political support. Simultaneously, we focus on forward-looking strategies and concrete measures to drive progress. This includes promoting inclusive environmental decision-making for the economic and political advancement of women and exploring how Artificial Intelligence (AI) can be leveraged to safeguard human rights. We will also take a moment to acknowledge and celebrate the strides made in representation and leadership, such as South Africa's progress toward bench parity<sup>9</sup> and specialised training programmes.<sup>10</sup>

Broadly, our discussions will traverse critical domains of jurisprudence under the Maputo Protocol, including the adjudication of violence against women, encompassing domestic violence, femicide, and harmful practices as enshrined in Article 4; economic empowerment through property, inheritance, and financial inclusion rights under Articles 13, 19, and 21; environmental justice and women's participation under Article 18; sexual and reproductive health rights under Article 14, navigating cultural and policy tensions; and the digital frontier's implications for women's rights, from AI-driven access to justice to combating online violence and safeguarding privacy.

These themes demand comparative insights from civil and common law traditions, spotlighting landmark judgments that dismantle discriminatory customary laws, hold States accountable, and integrate gender into emerging frontiers such as climate change and technology.

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<sup>9</sup> The Judiciary *Annual Judiciary Report 2024/2025* page 59.

<sup>10</sup> Id page 51 and 52.



Judicial wellness and resilience which are sadly neglected in an extremely demanding environment, mentally and physically, emerge as foundational imperatives, addressing the psychological burdens, gender-specific pressures, and sustainability challenges that threaten our longevity on the bench and beyond. Yesterday was richly rewarding as we explored best practices for self-care, peer support, and institutional reforms to foster resilient leadership.

Guided by our research team's authoritative outputs - concise judiciary country profiles detailing structures, hierarchies, women's representation, and reforms, alongside thematic briefing papers synthesised from judgments, legislation, and reports - this gathering transcends reflection to produce enduring tools in the form of the Johannesburg Declaration, a Five-Year Action Plan to which I alluded earlier, consolidated jurisprudential resolutions, a strengthened network of women judges, and a comprehensive proceedings compendium. These valuable tools will equip courts across our continent to deepen the implementation of the Maputo Protocol and ensure that women's rights are not aspirational but adjudicated realities for this and the next generation.

It is worth mentioning that this meeting of African women judicial officers aligns with the commitments of the United Nations and the African Union regarding equality and women's rights and amplifies judicial action to translate global and continental commitments into enforceable jurisprudence.

The United Nations Sustainable Development Goal 5, Gender Equality, calls for ending violence, ensuring equal legal protections, and boosting women's leadership participation by 2030,<sup>11</sup> just around the corner. This goal is mirrored here through our thematic focus on Maputo Protocol Articles IV-V which focuses on violence eradication, harmful practices elimination and wellness/resilience sessions addressing judicial gender burdens. The UN Women and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) principles<sup>12</sup> on state accountability for domestic violence, femicide, and economic exclusion resonate in Session 2's

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<sup>11</sup> [United Nations Sustainable Development Goals](#)

<sup>12</sup> United Nations Human Rights Office of the High Commissioner *Convention on the Elimination of All Forms of Discrimination against Women* New York, 18 December 1979.



adjudication strategies and research team's comparative case studies, while UNODC/UNICEF data which documents staggering figures of a 38%<sup>13</sup> domestic violence prevalence and 79 million<sup>14</sup> child rape survivors and underscores the urgency for victim rehabilitation and prevention.

At the African Union level, the Maputo Protocol – our meeting's lodestar – imposes binding obligations for parity, violence prohibition, and cultural reform. The Protocol is reinforced by the 2024 African Union Convention on Ending Violence Against Women and Girls,<sup>15</sup> a Saleema Initiative which is a continent-wide campaign spearheaded by the African Union to eliminate Female Genital Mutilation,<sup>16</sup> and the Agenda 2063's gender justice pillars which calls for an Africa whose development relies on the potential of African people, especially its women and youth.<sup>17</sup>

And Libreville's 2023 Declaration kicked off this movement. Our discussions and strategic planning here on economic empowerment (Articles 13, 19, 21), reproductive rights (Article 14), and the digital world, will ensure that courts, led by women like us, deliver true equality that changes lives from the courtroom to everyday life in our communities. This meeting which, as I have said, aims to build on foundational dialogues and networks established in Libreville, is a step forward in strengthening the role of women judicial officers in advancing constitutional justice and gender equality across Africa.

### **The role of women in the Judiciary**

Before we can assess the progress made since the 1<sup>st</sup> High Level Meeting in Libreville, and there been progress, I seek your indulgence to take a moment to reflect on the role of women in the judiciary.

Judicial officers are entrusted with the pursuit of truth and the protection of human rights and ensuring that justice is not merely an ideal but a lived reality for all. In

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<sup>13</sup> [World Health Organisation Lifetime toll: 840 million women faces partner or sexual violence.](#)

<sup>14</sup> [UNICEF Over 79 million girls and women in sub-Saharan Africa subjected to rape or sexual assault as children.](#)

<sup>15</sup> [African Union The African Union Convention on Ending Violence Against Women and Girls](#)

<sup>16</sup> [African Union Saleema Initiative.](#)

<sup>17</sup> [African Union Gender Equality & Development .](#)



fulfilling this mandate, it is imperative that the persons who serve in this institution mirror the diverse society they serve. Gender representation is not a peripheral concern but a critical factor in the legitimacy, effectiveness, and fairness of our legal institutions. When all the genders are equitably represented, the justice system gains broader perspectives, richer insight and deeper empathy, thereby enhancing its capacity to deliver justice impartially and inclusively. Therefore, ensuring gender balance within the Judiciary is a vital step toward realising the full promise of justice in society.

It must be said that generally, the performance of African countries in ensuring adequate women representation in the Judiciary is encouraging compared to the other branches of government. The Ibrahim Index of African Governance (the AIIG) sub-category on women's equality measures the extent to which women are represented in the highest branch of the Judiciary. And so, a country scores a full mark of 100 if at least 33% of the senior positions in the Judiciary are women. According to the 2022 AIIG report, Africa scored 68.5 out of 100 in respect of appointments to the highest Judiciary branch in Africa. This figure was boosted by the high female representation in the Judiciary in Southern and East African countries, scoring impressive 77.5 and 73.2, respectively. Encouragingly, even North Africa, which is noted for weak women's rights and representation, scored 62.3 in this regard. But only 21 of Africa's 55 countries have attained the target of at least 33% women in the highest branch of the Judiciary over the last decade. Most dishearteningly, countries such as Guinea Bissau, Egypt, Somalia, Sudan and South Sudan have performed particularly poorly in ensuring women's representation in the highest branch of the Judiciary.<sup>18</sup>

Notably, the African Court of Human and People's Rights has raised the total representation of women on its bench to 46%, by recently electing two more women.<sup>19</sup> Similarly and very proudly, so has the South African Apex Court, the Constitutional Court which had two women, Justices Dambuzza and Savage who are among us here, join its ranks last week, thus bringing the number of women judges in that court to an

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<sup>18</sup> [Kouassi Yeboua and Jakkie Cilliers. \*ISS African Futures: Gender, political representation\*. Page 2-3.](#)

<sup>19</sup> [Helen Suzman Foundation \*Women in the Judiciary\*.](#)



historic majority of six in a complement 11 judges for the first times since the Court's birth three decades ago.

### **The importance of gender parity**

The importance of gender parity lies in its ability to uphold the principles of fairness and equality within democratic institutions. A Judiciary that mirrors the diversity of society strengthens public trust and reinforces the idea that justice is impartial and inclusive. Representation is not symbolic; it is a substantive requirement for legitimacy. As the United Nations Special Rapporteur on the Independence of Judges and Lawyers<sup>20</sup> has emphasised, gender equality in the Judiciary is directly tied to the rule of law and access to justice,<sup>21</sup> and aligns with global commitment under the Sustainable Development Goals.<sup>22</sup>

Women judges contribute perspectives informed by their lived experiences, which are often different from those of men. Their inclusion enhances judicial reasoning, producing decisions that are more empathetic and nuanced. Studies indicate that courts with diverse panels engage in deeper deliberation, question entrenched assumptions, and deliver outcomes that are fairer and more inclusive.<sup>23</sup> In the South African context, particularly after apartheid, women judges have played a pivotal role in shaping jurisprudence in areas such as family law, gender-based violence, and workplace discrimination, fields where attentiveness to social realities is especially important.

Moreover, increased representation of women in the Judiciary helps counteract gender-based discrimination within the legal system itself. By ensuring gender parity, courts are better positioned to recognise and address subtle forms of bias, thereby strengthening protections against unfair discrimination. Legislative reforms and

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<sup>20</sup> [Report of the UN Special Rapporteur on the Independence of Judges and Lawyers \(A/HRC/53/31, 2023\)](#).

<sup>21</sup> Id at page 9 para 34.

<sup>22</sup> SDG 5 and SDG 16. Available at <https://sdgs.un.org/goals>.

<sup>23</sup> See for example Rosemary Hunter, *More than Just a Different Face? Judicial Diversity and Decision-making*, *Current Legal Problems*, Volume 68, Issue 1, 2015, Pages 119–141, See also Bergold, A. N., & Kovera, M. B. (2021). *Diversity's Impact on the Quality of Deliberations*. *Personality and Social Psychology Bulletin*, 48(9), 1406–1420. Available at [https://www.brennancenter.org/media/292/download/Report\\_Improving-Judicial-Diversity.pdf?inline=1](https://www.brennancenter.org/media/292/download/Report_Improving-Judicial-Diversity.pdf?inline=1)



constitutional mandates, such as South Africa’s requirement that judicial appointments consider both racial and gender composition, highlight the importance of representation in dismantling systemic inequalities.

In essence, gender parity is not only about fairness in opportunity but also about transforming the justice system into one that is more empathetic, inclusive, and capable of delivering equitable outcomes. A judiciary enriched by diverse voices is better equipped to uphold human rights, protect dignity, and ensure that justice is not an abstract ideal but a lived reality for all.

### **From Libreville to Johannesburg: review of progress made and lessons learned**

Turning to the progress made since the inaugural High-Level Meeting of Women Judicial Leaders of Africa in Libreville in 2023, African jurisprudence on gender equality has witnessed notable advancements, building on the Libreville Declaration's call for parity, barrier removal, and judicial reforms.

For instance, in 2024 the ECOWAS Community Court of Justice ruled against the Republic of Sierra Leone in a case that challenged the country’s loitering laws which were argued to unjustly target the poor and vulnerable and violate fundamental rights.<sup>24</sup> The Court found that Sierra Leone’s loitering laws infringe on the rights to equality and non-discrimination, and freedom of movement, declaring that the enforcement of these laws disproportionately affects marginalised persons. Under the legislation, individuals could be arrested based solely on a subjective assessment by law enforcement officers that a person has failed to give a “satisfactory account” of themselves. This vague criterion led to arbitrary detentions, primarily of low-income individuals, who are often unable to avoid these arrests due to their socio-economic circumstances.

In its submissions in this case, AdvocAid also brought to light egregious abuses suffered by women arrested under these laws. The case documented instances where women who could not afford bribes were subjected to sexual exploitation by police

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<sup>24</sup> [IHRDA ECOWAS Court declares Sierra Leone loitering laws discriminatory, orders repeal.](#)



officers as a condition for release. In some cases, women were forced into non-consensual sexual acts, often without any form of protection, further exacerbating their vulnerability and trauma.

The ECOWAS Court's judgment affirms that Sierra Leone's loitering laws contravene the principles of equality before the law and the rights to non-discrimination and freedom of movement. In its ruling, the Court ordered the Government of Sierra Leone to take appropriate measure to amend or repeal its loitering laws, emphasising the need for legislation that upholds the rights of all citizens and protects against arbitrary arrests and abuse.

Another example is how South Africa's Constitutional Court found that section 7 (3) of the Divorce Act of 1979 was unconstitutional on the basis that it failed to include marriages entered into on or after the commencement of the Matrimonial Property Act of 1984. Section 7(3) of the Divorce Act stipulates that in cases where spouses married out of community of property get divorced, the Court may make an equitable Order that assets of one spouse be redistributed to the other – however this remedy was only available to civil marriages concluded before 1 November 1984. The rationale behind this exclusion was that marriages concluded after this date would automatically be subject to accrual unless expressly excluded by an Antenuptial Contract.

The Constitutional Court found that, while the differentiation based on date of marriage was rational, it constituted indirect gender discrimination against women and is therefore unconstitutional. The Court recognised that the indirect impact of excluding new ante nuptial contract marriages in terms of Section 7(3) disproportionately affects women. Referring to research, the Court highlighted that South African women are more prone to multidimensional poverty compared to men, with the burden of poverty falling even more heavily on black women.<sup>25</sup> This is the kind of jurisprudence that women make possible.

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<sup>25</sup> *EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others* [2023] ZACC 32.



Outside the courtroom there have also been initiatives adopted that promote equality for the next generation, this includes progress in judicial leadership that features judicial education and training expansions, such as South Africa's Brigitte Mabandla Aspirant Women Judges' Programme.

Please allow me to briefly outline of the background of this important training initiative that has played a critical role in the growth of gender-parity in the South African Judiciary because it has engendered a keen interest in the Continent for its obvious benefits. As I mentioned before, the original Aspirant Women Judges' Training Programme was formed by the South African Chapter of the International Association of Women Judges under the leadership of its first president and South Africa's first black woman judge, retired Judge Lucy Mokgadi Mailula, who was appointed as a judge at the dawn of democracy, in 1994. At that stage there were only two women judges in South Africa, the late Justice Leonora van de Heever, who had been appointed in 1969<sup>26</sup> and remained the only woman judge in the country until 1993 when Judge Jeanette Traverso was invited to act as a judge in the then Cape High Court and was subsequently appointed permanently in early 1994, followed shortly by Judge Mailula and a very slow trickle of women judges thereafter. So, there were practically no women in the South African judiciary and means had to be found to cure this anomaly.

The Programme was thus designed in response to the stark gender disparities in the judiciary at the time – to empower women to ascend to judicial positions and to equip them with the necessary skills and expertise to succeed on the bench after their appointment. Most unfortunately and despite the Programme's remarkable success, interest in it evaporated once Minister Mabandla's tenure in the Justice Ministry ended owing to lack of continuous institutional support. The Programme was resuscitated after years of persistent calls for its revival at various forae, especially the Judicial Service Commission, whenever the ongoing issue of the slow progression in the diversification of the judiciary in terms of gender was raised. This eventually led to the renewed appreciation of the importance and value of the Programme and in January

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<sup>26</sup> <https://www.mandela.ac.za/Leadership-and-Governance/Honorary-Doctorates/Leonora-van-den-Heever-1998#:~:text=Leonora%20van%20den%20Heever%2C%20the,rights%20of%20women%20and%20children>



2023, it was resuscitated and deservedly renamed the “Brigitte Mabandla Aspirant Women Judges Programme, in honour of Ms Mabandla, who spearheaded its establishment in August 2007.

Similarly, our counterparts in East Africa, Kenya's Collective Empowerment Network (CEN), launched in December 2024 by International Association of Women Judges (IAWJ) and its Kenyan Chapter (IAWJ-KC) partnered to implement a Women in Leadership in Law (WILIL) initiative that establishes a collective empowerment network for women judges in the Kenyan judiciary. This initiative seeks to transform the judiciary by creating an enabling environment for women judges to rise and thrive by enhancing their professional satisfaction, voice agency and leadership opportunities. The programme aims to improve the rate of entry into and retention within the judiciary, as well as promote sustainable leadership pathways for women judges through mentorship, communities of practice, dialogues with justice-sector actors, and leadership development trainings and workshops.<sup>27</sup>

These are but a few examples of initiatives and strides that some countries have made since the inaugural High-Level Meeting of Women Judicial Leaders of Africa in Libreville, Gabon in 2023 from which rich lessons may be learnt.

### **Challenges facing the African continent**

However, despite the significant legal and constitutional advancements across Africa – from the Maputo Protocol's binding protections to progressive national constitutions in countries like South Africa, Kenya<sup>28</sup>, and Rwanda<sup>29</sup> – women and girls continue to endure pervasive discrimination, violence, and socio-economic marginalisation that undermine these gains. The gap between the enshrined rights and the lived reality for millions remains huge: domestic violence affects 33% of women in Sub-Saharan Africa,<sup>30</sup> whilst femicide claims 15 lives daily in South Africa<sup>31</sup> alone, female genital

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<sup>27</sup> [International Association of Women Judges \*Launching the Collecting Empowerment Network\*](#)

<sup>28</sup> [Republic of Kenya \*National Policy on Gender and Development\* page 8](#)

<sup>29</sup> [UN Women \*Global Gender Equality Constitutional Database: Rwanda\*](#)

<sup>30</sup> [World Bank \*Violence against women and girl – what the data tell us\*](#)

<sup>31</sup> [BBC Africa \*South Africa calls gender violence a national disaster after protests\*](#)



mutilation persists in at least 28 countries,<sup>32</sup> with a 98% prevalence in Somalia,<sup>33</sup> and conflict zones like eastern Democratic Republic of Congo report child rapes half hourly – exacerbated by underreporting due to stigma, weak enforcement, cultural stereotypes, and resource shortages.<sup>34</sup> Climate change projections threaten to triple intimate partner violence victims to 140 million by 2060,<sup>35</sup> while economic barriers trap women in poverty.

Closer to the terrain of the Judiciary, the continent faces persistent challenges where certain national laws remain out of harmony with international and regional human rights instruments, particularly on capital punishment and restrictions on abortion. Several African states retain the death penalty in their penal codes for offences such as murder, terrorism, aggravated robbery, and treason, with executions still carried out or sentences actively imposed as recently as 2025. These laws stand in tension with global norms like Article 3 of the Universal Declaration of Human Rights (1948), which safeguards the right to life and prohibits cruel, inhuman, or degrading treatment.<sup>36</sup>

While the Maputo Protocol does not explicitly mandate full abolition of the death penalty, it marks a progressive step by restricting its application: Article 4(2)(j) expressly prohibits carrying out death sentences on pregnant or breastfeeding women,<sup>37</sup> implicitly recognising the disproportionate harm to women and their offspring. This provision aligns with Article 5 of the African Charter on the Rights and Welfare of the Child, which bans capital punishment for crimes committed by children, and the African Commission's repeated Resolutions (eg in 2017 and 2019)<sup>38</sup> urging moratoriums and ultimate abolition across the continent.

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<sup>32</sup> [FMG/C Research Initiative Regional Prevalence.](#)

<sup>33</sup> [FGM Research Initiative Somalia.](#)

<sup>34</sup> UNICEF *A child reported raped every half an hour in eastern DRC, as violence rages amid growing funding crisis.*

<sup>35</sup> [UNFPA Climate Change Impacts and Intimate Partner Violence in Sub-Saharan Africa page 40.](#)

<sup>36</sup> [Amnesty International Death Penalty.](#)

<sup>37</sup> Maputo Protocol

<sup>38</sup> [African Union Resolution on the Abolition of the Death Penalty in Africa – ACHPR / Res.416 \(LXIV\) 2019.](#)



Equally concerning are national laws in countries that criminalise abortion in almost all circumstances, often under penal codes treating termination as homicide punishable by life imprisonment or death, even in cases of rape, incest, or fatal anomalies. These restrictions clash sharply with Article 14(2)(c) of the Maputo Protocol, which boldly affirms women's right to terminate pregnancy in cases of sexual assault, rape, incest, or threats to maternal/ fetal health, and to access post-abortion care without discrimination. The African Commission has reinforced this through General Comment No. 2 (2014), interpreting the African Charter to protect safe abortion access<sup>39</sup>, while UN instruments like the CEDAW Committee's General Recommendation 24<sup>40</sup> and SDG Target 5.6 underscore universal reproductive rights.

By maintaining blanket bans, these States not only endanger women's lives – driving clandestine procedures amid high maternal mortality – but undermine the Maputo Protocol's transformative vision, exposing the yawning gap between ratification and domestication that demands urgent legislative reform to align national justice with continental equality commitments.

These continental challenges demand more than legislation; they require adjudication that transforms paper rights into lived protections. The Judiciary, especially Constitutional and Supreme Courts, stands as the ultimate guardian, wielding interpretive power to close this chasm. Women judges bring irreplaceable value and through their critical perspectives, lived experiences, and nuanced grasp of gender discrimination infuse rulings with empathy and precision. Their leadership is pivotal to:

- a) Interpreting laws through a gender-sensitive lens, harmonising Maputo Articles IV-V with domestic statutes for holistic violence eradication.
- b) Developing robust African jurisprudence on equality, via comparative CCJA dialogues that build on Libreville's legacy
- c) Ensuring effective Maputo Protocol implementation, from protection orders to perpetrator punishment and victim reparations.

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<sup>39</sup> [African Union General Comment No. 2 of 2014.](#)

<sup>40</sup> [CEDAW General Recommendation No. 24: Article 12 of the Convention.](#)



- d) Enhancing public confidence in the judiciary's commitment to justice for all, countering distrust amid enforcement shortfalls.

This 2nd High-Level Meeting directly confronts these hurdles through peer-learning among women judicial leaders, strategic CCJA collaborations, and capacity-building via research briefs and wellness initiatives - bridging the implementation gap with a Johannesburg Declaration and Action Plan to accelerate tangible progress for Africa's women.

### **Closing Remarks**

Distinguished Colleagues, as we embark on these vital deliberations, let us embrace our collective power to transform these challenges into opportunities for groundbreaking jurisprudence and leadership. This 2nd High-Level Meeting – bringing us together at the historic crossroads of the anniversaries of the Maputo Protocol, South Africa's Constitution and the historic 1956 Women's March – equips us with peer learning among women judicial trailblazers, strategic CCJA collaborations, and capacity-building through our research team's authoritative briefs and wellness initiatives. Together, we will forge the Johannesburg Declaration and Five-Year Action Plan and help bridge the implementation chasm to deliver tangible progress for Africa's women and girls.

I wish us successful, inspiring deliberations filled with candour, solidarity, and visionary resolve. Let us make this meeting, in Johannesburg, a key point in our march towards gender equality.

Thank you.

