

2nd High-Level Meeting of Women Judicial Leaders of Africa

Welcome Remarks by Justice Mhlantla

Good morning esteemed guests, colleagues, partners, ladies and gentlemen, my name is Nonkosi Mhlantla, a judge of the Constitutional Court of South Africa. We thank you all for your attendance and a special thanks to those who travelled from afar to attend this important meeting. It is my privilege and great pleasure, on behalf of the Chief Justice of the Republic of South Africa, Mandisa Muriel Lindelwa Maya to welcome you all here today. Our Parliament is represented by the Speaker of the National Assembly, the Honourable Ms Thoko Didiza, and the Executive by the Minister of Justice and Constitutional Development, the Honourable Ms Mmamoloko Kubayi. Amongst our esteemed guests, we also acknowledge the presence of the Minister of Women, Children and Persons with disabilities, the Honourable Ms Sindisiwe Lydia Chikunga. We are grateful for their presence.

The second High-Level Meeting of Women Judicial Leaders of Africa is hosted by the South African Judiciary, led by Chief Justice Maya, in collaboration with the Conference of Constitutional Jurisdictions of Africa (CCJA), represented here today by the Secretary General. The CCJA is an independent body that consists of the Supreme Courts and Constitutional jurisdictions in Africa and plays a role in promoting constitutionalism, strengthening the rule of law and safeguarding the integrity of democratic institutions with member states. This meeting is attended by women leaders and delegates from 23 jurisdictions across CCJA member states, and these are:

- People's Democratic Republic of Algeria
- Republic of Angola
- Republic of Burkina Faso
- Republic of Burundi
- Republic of Chad

- Union of the Comoros
- Democratic Republic of Congo
- Arab Republic of Egypt
- Kingdom of Eswatini
- Republic of Gabon
- Republic of the Gambia
- Republic of Liberia
- Republic of Madagascar
- Republic of Malawi
- Republic of Mali
- Republic of Mozambique
- Republic of Namibia
- Federal Republic of Nigeria
- Sahrawi Arab Democratic Republic
- Republic of Senegal
- Republic of Sierra Leone
- Republic of Zambia; and
- Republic of Zimbabwe

I also acknowledge the virtual attendance of the Lady Chief Justice of England and Wales, who will attend this Opening Ceremony in part.

The other participants during our proceedings include:

- A representative from the African Court on Human and Peoples' Rights.
- Specialised regional legal experts and academics.
- Representatives from partner organisations (including, the United Nations Development Programme, the United Nations Organisation on Drugs and Crime,

the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the Arab Women Judges Network (IDEA).

- Observers from civil society organisations working on women's rights and access to justice.

Allow me also to extend a sincere word of gratitude to our sponsors Juta, PPS and South African Tourism. I invite delegates to visit their exhibition tables. We also brought a taste of South African creativity, sponsored by SA Tourism. I invite you to spend some time at their stalls and see the expression of our diversity.

This meeting aims to build upon the foundational dialogues and networks established during the inaugural meeting held in Libreville, Gabon on 2 and 3 May 2023, taking a step forward in strengthening the role of women Judicial Officers in advancing constitutional justice and gender equality across the African continent. The theme of this meeting is *The Maputo Protocol @ 20: Consolidating the Jurisprudence of Equality for the Next Generation*.

The meeting of African Women Judges aligns with the commitments of the United Nations and the African Union regarding women's rights and gender equality. These commitments are reflected in key documents such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples' Rights (ACHPR), the Maputo Protocol, the Arab Charter on Human Rights and various other initiatives such as the African Union's Agenda 2063 and the 2030 Agenda for Sustainable Development.

This meeting is strategically timed to coincide with three momentous occasions, namely:

- **The 20th anniversary of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol): A**

landmark regional human rights instrument providing a comprehensive, binding framework for promoting and protecting the rights of women in Africa, responding to historical and structural discrimination through transformative legal and policy obligations.

- **The 30th anniversary of the Constitution of the Republic of South Africa:** A transformative document globally celebrated for its progressive Bill of Rights and unwavering commitment to equality, dignity, and freedom.
- **The 70th anniversary of the 1956 Women’s March to the Union Buildings:** A pivotal event in history in South Africa where an estimated 20,000 women courageously protested against apartheid pass laws, embodying the resilience and power of women’s collective action.

The advancement of women within the Judiciary worldwide represents a crucial frontier in the journey toward gender equality. Their presence on the bench is not merely symbolic; it is fundamental to the legitimacy, quality and fairness of judicial systems. A diverse Judiciary, inclusive of women, incorporates a wider array of perspectives and life experiences, enriching legal interpretation and ensuring that the law evolves to serve all members of society justly. From lower courts to supreme and constitutional benches and international tribunals, women jurists are increasingly presiding over cases, authoring landmark judgments or opinions, and challenging patriarchal legal norms, thereby strengthening the rule of law and providing powerful role models for future generations.

Despite this progress, significant disparities persist. In many nations, women remain severely underrepresented in high judicial office and leadership positions, facing barriers such as unconscious bias in appointments, lack of mentorship and entrenched institutional cultures. Ensuring equal participation of women in the Judiciary is essential for upholding

the fundamental right to a fair trial and for building public trust that the courts truly understand and represent the societies they are sworn to serve.

This meeting provides a unique platform to reflect, consolidate and strategise for the future and is intended to integrate networks, deepen cooperation among women judicial leaders and strengthen collective efforts to advance constitutionalism, judicial leadership and gender equality on the African continent.

Despite significant legal and constitutional advancements across Africa, women and girls continue to face pervasive discrimination, violence and socio-economic marginalisation. The gap between the fundamental rights enshrined in instruments like the Maputo Protocol and national constitutions, and the lived reality for millions of African women, remains stark.

The Judiciary, particularly the Constitutional and Supreme Courts, serve as the ultimate guardians of these rights. Women judges bring critical perspectives, lived experiences and a nuanced understanding of gender-based discrimination to the bench. Their empowered presence and leadership are essential to:

- (a) Interpreting laws through a gender-sensitive lens;
- (b) Developing a robust African jurisprudence on equality;
- (c) Ensuring the effective implementation of the Maputo Protocol and similar national laws; and
- (d) Enhancing public confidence in the Judiciary's commitment to justice for all.

Therefore, this meeting seeks to address the need for continued peer-learning, strategic collaboration, and capacity building among Africa's leading women jurists to bridge the implementation gap and accelerate progress.

Objectives of the Meeting

The High Level Meeting is a strategic convergence point to honour the past, evaluate the present and judicially shape a more equitable future for all African women and girls. The primary objective of the Meeting is to empower women Judicial Officers to be catalysts for transformative jurisprudence on gender equality in Africa. The specific objectives include:

- (a) To critically analyse the impact of the Maputo Protocol over the past two decades through the lens of landmark judicial decisions.
- (b) To foster peer-to-peer exchange on overcoming procedural and substantive barriers in adjudicating cases involving women's rights and uphold the rights and dignity of all people.
- (c) To develop strategies for leveraging constitutional provisions, such as those in the South African Constitution, to advance the principles of the Maputo Protocol at a national level.
- (d) To strengthen the network of African women Judicial Officers and strategic partner countries, including through a dedicated digital platform, anchored by a sustainable monitoring and evaluation framework of these meetings.
- (e) To formulate a clear action plan that may be termed the "Johannesburg Declaration" for the CCJA network of women Judicial Officers, outlining commitments for the next five years.

All of this will be done under the following topics:

- Session 1: From Libreville to Johannesburg: We will commence by reviewing the progress made and lessons learned. In this regard, the Secretary-General of the CCJA will provide a report.
- Session 2: Adjudicating Violence Against Women: Interpreting laws on domestic violence, femicide, and harmful practices (e.g., Article 4 of the Maputo Protocol).

- Session 3: Economic Justice and Empowerment: Landmark rulings on women's rights to property, inheritance, and financial inclusion (e.g., Articles 13, 19, 21).
- Session 4: Sustainable Environment Participation and Representation: The Judiciary's role in ensuring that women live in a healthy environment (e.g., Article 18).
- Session 5: The Digital Frontier: Addressing technology and ensuring digital rights for women.
- Session 6: An interactive session when the CJs, Presidents of the apex Courts will share their experience and challenges.

What do we expect out of this Meeting?

- A strengthened and active Pan-African network of women Judicial Officers committed to gender-sensitive adjudication.
- A published compendium of leading judgments on the Maputo Protocol from across Africa.
- A forward-looking "Johannesburg Declaration and Plan of Action" for the CCJA on Women, Justice, and Gender Equality.
- Enhanced judicial capacity and shared strategies for dealing with complex women's rights cases.
- Increased visibility of the CCJA's work in promoting gender equality within the Judiciary.

During this plenary session, messages of support will be shared, and Chief Justice Maya will deliver the keynote address. I hope you find these days both inspiring and productive. Thank you.