

THE AFRICA WOMEN'S REGIONAL SHADOW REPORT ON BEIJING +15



**A Regional Analysis on the Status of Women 15 Years after the
Adoption of the Beijing Declaration and Platform for Action**

Compiled by:
The African Women's Development and Communication Network (FEMNET)

On behalf of:
**The Africa NGO Task Force on Beijing +15
and Regional and Sub- regional Women's Organizations and Networks**

NOVEMBER 2009

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List of Acronyms

African Women's Rights Protocol	Protocol to the Africa Charter on Human and People's Rights on the Rights of Women in Africa
APRM	Africa Peer Review Mechanism
AU	African Union
AWCFS	African Woman and Child Feature Service
AWDF	African Women's Development Fund
BPfA	Beijing Platform for Action
CAADP	Comprehensive Africa Agricultural Development Program
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSO	Civil Society Organization
CSW	UN Commission on the Status of Women
Democracy Charter	Africa Charter on Democracy, Elections and Governance
DRC	Democratic Republic of Congo
EASSI	Eastern Africa Sub-Regional Support Initiative for the Advancement of Women
ECA	UN Economic Commission for Africa
ECOWAS	Economic Community of West African States
EPA	Environmental Protection Agency
FEMNET	African Women's Development and Communication Network
FGM	Female Genital Mutilation
FP/RH	Family Planning/Reproductive Health
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency virus/Acquired immune deficiency syndrome
ICGLR	International Conference on the Great Lakes Region
ICT	Information and Communication Technology
IDPs	Internally Displaced Persons
MDGs	Millennium Development Goals
NEPAD	The New Partnership for Africa's Development
NGO	Non Governmental Organisation
OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
PLWHA	Persons living with HIV/AIDS
PRSP	Poverty Reduction Strategy Paper
ROFAF	Réseau des Organisations Féminines d'Afrique Francophone
SADC	Southern African Development Community
SDGEA	Solemn Declaration on Gender Equality in Africa
SOAWR	Solidarity for African Women's Rights Coalition
STIs	Sexually Transmitted Infections
UN	United Nations
VAW/Gs	Violence against Women and Girls
WiLDAF-WA	Women in Law and Development in Africa in West Africa
WLSA	Women and Law in Southern Africa

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The Shadow Report would not have been complete without the contributions of sub-regional women's organizations/ networks namely Women in Law and Development in Africa – West Africa (WiLDAF – West Africa), Women and Law in Southern Africa (WLSA) and the Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI). The Sub-regional Shadow Reports provided comparative analysis of what is happening in West, Southern and Eastern Africa respectively, to implement commitments in the Beijing Platform for Action (BPfA). We greatly appreciate the efforts of the NGO Task Force member in North Africa who worked diligently to follow up with women's organizations in Mauritania, Egypt, Algeria, Tunisia, and Morocco. Though the shadow reports other than Morocco's were not received in time, we appreciate the resilience, commitment and focus over the past 3 months.

We appreciate the team that finally put together the report: Ms. Rosemary Okello of the African Woman and Child Features Services (AWCFS) who was the Consultant engaged in the initial process of compiling the Shadow Report; Ms. Naisola Likimani, the Advocacy Officer of FEMNET who analyzed the national shadow reports, as well as incorporated the contributions from participants at the Africa Women's NGO Consultative Meeting and various side events at the 8th Africa Regional Conference on Women (Beijing +15) in Banjul, The Gambia; and Ms. Norah Matovu Winyi, the Executive Director of FEMNET who completed the analysis and final editing of the Report.

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Preface

The Africa Women's Regional Shadow Report on Beijing +15 was given impetus during the 53rd Session of the Commission on the Status of Women (CSW) in March 2009. An Africa NGO Task Force on Beijing +15 was set up to spearhead the process of mobilizing women in Africa to organize and prepare for participation in the regional processes leading up to the 2010 Global NGO Forum and 54th CSW Session on the Beijing +15 Review, scheduled to take place in New York.

The two Regional Coordinators and the Africa Task Force members thereafter coordinated the dissemination of information about the review process, and facilitated women's NGOs operating at the national levels to collaborate and engage in the national level review processes as well as in the process of developing national shadow reports. The African Women's Development and Communication Network (FEMNET) took the lead in collecting the national reports and then compiling the Africa Women's Regional Shadow Report on Beijing+15 Review. Thirteen countries submitted shadow reports for this purpose¹ and three sub-regional NGO Shadow Reports were also compiled by WiLDAF-West Africa which covered 15 countries under ECOWAS, EASSI which covers 8 countries, and WLSA covering the 14 SADC countries. This report also incorporates the concerns and recommendations made by women who participated in the Africa Women's NGOs Consultative meeting held in Banjul, The Gambia in November 2009, in the margins of the 8th Africa Regional Conference on Women (Beijing +15) convened by the ECA.

The Africa Women's Regional Shadow Report on Beijing +15 provides a summarized analysis of progress, gaps and challenges identified in implementing the BPfA particularly in the West, Eastern and Southern sub-regions, with emphasis on the period since the last review in 2004 (Beijing +10). It also maps out the progress, gaps and challenges under each of the critical areas of concern, providing country-specific examples and some of the significant contributions that have been made by women's civil society organizations in Africa. Finally, the report gives actionable recommendations to African governments in order to accelerate the implementation of the BPfA over the next 5 years and translate the many commitments to the women of Africa into concrete actions.

¹ Benin, Burkina Faso, Cote D'Ivoire, The Gambia, Ghana, Kenya, Morocco, Niger, Nigeria, Senegal, Tanzania, Togo and Uganda.

Executive Summary



GAUGING AFRICA'S PROGRESS: 2005-2009

Adoption of International and Regional Human Rights Instruments

At the time of the Beijing + 15 Review, African women have witnessed a number of exciting developments that are favourable to the promotion of the gender equality, equity and women's rights agenda in Africa. Fifty-one (51) countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is the international women's bill of rights. Swaziland was the most recent to accede to CEDAW, in March 2004. Over fifteen countries are regularly meeting their reporting requirements under CEDAW. However, at the time of writing this Report, 12 African countries have never reported to the CEDAW Committee on measures taken to comply with their treaty obligations.²

Twenty-seven (27) countries have also ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (African Women's Rights Protocol), which is the main human rights instrument that articulates the rights of women in Africa. The African Women's Rights Protocol came into force in 2005, two years after its adoption, which is a record achievement compared to other Protocols and human rights instruments adopted by the African Union (AU). However, twenty-six (26) countries have not yet ratified the Protocol, despite the fact that member states committed themselves in 2004 in the Solemn Declaration on Gender Equality in Africa (SDGEA) to achieve universal ratification of the Protocol within one year. During 2008-2009 only 4 countries ratified the African Women's Rights Protocol, indicating a much slower pace of ratification compared to the first two years after the Protocol was adopted.

...twenty-six (26) countries have not yet ratified the Protocol, despite the fact that member states committed themselves in 2004 in the Solemn Declaration on Gender Equality in Africa to achieve universal ratification of the Protocol within one year.

The measures being undertaken to fulfil the obligations under CEDAW by different countries contribute to the implementation of the African Women's Rights Protocol. This notwithstanding, most African countries that have ratified the African Women's Rights Protocol have not reported annually to the AU on the progress made on its domestication and implementation as is required under the SDGEA.

At the regional level, AU member states have adopted several policies and frameworks which promote gender parity and a gender responsive development agenda for the region. These include among others the AU Strategic Plan (2009 – 2012), the AU Gender Policy, the AU Land Policy and Framework, the New Partnership for Development (NEPAD) and its mechanisms like the Africa Peer Review Mechanism (APRM) and programs like the Comprehensive Africa Agricultural Development Program (CAADP). In 2007 member states adopted the Africa Charter on Democracy,

² CEDAW Country Reports, <http://www.un.org/womenwatch/daw/cedaw/reports.htm>

Elections and Governance (Democracy Charter), though by the time of this review only two countries had ratified the Charter. The Democracy Charter clearly states that men and women have equal rights to participate in the political and governance processes of their respective countries as leaders and decision makers, voters, electoral officers, civil servants, as well as rights holders. If fully implemented and respected the Democracy Charter would go a long way in reducing conflicts and civil wars in Africa.

It is however, important to note that **African women expressed their disappointment** to leaders in Africa for being very quick to sign onto human rights instruments and endorsing different policies at the international and regional levels but extremely slow in delivering on their commitments. Considering the amount of resources expended in drawing up these instruments and policies African women mentioned that they are being cheated by their leaders of what is rightly due to them – peace, equality and development.

In 2009 AU Heads of States and Governments made a landmark and opportune declaration that 2010-2020 would be marked as the African Women's Decade. Women's organisations in Africa consider this a critical period for accelerating the achievement of desired changes in the lives of women and girls. The Beijing + 15 Review assessments and reports will provide the baseline information that will inform the strategies and priority actions to be undertaken at different levels throughout the African Women's Decade.

National Reforms

As clearly noted in most of the Beijing +15 government and shadow reports, African countries have embarked on constitutional, legal and policy reforms during the 2004-2009 period, including drafting of new constitutions and a number of gender responsive legislations or reforms to address some of the lacunas in personal laws that result in discrimination and disregard of women's rights. The reforms also attempt to address other critical issues like violence against women and women's rights to property. Gender policies and plans of action, land reforms, and macroeconomic policy reforms have been undertaken, and these have facilitated the implementation of the Beijing commitments. Gender mainstreaming in development planning, budget processes and implementation of poverty eradication strategy programs has also been adopted in many countries as a benchmark for good governance.

The **main concern** highlighted is that having laws and policies in place alone has not and will not transform the quality of life for majority of women in African who hardly know of their existence and potential they have to transform their lives.

Strides in Education, Leadership, Agency building and Awareness creation

The biggest achievements have been registered in the area of access to education and training for women and the girl child. A majority of countries have adopted universal primary education policies and committed substantive resources to ensure that most children in Africa attain basic education. In addition, the past five years have witnessed more efforts being made to support girls and women to access secondary and tertiary education and to increase literacy levels through adult education and literacy programs. Fortunately, the latter are mainly attended by women and they have great potential to be forums for change. Furthermore, in order to ensure that the increasing

number of educated girls and women has access to employment including in those fields that are traditionally male dominated, there have been reforms in employment policies and laws in several countries like Uganda, Kenya, and South Africa. These countries have made attempts to implement some of the BPfA labour standards in order to promote equal opportunities for women and men and to have a good work/ family balance for both women and men.

Africa also stands tall among the international community in achievements in the participation of women in governance and decision making structures. In Rwanda, for instance, the representation of women in Parliament stood at 56.3% at the time of the review, followed by South Africa at 47%. In Namibia, women's representation in local government was at 42%, Uganda at 35% and Ghana at 30%. SADC countries also adopted a Gender Protocol in 2008 in which member states committed to achieving gender parity at all levels of leadership and decision-making by 2015. Africa additionally has its first female head of state, Her Excellency Ms. Ellen Sirleaf Johnson, President of Liberia, who took office during this review period. Furthermore there are several female Vice – Presidents such as in The Gambia and Malawi.

It was also noted that during this period, women's civil society organisations expanded the democratic spaces for women to press for equality and equity and to safeguard gains made over the past 15 years. Globalisation of communications has helped to mobilise African women's participation in global and regional fora. African women are increasingly key participants in reshaping global and regional processes in areas such as trade, development aid, reforms of global governance institutions like the United Nations (UN) and the World Bank, the promotion of sexual and reproductive health as a critical human rights issue in development processes in Africa, and the management of global crises such as the global response to HIV/AIDS, the food crisis and climate change.

The media too has played a critical role in publicizing women's rights issues and supporting public education to influence changes in attitudes, values and gender relations. However, the shadow reports indicate that public education programs that focus on increasing understanding of women's rights, gender issues and their relevance in development, continue to be spearheaded mostly by women's rights organisations and some of the mainstream human rights organisations. Though the contributions of CSOs cannot be underestimated, public education programs are very costly to sustain. African women organisations call upon governments as part of their manifestation of political commitment and leadership in promoting citizens' participation in public affairs to take the lead in public education and awareness programs, so that such programs are institutionalized and sufficiently resourced in the short, medium and longer term period.

The above notwithstanding, the combined efforts of governments and civil society in the last five years, in countries such as Kenya, Liberia and Mali, have made it possible to publicly address matters previously considered as private such as violence against women, including female genital mutilation (FGM) and issues of trafficking of women and girls.

A Drop in the Ocean

The aforementioned practical steps taken over the last five years are however a drop in the ocean when assessed against the many promises made by African governments on the fundamental issue of achieving gender equality, equity and women's empowerment. African women decry the large gaps that still exist between policy formulation and practice, particularly the non – shifting of practices and attitudes in institutions responsible for their implementation and monitoring of progress. Social, cultural and psychological barriers continue to hinder progress, with limited sustained actions to

address them. Moreover, harmful reservations lodged by some countries that have ratified human rights instruments such as CEDAW and the African Women's Rights Protocol dilute the spirit and application of these instruments. Legislation on women's rights and policies intended to promote the achievement of gender equality, equity and women's empowerment, are also not adequately harmonized at national levels, especially in African countries which have dualist legal systems. In short, African leaders are falling far short of the expectations of African women.

The situation of rural and urban poor women has not changed or has worsened in many countries...

Increasing insecurity, failing states, the crisis of armed conflicts and the use of sexual violence as a weapon of war in several African countries have increased violent crimes against women and children. Furthermore, recent developments in some countries that threaten to reduce the democratic space and work of women's rights defenders, and the claw back clauses in legislation that put limits on women's rights and freedoms, water down the achievements of the last fifteen years since Beijing. Corruption and impunity particularly among the political class make it impossible for women to pursue justice, to ensure that the perpetrators of violence against women and girls (VAW/Gs) are apprehended and duly punished. Corruption continues to be a major problem in Africa despite over 40 countries being parties to the UN Convention against Corruption (2003),³ thus limiting the gains that could be made for the common good.

Maternal mortality rates in the region continue to be unacceptably high, quality health services are still lacking, and there are widespread issues with drug shortages and barriers to accessing free medication and family planning services and information. Challenges have been experienced in the HIV/AIDS pandemic response that have led to serious gender discrimination and violations of women's rights, particularly inheritance rights. Current care strategies for HIV/AIDS have failed to address or reduce the double burden of care that is shouldered by women caring for sick relatives while finding means to increase their contribution to the household income. The slow process of integrating family planning with HIV services in most countries continue to lead to preventable deaths of many women, and loss of millions of dollars that could be saved if there was political will to address this gap. Cultural practices like female genital mutilation (FGM) continue to be widespread despite the existence of legal provisions outlawing it as a human rights violation.

Though enrollment of girls in primary education has increased, there are concerns about the quality of education, retention of girls, gender gaps in tertiary education, limited use of role modeling and mentorship programs, under-representation of girls in science and technology fields, and the relevance of the education curriculum to the job market. Women also remain largely invisible in the formal economy, and women's unpaid labour continues to be unrecognized and to increase as they are forced to shoulder the social and economic impact of macroeconomic policies. The situation of rural and urban poor women has not changed or has worsened in many countries, despite all the policies and resources invested in the processes of change over the last 15 years.

African women lament that resources for implementing gender equality and women's empowerment strategies at all levels are limited, with an over-dependence on development aid and non governmental interventions, which are themselves also heavily donor dependent. It is predicted that this situation will worsen in the coming period as the impact of the global economic and financial crises unfolds.

Finally, progress continues to be challenged by governments' lack of capacity for gender analysis, and the persistent lack of sex disaggregated data to show in more concrete terms the progressive changes in the quality of life of women.

A Way Forward: The Call for Action

The Beijing +5 and +10 reviews (Annex B and C) sadly reflect many of the above issues. However, in order to consolidate the few gains made over the last 15 years, fulfill the Beijing commitments to the women of Africa, and accelerate the implementation of the Beijing Platform for Action over the next 5 years, Africa Women's NGOs made several recommendations that are highlighted throughout the body of this Report. Additional recommendations were generated through consultations made during the Africa Women's NGOs Consultative meeting held in Banjul, The Gambia on 15th and 16th of November 2009. African governments must:

Women and the Economy

- Design alternative macroeconomic policies and structures that are gender sensitive and pro-poor, and develop appropriate programs in order to guide economic growth and equitable allocation of resources and benefits.
- Desist from engaging in bilateral and international trade and economic agreements that undermine the regional integration process and impact negatively on women's rights and advancement in Africa.
- Articulate and redefine women's economic empowerment to work towards achieving full employment and sustainable livelihoods for all women in both rural and urban areas.
- Develop and implement social protection for women in the informal sector.
- Give priority to employment creation for women through targeted entrepreneurship, skills and business development, paying particular attention to the needs of rural women.
- Build the capacity of rural women in agriculture and strengthen women's land rights as part of the process of implementing CAADP and the AU Land Policy Framework and Guidelines.

Women and Health

- Prioritise women's health particularly maternal, sexual and reproductive health, as a human rights issue, and as a critical component of sustainable development in Africa, and intensify actions to reduce the feminisation of HIV/AIDS.
- Enact laws to prohibit compulsory HIV and pregnancy testing during job recruitment.
- Reposition family planning as a development priority and fully recognize and mainstream it into all interventions.
- Address corruption decisively in the health sector through democratisation of information and increasing awareness about patients' rights and responsibilities of health care giving personnel.

Violence against Women

- Construct a composite index for measuring reduction in violence against women in the efforts to eradicate all gender-based violence by 2015.
- Ensure that in the next five years there are national multi-sectoral and multi-faceted plans to address gender-based violence, underpinned by social mobilization, capacity building and effective monitoring and evaluation of the preventive strategies, redress measures and actions undertaken.

Women and Armed Conflict

- Address the burning issue of impunity in Africa with regard to violations of human rights of African citizens, particularly violence against women and children in conflict situations.
- Fully implement without any further delay the Declaration adopted at the Special session of the AU Summit held in Libya in October 2009 on peace and security in Africa. Furthermore, the process of implementation must fully involve the women of Africa.

Women and Human Rights

- Take appropriate actions to eliminate all discriminatory laws, practices and traditions, and secure through legislation women's right to equality with men particularly in marriage, divorce and separation, inheritance matters and property ownership. African states are called upon to support the adoption of a dedicated special mechanism at the Human Rights Council for tackling the issue of discriminatory laws
- Ensure that universal ratification of the African Women's Rights Protocol, CEDAW and its Optional Protocol are prioritized to be achieved in the first 3 years of the African Women's Decade (2010- 2020).
- Enact and/ or reform laws and policies to ensure conformity with CEDAW and the African Women's Rights Protocol, and re-energize efforts to enact various pending Bills highlighted in the Shadow Report and the ECA Regional Beijing + 15 Report that have the potential to address gender imbalances and inequities.
- Meet reporting requirements on progress made towards gender equality in Africa, and where there is non compliance we call upon the African Union should institute additional mechanisms for ensuring accountability under the African Women's Rights Protocol and the SDGEA.

Institutional Mechanisms for Gender Equality and Women's Empowerment

- Accelerate implementation of the Beijing Platform for Action and all women's rights commitments through a multi - sectoral approach to which States committed themselves and are called upon to achieve by the end of the first three years of the African Women's Decade.
- Ensure that structures established to lead the gender equality and women's empowerment agenda have adequate resources as an indication of political commitment to women's advancement.
- Explore alternative sources of funding for women's institutional mechanisms other than the traditional sources, with emphasis on setting up solidarity funds for gender equality programmes at national, sub-regional and regional levels, and ensuring increased partnerships with the private sector.
- Ensure that gender equality is incorporated in all planning and budgeting processes at different levels, and the deliberate development of sex disaggregated data and gender sensitive indicators as one of the ways to guarantee effective implementation of the Beijing commitments and consistently promote, protect and fulfill African women's rights to development.

Women in Power and Decision Making

- Strengthen programs and activities of government, regional and international bodies and national and local women's NGOs that coordinate and provide support to women in leadership and politics at all levels, so as to ensure empowerment indicators are duly monitored and broad coverage up to local levels is achieved.
- Put in place mechanisms that support the growth and expansion of the African women's movement at all levels so as to create a strong pressure group for promoting gender equality,

equity, women's emancipation and social transformation.

- Engage the citizenry in dialogue and education and awareness programs that are well targeted in order to influence change in attitudes and behaviour which perpetuate the marginalization of women in politics and society as a whole.
- Accelerate the process of ratifying the Democracy Charter so that it comes into force by the end of the first three years of the Africa women's Decade.
- Prioritize the implementation of the Democracy Charter by having in place constitutional guarantees to provide for gender parity, which would be enforced through affirmative action measures such as quota systems and proportional representation.
- Allocate funds to the African Union Women's Fund to support training and education programmes for women politicians aspiring for elective positions as a means of enhancing their capacities to effectively participate in and influence decision making processes.
- Make deliberate efforts to nominate female candidates for the position of Chairperson of the African Union Commission as a sign of equal sharing of leadership and responsibilities and delivering on the development agenda in Africa.

Women and the Environment

- Invest in research on climate change in Africa and its implications for women, and address the gender dimensions with respect to mitigation, adaptability, response and compensation mechanisms.
- Invest in research and technology on clean and renewable energy sources and ensure that gender analysis is integrated in such initiatives.
- Ensure that all efforts aiming to improve the quality of life in cities and urban centres integrate a gender perspective in the formulation, implementation and monitoring of impact of such programmes.

Women and the Media

- Intensify the use of both traditional media and new communication technologies for wider dissemination of information and empowerment of women and girls.
- Adopt policies and laws that support the liberalisation of airwaves as an opportunity for governments in Africa to facilitate the setting up of independent broadcasting stations. These can be used for programmes that promote human rights awareness and education, support and mobilize women and men to participate in public affairs and broadcast programs that highlight and campaign against harmful traditional practices that violate the rights of women and children.
- Enact Freedom of Information legislation in line with internationally accepted human rights principles and standards in order to guarantee citizens' access to critical information and facilitate their full and effective participation in governance, democratic processes and development.

The Girl Child

- Ratify the African Charter on the Rights and Welfare of the Child and ensure that national laws and practices are in line with the provisions of the international and regional human rights instruments focusing on children's rights.
- Use culturally-sensitive advocates to work closely in communities to support girl child education, including partnering with men in achieving gender equality in this context.

Beijing +15 Review: Perspectives from African Women's NGOs





From March 1st to 12th, 2010, government delegations attending the 54th Session of the UN Commission on the Status of Women will converge to assess progress made in the implementation of the Beijing Platform for Action (BPfA) and the outcomes of the 23rd Session of the UN General Assembly (2000). It is fifteen years since the BPfA was adopted at the UN Fourth World Conference on Women. The UN Economic Commission for Africa (ECA) will present the Africa Regional Report, synthesised from government reports submitted in 2009. What is civil society's perspective on the major accomplishments, challenges and recommendations for further action?

African Women NGOs, through collaborative efforts of the Africa NGO Coordinators and Task Force on Beijing +15, as well as regional and sub-regional Networks, collected a total number of 13 national Beijing + 15 Review Shadow Reports and three sub-regional summaries that are the main source of the information and recommendations provided in this Regional Shadow Report. Reference has also been made to a number of reports submitted by African countries under CEDAW in the last five years (2004 – 2009). In addition African women's comments and recommendations generated at the NGO Consultative Meeting in Banjul, The Gambia are also incorporated in the Report. First - perspectives from the Sub-regional Shadow Reports from West, Eastern and Southern Africa.

Analysis by Sub-Region

West Africa

An analysis of the implementation of the BPfA in 15 countries⁴ by WiLDAF-WA titled; *Women's rights implementation in West Africa: What has been achieved so far?*, acknowledges that since 2005, visible progress has been recorded in the area of promoting, protecting and fulfilment of African women's rights.

The table below shows one area of progress, with 11 of the 15 countries under review having ratified the African Women's Rights Protocol. However, the report notes that despite the ratification of international and regional human rights instruments, limited measures have been taken at national levels for their incorporation into domestic law and for implementation. Conflicts persist between written law and customary/ traditional and/or religious laws and practices. Discrimination on the basis of gender and religious fundamentalism are also noted as factors compromising women's enjoyment of full rights and fundamental freedoms.

⁴ Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, The Gambia, Ghana, Guinea Conakry, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo

Table 1: State of ratification of women's rights international and regional instruments by West African States⁵

COUNTRY	CEDAW	Optional Protocol to the CEDAW	AU Protocol on the Rights of Women in Africa
Benin	12 March 1992	December 2004	13 October 2005
Burkina Faso	28 November 1984	26 July 2005	09 August 2006
Cape Verde	05 December 1980	-	22 July 2005
Côte d'Ivoire	18 December 1995	-	Not ratified
The Gambia	16 April 1993	-	06 September 2005
Ghana	1986	2009	20 July 2007
Guinea Conakry	17 July 1981	Not ratified	Not ratified
Guinea Bissau	1985	February 2008	14 October 2008
Liberia	17 July 1984	-	15 July 2008
Mali	10 September 1985	5 December 2000	03 February 2005.
Niger	13 September 1999	30 March 2004	Not ratified
Nigeria	1985	September 2000	18 February 2005
Senegal	05 February 1985	10 December 2000	30 January 2005
Sierra Leone	1988	2000	Not ratified
Togo	26 September 1983	Not ratified	26 October 2005

In the area of **education**, the report points out that in the period under review, West African countries have adopted targeted strategies to reach the poorest families and encourage girls' education. For example, Benin, Burkina Faso, Ghana and Togo have established free schooling for pre-primary and/or primary school education. Other strategies include waiving the parent-teacher association fees for parents of girls entering primary school⁶. Some countries like Togo, Benin and Burkina Faso, have also adopted laws punishing sexual harassment and any other sexual violence on children in school. In some states in Northern Nigeria, mothers are allowed to resume their formal education with their babies. Pregnant girls also have the opportunity to continue their courses and are supported to take the critical level exams to avoid dropping out of school. A law in the State of Kano, Nigeria, punishes girls' withdrawal from the school system for reasons of marriage. In 2008, Mali joined the Convention of UNESCO on Equal Access to Education between girls and boys, and Guinea Bissau established parity in awarding scholarships inside and outside the country.

The concerns that women's NGOs have about these initiatives is that governments need to invest more resources in public education so that there is a fundamental shift in people's attitudes towards girls' education and pursuit of a career. Preventive measures must be promoted in addition to punishments and support mechanisms to significantly reduce the number of young girls with unwanted or early pregnancies. There have to be incentives for parents who ensure that their children go to school, and those that acknowledge and reward parents' participation in school systems. As more and more countries devolve power and functions to local government levels to

⁵ The report notes that though the Guinea Conakry parliament authorised the ratification in 2004, the deposit of the ratification instrument has not still been made to date. This is the same for Côte d'Ivoire which has not made the deposit of the ratification instrument despite the authorisation of its Parliament.

⁶ 2008, Universal Education in 2015: An achievable objective? Global report on follow-up on EPT, UNESCO

take care of major services like provision of education, strong mechanisms must be put in place to ensure that resources are efficiently disbursed and utilised for their intended purposes.

In the area of **power and decision making**, out of the 15 countries in the sub-region, only three (3) countries have had a woman as speaker of Parliament or one of their houses (The Gambia 2006; Nigeria 2007 and Ghana 2009) during the period under review. According to the report Senegal has the highest percentage of women in parliament with 29% followed by Cape Verde with 18%. Cape Verde also has the highest percentage of women ministers (36%) in the sub-region.⁷ Most notably, the election of Mrs. Ellen Johnson-Sirleaf in 2005 as Head of State of Liberia was welcomed as a major advancement for West Africa. She joins the small group of women Heads of State in the world, comprising only 4.76% of world leaders. West Africa has also had several countries with female candidates for the Presidency during the period under review for example Gabon in 2008 had 2 female presidential candidates, The major constraints for women candidates that vie for political office is limited access to resources and capacity to finance their campaigns; stereotypes which remain strongly against women in leadership; and unfavourable policies and practices in political parties that make it difficult for competent women to be elected in decision making positions or nominated for significant constituencies in their respective countries. In a recent Leadership Conference organised by FEMNET in collaboration with ROFAF in Togo in September 2009,⁸ women political leaders noted that though there were improvements in the legal framework for supporting women's participation in politics and decision making in their countries, major obstacles and barriers still remain as noted above. In addition they noted that religious fundamentalism and cultural inhibitions in some countries in West Africa continue to constrain women's participation in public affairs.

In the area of women and **health**, the sub-regional NGO report indicates that Ghana has adopted policies aimed at giving free medical care and delivery for pregnant women, and instructed the ministries of Education, Health, and Local Government to take into consideration gender in their HIV/AIDS budget. In Burkina Faso, maternal health is 100% paid for by the State while infant health is 60% paid for by the State. Benin and Mali have declared that caesarean-sections are free for women. Several countries in the region such as Burkina Faso and Mali have criminalized the intentional transmission of HIV.

Despite all these initiatives, the sub-region still has the highest maternal mortality rates in the world. For the period 2000-2007, ECOWAS Member States had maternal mortality rates ranging between 210 and 2100 deaths for every 100,000 live births, which is higher than the threshold of 100 deaths for 100,000 live births set by the Cairo Programme of Action for the period 2000-2005. Low health coverage, socio-cultural practices such as early marriage, early pregnancy, female genital mutilation (FGM), marginalisation in decision-making with respect to issues concerning women's sexuality and reproductive health, the subordinate position of women in African families, and the fact that women are not capable or not allowed to plan their pregnancies, are factors that contribute to maternal mortality in the region.

In terms of **violence against women**, the region has seen its share of violations of women, including a highly publicized case in Cross River State of Nigeria in October 2009, where a young woman

⁷ Source: World report on Human development 2009

⁸ The Leadership Conference in Togo was attended by politicians and Women NGOs providing leadership development support for women in politics, drawn from Togo, Cote d'Ivoire, Gabon, Guinea Conakry, Burkina Faso, Niger, Senegal and Sao Tome and Principe.

undertaking national service was raped to death by several men who claimed to be offended by the fact that she wore khaki trousers, the official uniform of the national service youth. Violence against women and girls is also a major social concern that contributes significantly to unwanted pregnancies and thus unsafe abortions (as majority of countries in the Sub - region criminalise abortion). VAW/Gs has increased women's and girls' vulnerability to contracting HIV/AIDS and other sexually transmitted infections (STIs) which ultimately increases health care budgets.

African women expect the AU Peace and Security Council and ECOWAS to do much more to put pressure on such countries to investigate all human rights violations and categorically speak out against the use of sexual violence as a weapon of war.

Cases of violence are exacerbated in **conflict** situations that prevail in the sub-region. The report notes that violence against women and girls in conflict situations in Cote D'Ivoire and Guinea Conakry were recorded during the period under review, and were denounced by the international community and by African women who are expecting that actions should be taken to find and punish the perpetrators. Women's NGOs in the sub- region applaud the efforts of the AU for zero tolerance for undemocratic change of government and leadership in African countries which led to the suspension of Guinea Conakry from the AU for example. However, African women expect the AU Peace and Security Council and ECOWAS to do much more to put pressure on such countries to investigate all human rights violations and categorically speak out against the use of sexual violence as a weapon of war. In such instances the African Human and People's Rights Commission and the Special Rapporteur on Women's Rights in Africa should take the lead to investigate and ensure that perpetrators are brought to account. Human Rights Defenders in the sub- region also need support to be able to bring cases on behalf of survivors to national courts and the West Africa Court of Justice. However, the process of justice in cases of VAW/Gs has proved to be very slow and costly to survivors in terms of their health, finances, and time. "This situation has to change if the issue of impunity is to be efficiently addressed in the sub- region" says the Executive Director of WiLDAF - West Africa. The organisation also welcomes the United Nations Security Council Resolution 1888 on sexual violence in armed conflict adopted in the September 2009 UN General Assembly, and calls on all West African governments to put in place mechanisms and plans for its implementation.

The trafficking phenomenon in West Africa has been decried by many human rights organisations, including women's rights organisations in the sub- region. A decision dated 27 October 2008 by the West African Regional Court of Justice condemned the Government of Niger for failing to meet its obligations to Hadijatou Mani, who was sold for about \$ 500 as a slave in 1996 while she was still a child. The young woman later lodged a complaint and the State of Niger was found liable and asked to pay her CFA 10 million (\$19,030). **Women's rights organisations call for strengthening of legal and administrative frameworks to prevent human trafficking, protection and support for survivors of such trafficking, and prosecution of the perpetrators. For this to happen governments in the region have to cooperate more to set standards, systems and mechanisms for apprehending the perpetrators.**

Progress in the area of violence against women has therefore been recorded, but constraints relating to the lack of resources and inadequacy of training for major stakeholders involved in curbing

violence have led to failure to meet the expected results. The lack of reliable statistics in this area is also one of the major challenges that need to be urgently resolved. The major challenge in the matter of gender based violence is reorienting people's minds within the framework of institutionalised violence. VAW/Gs is a criminal offence and states parties have the responsibility to have mechanisms in place to prevent and minimize the occurrence of violence both in the private and the public lives of women and girls. For instance in The Gambia, according to the MICS 2005/2006 survey, 72% of parents said they would like their girls to undergo FGM. In Mali, the President of the Republic was faced with severe pressure around the provisions in the Family Code which was adopted on 14th August 2009, and which also outlawed FGM. This is because some religious leaders argued that the Family Code was inconsistent with Sharia provisions. However, studies have been done by several African women's rights activists particularly from countries that are predominately Islamic, which clearly show that FGM is a practice not sanctioned by Sharia. It is a traditional practice in predominantly patriarchal communities sanctioned as one of the ways to control women's sexuality.

In the area of women and **the economy**, despite their strong presence in the informal and agricultural sector, women's access and participation in the management of resources is very low. The estimated earning per parity of purchase power shows that women in most West African countries make only half of what men earn. This has not changed much during this period despite the fact that most of the countries in the sub- region have experienced economic growth. The AU Land Policy Framework of 2008 recommends the principle of equal access of men and women to land. However, not all the countries in the sub-region have land policies and legislations consistent with this principle. The Law 034-2009 in Burkina Faso and the law 2007-03 in Benin are examples of laws that have reformed the rural land tenure by recognising women's right to equal access to land. In 2005, the Parliament of Sierra Leone reinforced women's rights to property as far as inheritance is concerned through the "Devolution of Estate Act." Legal and policy reforms and efforts aiming to mainstream gender in development planning and national and local government budget processes offer great potential for increasing women's participation in the economy. However, these strategies continue to be overlooked or underutilized.

In terms of women's **human rights**, most countries have Family laws that still contain discriminatory provisions against women. The discrimination relates particularly to marriage, where polygamy is still legal, popular and widely practiced. Discrimination is also manifested in the inequalities in control and decision-making within households, in relation to inheritance, divorce and custody of children- which are all important aspects in relation to the promotion, protection and fulfilment of women's rights. Family law reforms initiated during the period under review in Mali and Togo have been stopped. In Mali, demonstrators mainly from Islamic forces demanded that the President of the Republic further reviews the Family Code text instead of signing it, even though the Code had already been adopted by the Parliament. The Family Code recognises women's rights before, during and at the dissolution of marriage.

There is good news from Nigeria however, where it was recently deemed unconstitutional to require women to request their husband's authorization before being issued with a passport. This is one way of ensuring women enjoy their rights to free movement and choice of where to reside.

In the area of **institutional mechanisms for the advancement of women**, the West Africa shadow report states that most countries have national machineries for the advancement of women. Despite the general lack or inadequacy of statistics in the sub-region, there is a greater availability of data

disaggregated by sex and relating to the status of girls and women,, and this is being spearheaded by the gender machineries. Additionally, over the last five years, women's rights NGOs have been actively involved in the fight for the fulfilment of commitments made by member states. One can observe a greater solidarity among the women of these organisations that is embodied in an increase in the number of networks, coalitions and federations of organisations created within countries and across the sub - region.

Eastern Africa

The Beijing +15 Review summary on Eastern Africa⁹ compiled by EASSI indicates that Eastern African governments have shown increased commitment towards the implementation of the Beijing commitments in all countries except Somalia. However, the degree to which these commitments are implemented varies from one country to another. For instance only Rwanda and Tanzania have ratified the African Women's Rights Protocol as of October 2009, despite continued efforts on the part of women's organisations and networks in the sub-region advocating for governments to do so. According to the Report, a number of strategies have been put in place since the Beijing Conference including legal and policy reforms, establishing and strengthening institutional mechanisms and programmes that promote gender equality, equity and women's empowerment in the different countries. Rwanda has surpassed the countries in the sub- region to take accelerated measures and actions to deliver on several Beijing commitments.

During the review period, all countries in the region except Somalia had undertaken **legal reforms** through their National Constitutions as well as repealing or amending discriminatory laws, and enacting new laws to promote women's rights and advancement. National Constitutions of countries such as Uganda, Burundi, Eritrea, Ethiopia, Rwanda and Tanzania recognise equality as fundamental and provide for protection of all citizens against discrimination of all forms on grounds of sex, race, ethnicity, colour, religion, origin, tribe, birth, creed, social and economic standing, political opinion and disability. The Constitutions embrace the promotion and protection of women's human rights as an inalienable and integral part of universal human rights.

Some of the other legal reforms and legislation include laws that relate to marriage and family affairs, property rights particularly access to land, sexual abuse and harassment, affirmative action, gender sensitive language of the law, freedom of association and expression, participation in governance, and equal employment opportunities and remuneration. Several other laws are being reviewed for amendment. In Kenya, the national constitution is still under review 20 years since the process started. Amendments to Laws on marriage and divorce have been passed in Tanzania which is quite progressive on this front, or they are in draft form such as in Uganda and Kenya. All the countries with the exception of Somalia have ratified and domesticated the Convention on the Rights of the Child and the Africa Charter on Children's Rights and Welfare, which recognize the rights of the girl child. Most of the countries have national human rights commissions that monitor their country's compliance with the commitments under various human rights treaties and report regularly to their parliaments on actions taken, persistent gaps, and provide recommendations for further actions. Parliamentary scrutiny through Parliamentary committees like those concerned with legal matters, appointments, social and cultural rights, the economy and budgets have hugely contributed to keep the gender – focus alive. However, as in West Africa, culture, tradition and religious inhibitions remain major obstacles with serious consequences on the wellbeing of women, families, communities and society in general.

9 Burundi, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, Tanzania and Uganda

All the countries in the Eastern Africa region have adopted gender mainstreaming which is advancing the BPfA agenda by changing the approach to and the content of public policies impacting on women's and girls' rights and their social, political and economic status. Unfortunately the approach to gender mainstreaming has been technocratic and quite bureaucratic thus in some instances halting or preventing the transformative potential of this approach. This is partly due to the limited capacity that exists in most government sectors and institutions to undertake gender analysis and formulate appropriate programmes for implementation.

Women in the Eastern Africa region play a vital role in production activities in addition to shouldering reproductive ones. As mentioned in the ECA Beijing +15 Regional report the legal and policy frameworks to support women's participation in the **economy** have improved at the national and sub- regional levels including within the East African Community. With increased foreign direct investments and infrastructural development projects, more jobs have been created and more than ever, women in the sub- region are engaged in the paid economy thus increasing their capacity to contribute to family incomes. Countries like Kenya have set up a national Women's Enterprise Fund aiming to increase women's access to credit and development resources. Micro finance projects are also being implemented in Uganda, Rwanda, Kenya and Tanzania.

However, what is disturbing is that the majority of women continue to have limited access to productive resources and opportunities to make critical decisions on how they are utilized and managed. Recognition of their contributions and significance to the maintenance of good economic performance of their countries remains more rhetorical and has not translated into clear measures that consistently and sustainably secure women's participation in the economy as a human right. The situation is made worse by the persistent poverty that is affecting the largest proportion of Africa's population, namely the women. In all the countries in the sub- region women constitute the largest proportion of the poor living below the US \$ 1.25 threshold per day. Women's poverty is attributed to limited access to and control over productive resources such as land and credit, limited control over the proceeds of their labour and lack of skills and appropriate technology. Despite efforts by different institutions to avail market information through the internet there is still limited access to training and information for the majority of women, which is critical in transforming their knowledge and aspirations into reality. Many women's businesses remain small with limited capacity and potential to transform women's economic status, or to absorb the economic shocks and turbulence from the global economy.

Unfortunately the approach to gender mainstreaming has been technocratic and quite bureaucratic thus in some instances halting or preventing the transformative potential of this approach.

All countries in the region except Somalia have undertaken policy reform and countries such as Rwanda, Uganda, Burundi, Ethiopia, Tanzania and Kenya have strengthened National **machineries responsible for the promotion of gender equality**, equity and women's empowerment in terms of increasing personnel at head quarters and for field presence. These machineries are charged with implementation, monitoring and evaluation of the BPfA and oversee the integration of gender concerns in national development policies, programmes and budgets at all levels. What remain persistent concerns are the low budget allocations to gender machineries and their un-

strategic location within the government structures of these countries. They are grouped together with the least resourced departments within the Social Sector and these hardly have the clout to sufficiently influence political and policy decisions. Where the gender machinery is headed by a cabinet minister this situation is applauded by the women's organisations. However, women's NGOs highlight the importance of the minister appointed to lead the gender machinery to have the prerequisite knowledge and demonstrated capacity to do so.

In the area of **reproductive health** the EASSI Regional Scorecard noted that in Burundi the prevalence of HIV/AIDS has increased from 3.5% in 2002 to 4.2% in 2007, and maternal mortality in the country is on the rise at 800 deaths per 100,000. Infant mortality in Burundi has also increased significantly. This is despite formulation of a National Health Policy (2005-2015) which includes new born care as a strategy to reduce child mortality and free health care for pregnant women, announced in 2006. In Ethiopia there is progress in the reduction of People living with HIV/AIDS (PLWHA) from 1,500,000 in 2006 – 2008 to 980,000 in 2009. In Uganda the infant mortality ratio reduced from 122 in 1990 to 77 in 2006, however PLWHA almost doubled from 530,000 in 2006 to 2008 to 940,000 in 2009. Maternal mortality in Uganda decreased from 505 per 100,000 in 2000 to 435 in 2006. Significant progress was made in Rwanda with a reduction of PLWHA from 250,000 in 2006-2008 to 150,000 in 2009. Under five (5) and infant mortality rate per 1000 decreased from 238 in 2006 to 165 in 2008. The Government of Eritrea banned FGM as an illegal practice in 2007; in Uganda the National Strategy to Eliminate FGM will be in place by end of 2009 and the government released a budget of 200 million in 2009-2010 to specifically address FGM.

During the period under review inter and intra-states **conflicts** were present in every country reviewed in the EASSI Report, with the exception of Tanzania, which nevertheless contended with the issue of refugees from neighbouring states. The conflicts greatly compounded the struggles faced by women and children in realizing their rights, as well as reversed many gains made particularly in the areas of HIV/AIDS and violence against women. However very few of the governments have implemented gender-specific plans consistently as they relate to armed conflict, peace and security. The Burundi Government developed the National Protocol on the Treatment of Sexual Violence during conflict, in 2005. It provides a framework for coordination of the medical response to sexual violence. In Uganda the scorecard indicated that there is no specific policy apart from the IDPs policy of 2004. Many national and sub-regional women's organisations and networks were however involved in peace-building efforts during the period under review, including efforts to eradicate the social and cultural prejudice against women ex - combatants and mine victims in Eritrea, and advocating for active non-violence, mediation and reconciliation, and organizing women's conferences on peaceful conflict resolution, tolerance, unity and reconciliation in Rwanda. The East African Community plays a significant role in harmonizing security related programmes in the region. The International Conference for the Great Lakes Region (ICGLR) is another mechanism through which civil society actors have interfaced with governments in the sub- region to address issues emerging in the region on women and armed conflict and post – conflict situations.

On December 15th 2006, the Heads of State and Government of the ICGLR member states met in Nairobi and adopted the Pact on Peace, Stability and Development in the Great Lakes Region. The Pact entered into force on 21st June 2008. The 11 ICGLR member states are: Angola, Burundi, Central African Republic, Congo, Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. When fully implemented

the Pact has the potential to reduce the occurrence and impact of armed conflicts and to transform the Great Lakes region into a space of durable peace, security, and social and political stability and this would enable the countries to achieve economic growth and shared development..

Southern Africa

A draft report submitted by Matrine B. Chuulu – Regional Coordinator of Women and Law in Southern Africa (WLSA), titled *From Commitments to Implementation and Accountability* assesses progress in the fifteen (15) countries that make up the Southern African Development Community (SADC), namely Botswana, Angola, Lesotho, Malawi, Mauritius, Madagascar, Mozambique, the Democratic Republic of Congo, Swaziland, Seychelles, Namibia, the United Republic of Tanzania, South Africa, Zambia and Zimbabwe.

The report notes that there have been a number of notable achievements in the sub-region with regards to the situation of women. In politics there have been strides with respect to the participation of **women in decision making**. The sub-region has seen ground breaking appointments of women to high level posts such as Prime Ministers and Vice Presidents, Speakers of Parliament and Cabinet portfolios that were hitherto the domain of men, such as Finance, Foreign Affairs, Defence, Transport and Communication. Currently Lesotho has the highest proportion of women in local government at 48 percent while Zambia is at 6 percent. Research has revealed that women perform better in countries with the proportional representation electoral systems for example in South Africa, Mozambique and Namibia

The SADC Protocol on Gender and Development was signed by 12 member States of the Region in August 2008, Malawi signed the Protocol in October 2009, and the remaining countries are Mauritius and Botswana who have not yet signed. The Protocol encompasses commitments made in all regional and global and continental instruments for achieving gender equality, and has set a target for the attainment the gender parity in all decision-making positions in the public and private sector by 2015.

The 2009 General Elections held in 5 SADC countries resulted in an increase in the proportion of women parliamentarians in three countries, and a decline in two countries:

Country	Number of women parliamentarians		% Decline/ Increase
	2004	2009	
Botswana	11	6.5	- 4.5
Namibia	30.8	22	- 8.8
Malawi	14	22	+ 8
Mozambique	38	42	+ 4
South Africa	33	44	+10

Source: Gender Links, South Africa

Violence against women has also been recognized as a human rights issue in Southern Africa and there have been some efforts to address it. South Africa is taking the lead to address the high rate of violence against women and girls. The occurrence of rape in this country is generally very high. Laws have been adopted and more cases are being brought before courts of law to ensure that perpetrators are punished. VAW/Gs in the sub- region and most particularly in countries like Swaziland and Zimbabwe has increased their vulnerability to contracting HIV/ AIDS and other STIs, especially women and girls between the ages of 14 and 25 years.

in all the SADC countries NGOs carry the major burden of providing advisory and counseling services to survivors of violence.

The WLSA shadow report indicates that only six of the SADC countries have specific legislation to prevent human trafficking, these are Madagascar, Mozambique, Tanzania, Mauritius, Swaziland and Zambia, and that in all the SADC countries NGOs carry the major burden of providing advisory and counseling services to survivors of violence. In four of the SADC states there are no places of safety for victims while in all the other SADC countries, these facilities have little or no state support. South Africa has some best practices that other countries can learn from.

The Report emphasizes that one of the most fundamental and serious problems confronting the majority of women in SADC countries is the lack of **legal reform** in areas traditionally governed by the Customary and Religious laws.¹⁰ Women suffer discrimination due to non-uniform marriage and divorce laws, the application of customary property laws that still favour men's ownership of land, violence against women, especially women who assert themselves to defend their rights. There is also lack of equal access to education thus limiting the capacity to access information and opportunities for advancement.

With respect to the **human rights** of women, four of the SADC countries, Botswana, Mauritius, Madagascar and Swaziland, are yet to ratify the AU Protocol on Women's Rights. Additionally, the WLSA report provides the following information on the gender sensitivity of the various countries' Constitutions, and the gaps that limit women's enjoyment of equal protection under the law:

10 WLSA – Women and the Administration for All Justice Delivery System: Problems and Constraints

Table 2: Constitutional Provisions for Gender Equality in SADC Countries

<i>Country</i>	Gender Sensitivity of Constitution	Issues
Angola	Article 18 (1,2) provides for equality irrespective of sex and sexual discrimination is prohibited. Article 29 provides for equality between men and women in the family, with the same rights and duties.	<ul style="list-style-type: none"> ▪ Falls short of providing for non-discrimination in all matters of personal law, an arena of many disadvantages to women
Botswana	Section 15 protects against discrimination, but excludes protection from discrimination on the basis of sex.	<ul style="list-style-type: none"> ▪ There is lack of protection from sexual discrimination. However, the highest court has interpreted another section of the constitution as prohibiting sex-based discrimination. ▪ Protection from discrimination does not extend to matters of personal and customary law, where women face many disadvantages
Lesotho	Section 18 protects from discrimination based on sex	<ul style="list-style-type: none"> ▪ Protection from discrimination does not extend to of personal and customary law
Mauritius	Section 16 excludes protection from discrimination on basis of sex	<ul style="list-style-type: none"> ▪ There is lack of protection from sexual discrimination ▪ Protection from discrimination does not extend to matters of personal law, where women face many disadvantages
Namibia	Article 10 provides for protection from discrimination on basis of sex Article 14 provides for equal rights between men and women to, during, and at dissolution of marriage	<ul style="list-style-type: none"> ▪ Falls short of providing equal rights in all matters pertaining to personal and customary law where women face many disadvantages

Malawi	<p>Section 20 protects against sex discrimination</p> <p>Section 22 provides for full and equal respect of individuals within the family</p> <p>Section 24 provides for rights of women to equal protection of the law, non discrimination in marriage, capacity to enter into legally binding agreements, individual property, custody and guardianship of children, to acquire and retain citizenship and nationality, equal rights on the dissolution of marriage, protection from violence, discrimination at work, and deprivation of property, elimination of harmful/discriminatory customs and practices</p>	<ul style="list-style-type: none"> ▪ Though progressive at the level of formal equality and equity implementation remains problematic at the level of substantive equality.
Mozambique	<p>Article 66/67 provides for equality of rights between men and women in all spheres of political, economic, social and cultural affairs</p>	<ul style="list-style-type: none"> ▪ There is no explicit provision protecting women's rights, given their historically disadvantaged position
Seychelles	<p>Article 27 (1,2) provides for equal protection of law and prohibits anti-discrimination on any ground. Envisages ameliorative measures for disadvantages persons and groups</p>	<ul style="list-style-type: none"> ▪ There is no specific reference to protection of women's rights in all matters of personal law, where women are most disadvantaged
South Africa	<p>Section 1 provides for democratic values of non sexism, human dignity, equality and advancement of human rights and freedoms</p> <p>Section 9 prohibits discrimination on the grounds of sex, pregnancy and marital status</p> <p>Section 12 (2) provides for the right to bodily and psychological integrity including decisions on reproduction, security in and control over one's body</p>	<ul style="list-style-type: none"> ▪ South Africa has some of the most progressive legal and policy provisions in relation to the protection of women's rights. They have also taken measures to implement the provisions. However, the context within which these provisions are applied is so complex due to the political history of the country. The last five years there has been a number of emerging concerns as discrimination persists in different communities in terms of development and access to productive resources. ▪ There was a serious rise in xenophobia against migrants especially those from troubled countries like Zimbabwe
Tanzania	<p>Articles 12 and 13 provide for equality of persons and equality before the law</p> <p>Article 13 (5) prohibits discrimination based on sex</p>	<ul style="list-style-type: none"> ▪ There is no provision that explicitly protects women's rights, given their historical and contemporary disadvantages
Zambia	<p>Article 23 protects individuals from discrimination irrespective of sex or marital status</p>	<ul style="list-style-type: none"> ▪ Protection from discrimination does not extend to matters of personal and customary law, areas in which women are most disadvantaged

The report states that most Constitutional bills of rights in SADC countries have severe derogations and claw back clauses which water down the purpose of the bills of rights. Some of the derogations are couched in generalized terms such as national security, public interest, and public morality, which ultimately avail a lot of room for denial of rights to the citizenry and abuse by those in power.

In terms of women and **the economy**, there have been efforts to improve the economic status of women through entrepreneurship programmes, the establishment of women's banks, credit institutions and development funds. Trade policies have been revised to improve women's access to credit and a number of countries have begun land reforms that, among other things aim to improve women's access to land.

The report also indicates that gender budgeting initiatives are underway in South Africa, Namibia, Mozambique, Mauritius, Tanzania and Zimbabwe. In most of these countries, gender budgeting processes have been institutionalized in the Ministries of Finance, while others have also established gender-responsive budgeting Task Forces with the aim of expanding the process to include parastatals, private companies and NGOs. However, the following challenges still remain:

- Women only constitute 18% of government economic decision-makers in the SADC region; in some countries this is considerably lower. For example in Mauritius there are no women in economic decision-making positions. There is only one woman Finance Minister in the SADC region (in Namibia).
- Trade policies are mostly gender blind. Only a few procurement policies make specific reference to women.
- Women still struggle to access credit although most SADC countries now have programmes to assist women in accessing credit.
- Women continue to predominate in the informal sector.

Analysis by Critical Area of Concern

The Africa Women's Regional Shadow Report on Beijing +15 aims only to highlight the areas of progress in implementing the BPfA at the national level, as they are articulated in depth in the ECA Beijing +15 Report. This section of the Report will therefore focus on analyzing the gaps and challenges in the implementation of the BPfA, particularly those which have adversely affected the realization and enjoyment of women's rights in Africa. The following analysis will also highlight some of the contributions made by women's civil society in the region, to advance the gender equality, equity and women's empowerment agenda in Africa.

1) *Women and Poverty/Economic Empowerment*

The National Women NGO Shadow Reports from various countries assert that African women still continue to constitute the majority of the poor, lacking access to resources such as land, capital and technology. Patriarchy and inheritance customs have led to the majority of land in private control being in the hands of men, even though women are the main users of this land for agricultural production and food security. Even with the registered improvements in land – related laws and policies in many countries, women's property rights relative to men remain one major cause of the feminisation of poverty in Africa.

Despite attempts to put in place mechanisms to address the issue of feminized poverty, women's NGOs are concerned that it will be difficult for African governments to halve poverty by 2015 as they committed to in the Millennium Development Goals (MDGs). Poverty reduction strategy papers (PRSPs) and other development processes have evolved in the last 10 years to encourage citizens' participation in their development and review processes. However the PRSPs have not reduced poverty especially among the majority of African women except in some countries in North Africa like Tunisia. One of the reasons for this state of affairs advanced by different Shadow Reports is the minimal structural and ideological changes within the institutions that are responsible for the implementation of the plans, policies and the legal provisions. Institutions in Africa generally remain unaccountable to the people. Service delivery remains slow and the rights bearers hardly have the capacity to challenge the bureaucrats that manage these institutions and the elected politicians that oversee the executive. The bureaucratic systems are difficult to navigate for the ordinary citizens in Africa, particularly the rural and less educated women. Due to poverty many people in Africa are more preoccupied with the struggle to meet their basic survival needs.

In **Burkina Faso, Niger, Nigeria and Kenya**, governments have come up with funding mechanisms specifically for women's enterprises, to improve women's economic independence and status. However, Shadow reports indicate that the majority of women have difficulty accessing the funds due to lack of popularization of these schemes, stringent procedures and issues of corruption. For instance the Kenya report identifies some key challenges facing the Women's Enterprise Fund launched in 2007 and these include: the fees for the application forms, lack of knowledge of how to fill in the application forms due to high levels of illiteracy among women, high interest rates charged by commercial banks who disburse the funds, and financial institutions who demand collateral from women before giving them loans. All these challenges combine to defy the Fund's objectives.

In **The Gambia and Tanzania** women, particularly in the rural areas, still struggle to access credit due to a lack of collateral, despite the many micro-credit initiatives. Those who can access loans find the interest rates are very high. For example commercial banks in The Gambia charge up

to 27% interest rates and the Micro finance institutions charge between 12 - 40%. The Gambian NGOs cite a need for a National Micro-Finance Policy that takes women's economic status into consideration. On the other hand Tanzanian NGOs note that "while the micro-credit approach has allowed its beneficiaries to advance themselves in terms of economic opportunity and income, it represents a continuation of former strategies which have been severely criticized in national, regional and global fora for their failure to lead to a major change in the economic situation for the majority of women." **Ghana** NGOs cite inadequate planning and monitoring of micro credit programs as a major challenge, and this is a complaint expressed in several NGO reports.

In **Uganda** there has been general improvement in women's employment in both formal and informal sectors. The Government has established the Poverty Eradication Action Plan gender group which reviews government's poverty eradication strategies and also seeks to highlight sector guidelines for gender mainstreaming. **Tanzania** NGOs however note that their Government's PRSP does not consider the link between paid and unpaid labour. In **Kenya** the enactment of the Employment Act No. 11 of 2007 which came into operation in December 2007 and replaced the old employment law, has some very progressive provisions that seek to remove discrimination of women at the work place. The provisions include prohibition of discrimination and termination on basis of sex or pregnancy, provisions on sexual harassment, requirement for equal pay for all men and women performing work of equal value and provisions that ensure female employees entitlement to 3 months maternity leave with pay.

In **Uganda** the establishment of gender guidelines in budgeting has also enabled government ministries to incorporate gender and equity responsive programmes and strategies in the overall development plans and these were further strengthened after the 2007/8 review of the implementation of the National Action Plan for the implementation of the National Gender Policy. In **Kenya** the adoption of a National Policy on Gender and Development in 2005 was intended to facilitate the mainstreaming of the needs and concerns of women in all areas of development – however the plan of action for this Policy was only finalized in 2009, and the country is only now ready to embark on its implementation. The experience of Kenya shows the gap between having the policy in place and its implementation. It has taken 4 years to complete the Plan of Action. The full implementation of the Plan has to wait for resources to be allocated in the next annual budget 2010/2011 before it is rolled out.

In **Morocco**, the government has set up the reallocation of public spending in favour of programmes and projects aimed at empowering women with an aim of alleviating poverty. They also have in place a National Initiative for Human Development. However problems of lack of training and of professionalism, lack of specialised human resources and lack of financial support in this area continue to exacerbate poverty in the country.

Benin government strategies include implementation of large-scale programmes for mechanising agriculture but unfortunately priority is given to men in allocating production tools. The **Burkina** report notes an improvement in the family allocations (social protections) given to families, but note that these allocations benefit more men than women and children. Both these reports show evidence that gender-blind economic policies are still alive and well on the continent.

Ghana states that the government's capacity to undertake gender-sensitive economic analysis is still low and that the National Land Policy does not fully address issues affecting women's access to land, which is also a common issue mentioned in many of the Shadow Reports.

Countries like **Senegal** in this period introduced schemes to address the problem of food shortage which led to demonstrations in 2008. The purpose was to boost agricultural production and increase the country's capacity to meet its food requirements, increase efficiency of agricultural production among small scale farmers - the majority being women - thus reducing its dependence on food imports. Similar measures are being undertaken by **Kenya** to increase the land under irrigation since the prolonged drought of 2008/09.

The dependence on donor funding for the implementation of a number of measures being undertaken by various countries in Africa to reduce poverty is a serious challenge, more so since the food and energy crises of 2008/9 and the turbulence in the global economy that started in 2008.

2) Education and Training of Women

Across the board, the area of education and training of women showed the most progress in all countries that submitted Shadow Reports, and this is also confirmed in the ECA Regional Report on Beijing +15. Particular to note is that during the period under review, all the NGOs reported that their governments had initiated and/or implemented universal free primary education initiatives. **Benin** and **Togo** enshrined free pre-primary education as a human right. Some countries have undertaken programmes that support free education for secondary school as well as affirmative action for university entry like in **Uganda**, **Rwanda** and **Kenya**. Across the board however, NGOs also reported some challenges and inequalities still persist in the area of education.

Benin noted that the Free Education initiative was challenged by a shortage of teachers with the required skills and competencies to manage the increasing numbers and diversities of the pupils. Teaching materials, equipment and infrastructure are inadequate especially in rural schools and the overly large class sizes are a hindrance to learning. **Senegal** decried the lack of basic training of the teachers, existence of multi-grade classes, and insufficient consideration of quality delivery in the national education budget.

In **The Gambia** free education had led to gender parity at lower basic schools, but there were concerns about quality of education in upper basic schools. The NGOs reported an increasing need to protect girls and female teachers from sexual harassment and abuse which still persists, and the Sexual Harassment Policy prepared by the Gender Department of the Ministry of Education is yet to be implemented. **Senegal** also reported a 'resurgence' of violence in schools while **Uganda** reported on sexual harassment in schools, particularly prevalent in the form of defilement and rape. At the time of compiling this report in November 2009 Uganda adopted the Sexual Offences law which had remained pending for a long time. Meanwhile **Togo**, **Benin** and **Burkina Faso** have adopted laws punishing sexual harassment and any other sexual violence on children in school.

Other than quality of education, another overarching issue noted in the reports was the retention rate of girls and boys once enrolled in schools. This may be the biggest challenge to meeting MDG 2 which calls on governments to ensure that by 2015 that boys and girls alike will be able to complete a full course of primary schooling. In this domain civil society organisations appear to provide the most interventions, even though as **Ghana** notes programs by NGOs remain donor dependent and highly susceptible to issues of long term sustainability. Ghana also reports that government interventions, such as the school feeding programme, are limited and politicized. In **Nigeria** there are now State laws prohibiting street trading and hawking and penalising parents and guardians who act in contravention, which has contributed to the retention of more girls in school.

The State Prohibition of Withdrawal of Girls from School for Marriage Law and laws and policies in some States in Northern Nigeria that allow the return of pregnant girls to school after delivery have also helped to promote the education and empowerment of girls. Ignorance of the laws by the public and lack of effective enforcement by law enforcement however have been barriers to bringing perpetrators to account.

Kenya's Gender Policy in Education has also ensured that pregnant girls do not miss taking their final examinations and all measures have progressively been taken to ensure that the girls' education and opportunities are not jeopardized by a pregnancy. This could also serve to deter young girls from seeking unsafe abortions. **Senegal** and **Tanzania's** retention strategies include building of girl-friendly schools with separate toilets for girls and boys among other infrastructural improvements. They have also improved policies for physical accessibility for children with disabilities. However NGOs in both countries are currently engaged in advocacy to remove the regulation by the Ministry of Education that prevents pregnant girls from re-entering primary and secondary school. In Tanzania the government has agreed and is developing a re-entry policy to allow pregnant school girls to return to secondary school.

Niger, Senegal and **The Gambia** governments and NGOs took concrete steps to ensure that school curricula are gender sensitive, as a strategy for keeping in line with the Beijing Platform for Action objectives. In Niger this included a study on the revision of curricula in order to eliminate gender stereotypes in the content and education methods. Based on the findings of that study, an educational guide for school teachers on the gender stereotypes within textbooks was developed in 2006 and made available to the teaching staff. In Senegal this took the form of reviewing textbooks and curricula for gender stereotypes and in The Gambia NGOs have worked in partnership with the Ministry of Education to engender the Upper Basic and Senior Secondary School Curricula with a focus on FGM.

A major frontier yet to be crossed with the increase of girls in primary schools and, to a lesser extent, secondary schools, is the need to remove barriers to entry in tertiary education and skill-building opportunities, as well as ensure equal access to the job market. In **Burkina Faso** for example, education is free up to age 16, but unequal access to the job market poses a major challenge to girls exiting higher education. In **The Gambia**, the report states that there are no specific state-owned skill building centres catering for girls. NGOs therefore make significant contributions in this area, especially for girls who have dropped out of the formal education system. However, most of these skill building centres have maintained the traditional fields like catering, tailoring, basic skills in managing a small business and for group employee skills for the service industry. **Ghana** again notes that the national youth employment programme is limited in scope and politicized however there has been an increase in literacy/adult education and training programs by NGOs. Ghana also points out that the range of apprenticeship opportunities open to women is limited in scope, and leads to occupational segregation in artisan professions.

In **Kenya, Uganda** and **Ghana**, affirmative action steps have been taken to increase the number of young women entering university. Ghana states that these quotas need to be enforced with sanctions for non compliance. In **Tanzania** the establishment of the Higher Education Loan Board to provide loans to qualified male and female university students has reduced the financial problems that constrained many girls from accessing higher education. In **Morocco** the government has set up grants for scientific research with a view to increasing the number of women in science. In Uganda girls taking science-based courses have a higher opportunity of securing government scholarships.

Many countries in Africa are also prioritizing adult education by implementing adult education programs to raise the literacy levels. In some countries adult literacy programs have integrated other social and economic issues to sensitize men and women on issues of public health, their human rights, and agricultural extension services, among others. This is the situation in **Uganda, Kenya, Rwanda and South Africa.**

Education is one of the ways through which attitudinal and behavioural changes can be realised and stereotypes challenged, interrogated and new practices introduced in society. However, the current interventions have mainly focused on bridging the gender gap in primary, secondary and, to a lesser extent, tertiary education. Education should empower men and women to aspire for better gender relations that are based on respect for each others' human rights.

Some recommendations: The curricula and courses offered at university and tertiary level should be regularly monitored to ensure their relevance to the employment market. Women's NGOs call upon their governments and the various regional blocs to promote incentives that ensure the retention of highly skilled labour within the continent. Tracer studies are extremely important to identify the trends in employment access for female and male graduates/ trainees, for example. This data is not readily available in most countries in Africa and the problem of brain drain is still a reality for many countries.

3) Women and Health

Although the various Shadow Reports noted that a number of countries have prioritized women's health and reproduction as an area of concern, the health status of women in African countries, particularly those in sub-Saharan Africa, remains a critical issue particularly in the areas of maternal mortality and morbidity and HIV and AIDS. The HIV/AIDS pandemic has exacerbated the already vulnerable situation of women's health in this period of review. The pandemic has affected women in many ways, including in the increase in demands made on women as care givers. Women have less control over their sexuality due to the socialisation process in most countries, and due to poverty and cultural beliefs. Their dependent status makes them vulnerable to violence, and subsequently even more vulnerable to HIV/AIDS infection.

Women's health is further affected by gender bias in policies, programmes and socio-cultural practices. Decreased health spending and privatization of health care systems in many countries, without guaranteeing universal access to affordable health care, have additionally affected the health of women and girls, and increased their burden of shouldering the responsibility for the health needs of their families.

Governments have made significant efforts in the area of women's health, particularly with a view to meeting the MDG 5 targets to reduce maternal mortality ratios by 75%, and achieve universal access to reproductive health. Some of these efforts include:

- Free Caesarean sections – Benin, Niger, Senegal, Morocco
- Free Maternal Health Care – Ghana, Niger, Nigeria (in some States), Tanzania
- Free transport to Obstetric facilities in rural areas - Morocco
- Free or subsidized treated mosquito nets – Burkina Faso, Nigeria, Uganda
- Other: Clitoris reparation services - Burkina Faso

Have these proved sufficient?

Benin reports that though caesarean sections are free, there is still a selection process that proves to be a barrier to access, and facilities to perform this procedure are not available at all health centres. **Burkina Faso** reports that the subsidized costs for treated mosquito nets are still too high for the majority of people who need them. **The Gambia** notes that there are still many hidden costs in health care for example women have to pay for a bed after delivery of a baby. In **Senegal** the free caesarean sections are not adequately publicized, and despite the free maternal healthcare, **Ghana** women's access to healthcare particularly obstetrics and gynaecology is limited and evidenced by the worsening maternal mortality rate.

Efforts to reduce the alarmingly high maternal mortality and morbidity rates have therefore been largely inadequate. **Niger** notes that despite all the efforts made, including a salary review in the health sector and the introduction of financial incentives to encourage qualified personnel to serve the most remote and disadvantaged populations, they still have one of the highest rates in the world. This is due to, among varying reasons, limited access to health facilities - For instance in **Uganda** 86% of the women encounter at least one serious problem in gaining access to health care, only 23% of mothers receive postpartum care within the critical first two days after a delivery while 74% do not receive any postpartum care – as well as inadequate training and supervision of health workers.

Other issues highlighted by NGOs in the area of women and health are:

a) Frequent stock outs of medications including antiretrovirals for the treatment of HIV

Benin and **Kenya** note that this is an emerging challenge, and in **Tanzania** there is an additional issue of counterfeit medicines. The Tanzania report states that there is an underlying lack of political will and technical capacity to manage fake medicines brought into the country as part of trade liberalization policies. Available sources indicate that up to 30% of medicines in the market in Tanzania are counterfeits. In **The Gambia** women are forced to buy their medication at private clinics or pharmacies when the prescribed drugs are not available in public health facilities, and this is more often than not the case. In **Kenya** in the month of October 2009 there was a ban on a particular type of condom which was found to be sub-standard. However, due to the cheap prices its distribution had spread widely throughout most of the urban and town centres in the country.

b) Prohibitive costs of healthcare

In **Burkina Faso** the costs of female condoms are deemed still too high for the majority of women to access. In **Kenya** the National Hospital Insurance Fund does not cover outpatient expenses, which would cover the majority of women's health needs. Also in Kenya there is an increasing incidence of detaining women in hospitals for their inability to pay. This occurs in both public and private healthcare facilities where women who have just delivered babies but cannot meet the costs endure severe mistreatment including being forced to sleep on the floor instead of the bed, being denied sufficient nutrition even though they are breastfeeding, and verbal and psychological abuse. The women hardly receive any medical attention for their babies or themselves, and this exposes them to other diseases that can be easily contracted in the hospitals. This situation is worse for women abandoned by the fathers of the babies.

c) Lack of a comprehensive approach to women's health

In **The Gambia** harmful traditional practices like FGM were not identified in the national Beijing +15 report as a risk to safe motherhood, reproductive and child health. Programmes addressing FGM in The Gambia are typically donor-supported and implemented by local NGOs through the Women's Bureau. In **Kenya** where cervical cancer ranks as the most frequent cancer among women, the vaccine is still not available in public health facilities and is too expensive in private facilities for the majority of women.

The issue of safe abortions and post-abortion care is also largely absent from governments' reproductive health care policies. For example in Kenya, although accurate statistics are hard to obtain since abortion is illegal, about 300,000 abortions are performed each year, causing an estimated 20,000 women and girls to be hospitalized with related health complications and about 2,600 deaths every year. It is estimated that more than 30 percent of Kenya's maternal mortality rate is due to unsafe abortions. Abortion is also illegal in **Tanzania**, however it accounts for about 16% of maternal morbidity and mortality. Finally, NGOs in **Nigeria**, Kenya and **Uganda** note that there is a lack of focused interventions addressing the intersection between violence against women and girls and the spread of HIV/ AIDS, and where the intersection is recognised and addressed the services are not routinely and widely available.

Some recommendations: It has been argued for a long time that integrating family planning/reproductive health (FP/RH) and HIV services, especially in high HIV prevalence settings like in South Africa, Namibia, Swaziland, and Zimbabwe, would go a long way in maximizing coverage and health outcomes for women in Africa and optimizing the wide use of scarce resources. Integrating services can take various forms and there are examples of where it has worked quite well in Ethiopia, Kenya, Lesotho and Uganda. FP can be integrated into HIV counselling and testing programs plus screening for any forms of violence; into prevention of parent – to – child transmission services; or into care and treatment programs. HIV testing, prevention and counselling can be added to existing FP, maternal-child, or primary health care services. Unnecessary deaths of children and mothers would reduce if FP services are readily available to HIV positive mothers and other sexually active women and men. This would reduce unwanted pregnancies and unintended births. HIV positive parents would also easily access information and services to prevent transmission to the unborn child.

d) Insufficient resources allocated to health-care

This has been noted in **Senegal; Kenya** - where the health budget is 9.4% of GDP; and in **Tanzania** - which fares better at 11.2% but which still does not meet the 15% commitment made by African Heads of States in the Abuja Declaration.

Other challenges in women and health noted by NGOs include:

- Persistence of cultural dynamics in the area of condom use
- Inadequate sexuality education targeted at adolescent girls and boys, and women and men between 18 – 25 years of age
- Lack of updated sex disaggregated health statistics
- Inadequate access to information regarding sexual and reproductive health and rights including quality family planning
- Women continue to lack effective control over their sexuality and reproductive health.

The other concern highlighted by the shadow reports is that the improvement in provisions of health services are dependent on donor funds or have used funds generated from the debt cancellation procedures, such as in **Uganda**. There is need for new innovations to ensure that people in Africa enjoy health incentives that accrue to every individual who undertakes regular check-ups for him/herself and family members. Children must be taken for immunisation and regular check-ups and benefits of doing so must be popularized. For this system to work information has to be readily available to all people in forms that are accessible. This will help to build a culture of responsibility for one's health and failure to comply must have clearly stated consequences. The complaint systems in health centres and hospitals must also be functional and have to operate in the interest of the clients, especially women whose socialisation makes it difficult for them to readily express themselves.

Some recommendations: For such a system to work, African countries have to have sufficient service centres coupled with public health education. Information has to be readily available to ensure that all persons, especially women who shoulder the responsibility of health care for the family, are aware of their rights and obligations. These efforts cannot be projectized—they have to be sustained for at least 20–30 years in order to effectively transform societal attitudes and behaviours. The issue of brain drain in the health sector must also be seriously addressed. It is immoral for any developed country to entice health providers to leave their home country after benefiting from free or subsidized education. African governments must have a system in place for supporting health care workers especially those working in remote areas. Each African government must have in place clear long-term goals that secure the health of its population, especially that of women who shoulder the responsibility of reproduction.

4) Violence against Women

New and sometimes groundbreaking legislation in the critical area of concern of violence against women has been enacted since the Beijing Declaration and PfA, largely as a result of dogged advocacy on the part of civil society at national, sub-regional and regional levels. For instance, there is now legislation banning FGM in Benin, Cote D'Ivoire, Burkina Faso, Ghana, Kenya, Niger, Nigeria, Senegal, Tanzania The Gambia and Togo. In Uganda the district where this practice is common has adopted a by-law. Additionally elimination of FGM is specifically provided for in the African Women's Rights Protocol, which came into force in 2005. New anti-human trafficking legislation has also been enacted in The Gambia, Togo and Tanzania. Nigeria, in addition to the legislation, has also established a National Agency for the Prohibition of Trafficking in Persons to deal with issues of human trafficking and child labour (Nigeria is one of the major sources of trafficked persons in the world, according to the UN Office on Drugs and Crime).

However, despite the enactment of laws to address the scourge of violence against women, several challenges remain:

In **Nigeria**, the anti-trafficking law is unknown to most citizens and law enforcement agents. Women and girls constitute the largest percentage of trafficked persons and are generally not protected as a result of societal apathy, collusion and general acceptance of the practices which facilitate human trafficking. And despite having State Laws that prohibit harmful traditional practices such as FGM and child marriages, and that protect the rights of widows and PLWHA, implementation is slow or absent, largely as a result of cultural gender biases. For instance since the enactment of these laws, there have been no cases of arrests or prosecutions of violators.

In **Kenya** FGM is only outlawed in the Children's Act, therefore leaving women over the age of 18 with no legal grounds to resist this harmful traditional practice. Additionally, the much celebrated Sexual Offences Act (2006) has not been sufficiently popularized or implemented, and enactment of the Family Protection or Domestic Violence Bill of 2007 has been delayed repeatedly.

In **Ghana** there is an absence of legislative instruments to guide holistic and comprehensive implementation of the Domestic Violence Act (2007) as well as a lack of appropriate policy framework to address issues at the intersection between VAW/Gs and HIV/AIDS. Further, estimates for many statistics on Violence against Women have not been updated since 1998. Both **The Gambia** and **Ghana** note that women with disabilities are not adequately or specifically catered for in the current legislature on violence against women.

In **The Gambia** in addition to having no specific law addressing FGM or domestic violence, the existing application of laws in the Qadi Courts¹¹ discriminate against women in addressing women's rights in marriage, divorce, child custody and inheritance. Most of the cases reported do not respond adequately to the specific circumstances of women's suffering from battering, rejection, and the right of custody of their children in cases of separation or divorce.

In **Morocco** the government has put in place penalties in the Penal Code for exploitation of women in prostitution and sex tourism. However these are insufficient measures and implementation is slow. Data collection in terms of incidences of violence against women remains limited, and the topic remains taboo in the country. In **Senegal** there is a failure to apply legal instruments which is the major cause of impunity of the perpetrators of violence. There is also an absence of prevention policies on VAW/Gs.

In **Uganda** lawmakers have proposed criminalization of intentional HIV transmission under the new HIV/AIDS draft Bill. The fight against FGM in Uganda is being resisted by several cultural groups in the district where it is practiced because it is perceived as an eradication of cultural norms of the people of that area.

Gender mainstreaming efforts in the form of Gender Desks in police stations in **Kenya**, **Tanzania** and **Nigeria**, have also been a popular strategy in the fight against VAW/Gs. Kenya notes that while this is an excellent initiative, the programme has not been very successful as there are not enough trained police officers to staff the desks and the initiative has been poorly publicized. The transfer policy within the police force (every officer is required to transfer every three years) also affects the consistency of operations of the Gender Desks. **Nigeria** adds that the Gender Desks are not visible in most of the Police stations and where they are in existence the Police Force is still not gender sensitive thus hindering the changes in culture and practices with the institution on ways of addressing violence cases. There have also been other mainstreaming efforts in countries like **Ghana** where a Special Court in charge of domestic violence was established in 2008 and in **Ghana** and **Nigeria** where special units for support to victims of domestic violence have been set up. Their presence allows for regular collection of statistics on cases of VAW/Gs that are reported, prosecuted and disposed of in a given period.

A key shortcoming in the strategies against VAW noted in several shadow reports is the shortage of shelters for survivors of violence. This service is mainly provided by CSOs. **Nigeria** reports that

¹¹ Islamic Courts which have been incorporated in the legal system of The Gambia, the Qadi Courts apply Shariah as the basis of the hearings and judgment.

there is a lack of information on the availability of the shelters. Additionally the shelters do not give adequate protection to survivors because they are ill equipped with unskilled personnel who are unable to deal with the trauma experienced by the survivors. In **Kenya** statistics have shown that the many stakeholders working against gender violence in the country are not well coordinated to provide the required comprehensive support. Many concentrate on advocacy and legal assistance while few provide required assistance in the form of safe homes and counselling services for survivors of gender violence,.

NGOs reported a wide range of initiatives by civil society implemented in the period under review, to support efforts to prioritize and eradicate violence against women as a human rights and development imperative. These include:

- Exposing cases of impunity for example the CSO *Ne touché pas à mon enfant* (Do not touch my child) has played a major role in this area, particularly concerning violence against girls (**Morocco**)
- Setting up women's support and assistance centres including legal information centres/law clinics, legal and administrative aid centres, and more.
- Involving men through Men for Gender Equality Now which is a pioneer men's network that was established in 2003 by the African Women's Development and Communication Network (FEMNET) to champion elimination of gender stereotypes and espousing positive masculinity. (**Kenya**) This programme has now been scaled up to cover six other countries in the region.

The general acceptance of VAW/Gs in many communities in Africa is one factor that makes it difficult to eliminate this vice. The legal processes are also quite costly and cumbersome in some countries that many people opt out of prosecution. It is only high profile cases where cases are prosecuted and judgement delivered in a reasonable period. The case in point is the popularly known Java case in Kenya which was monitored by women's rights organisations for 8 months until judgement was delivered in 2009. There was intimidation of the girls abused and their mothers and offers of huge sums of money for the withdrawal of the case and continuous delays intended to frustrate the complainants. However, the support of women's rights groups and free representation made it possible for the survivors to persevere until judgement was delivered.

5) Women and Armed Conflict

Conflicts in Africa are still a challenge and a major cause of human rights violations for women and girls. Those that are long-standing include the conflicts in the Democratic Republic of Congo (DRC) and Sudan, particularly in the Darfur Region, and Somalia. There are also those that erupted in 2008 including Madagascar, Kenya, Mauritania and Guinea Conakry, the latter escalating into a serious catastrophe in September 2009 when peaceful female protestors were raped, assaulted and killed.

Wars and other forms of armed conflict in Africa have been fought on women and girls' bodies and souls, on community livelihoods and identities, and on relationships within the body politic that have far-reaching consequences for the society. This comes at a time when few countries in Africa have implemented the UN Security Council Resolution 1325 (which will mark its 10th Anniversary in 2010), as perceived in UN gender mainstreaming guidelines. To date, only sixteen countries

worldwide have produced National Action Plans to implement the resolution, and only 3 of those - Cote D'Ivoire, Liberia and Uganda - are in Africa.¹² Women's right to peace and the protection of women in armed conflicts are also provided for in the African Women's Rights Protocol which 26 states have not ratified to-date.

In **Kenya** there are Law reforms underway as part of the reform process after the post-election violence in 2008. This includes formation of a Truth Justice and Reconciliation Commission where women can be heard and hopefully attain justice for violence meted against them during the post election crisis, as well as during the politically instigated violence of 1991 and 1997. The Commission will also look into all the historical injustices against women spanning from independence until today. However NGOs note an absence of a comprehensive national legislation on women and conflict, as Kenyan laws and policies do not currently deal with violence in the context of conflict, including violence perpetrated by those in authority.

In **Uganda** the Peace, Development and Recovery Plan for Northern Uganda sets out strategic objectives which unfortunately do not address the unique needs of women in armed conflict as such, yet majority of the victims of war are women and children who experience unique sexual and emotional brutality. The National Internally Displaced Persons Policy of 2004 provides special protection to expectant mothers, female headed households, health needs of women and special care for victims of sexual abuse. However there remains a failure by government to implement punitive measures against military officials and security officers who perpetrate gender based violence. There is inadequate redress and safety for refugees and returnees whose rights have been violated.

In **The Gambia**, progress has been noted in the increased enlisting of women in the armed forces which augurs well for women in conflict, as it will hopefully raise the capacity of the army to handle gender issues. Additionally, Gambian women in the security forces have served on peacekeeping missions. However Gambian NGOs emphasize the need for a policy or law on refugees to provide regulation and coordination, services and resources, as well as protection and awareness creation for refugees and the institutions that will handle refugee issues.

Senegal has set up decentralized observatories throughout the regions to host victims of violence and refugees, and has also established an emergency alert system. Senegal NGOs are involved in providing psychological support to victims of conflict and advocacy for the adoption of the ECOWAS Convention on the circulation and sale of light weapons.

Currently the reports reviewed indicate that there is no comprehensive database that can be used to adequately reflect the true picture of gender-based violence during armed conflict, and this has hindered policy formulation and legislation on the same. Also because of this lack of a comprehensive database, the severity of armed conflict on women may not be fully appreciated and hence not taken seriously by policy makers. Furthermore, pressure from parties to the conflict, the government, the family or community serves to intimidate women into silence. Continuing violence or conflict often prevents women from reporting and in many regions reprisal, shame and social stigma are attached to certain types of violence against women, particularly rape. Fear of the consequences of reporting sexual violence, such as facing rejection, alienation, divorce, being declared unfit for marriage, and severe economic and social repercussions all discourage women from reporting the violence suffered.

12 INSTRAW, Implementation of UN Security Council Resolution 1325

6) Women in Power and Decision-making

Since the 1995 Conference in Beijing, women in Africa have made significant gains in terms of representation at all levels of decision-making. All prominent women leaders in political leadership are highlighted in the ECA Regional Report on Beijing +15 and these include the President of Liberia HE Ellen Johnson- Sirleaf elected in 2005, former Deputy President of South Africa, Ms. Phumzile Mlambo-Ngcuka, the Vice President of The Gambia, Dr. Isatou Njie-Saidy, and the Prime Minister of Mozambique, Ms. Luisa Diogo. Women have also served as acting presidents in both Burundi and Guinea-Bissau.

Despite being the world's poorest region, women's representation in sub-Saharan countries' legislatures is higher than that of many wealthier countries, and it continues to rise. Perhaps most impressively, women now constitute over 55% percent of Rwanda's parliament, the highest percentage of women in any parliament worldwide. Overall, the percentage of women legislators in sub-Saharan Africa is about 17 percent and has risen steadily over the last decade. Thousands more women elected at local levels are now gaining the skills necessary to move up into national leadership positions. These positive developments have set the stage for a dramatic increase in the number of women in politics. In addition there has been a new trend in the last five years of women being appointed to key ministries like Agriculture, Finance and Foreign Affairs. The case in point is **Uganda** which has female ministers of Finance and Agriculture. **Kenya** had a female Minister of Justice for about six years until early this year when she stepped down for political reasons. In **Ghana** women leaders have held the portfolio of Attorney General, Chief Justice, Trade Minister and Speaker of Parliament. In Cote d'Ivoire a woman politician was the Education minister for over 10 years.

Several countries have also made efforts to increase the number of women in the public service particularly those holding decision making positions. The private sector has many prominent female entrepreneurs and those heading critical private sector regulatory bodies like the Kenya Capital Markets. In Uganda the Human Rights Commission has three female commissioners out of seven. The civil society sector has been a major training ground for many women leaders who have now joined politics. The first female members of the East African Legislative Body from Uganda were all previously prominent leaders in civil society.

The broadening political opportunities for women notwithstanding, African women must continue to overcome existing and new challenges to strengthen their power and position in leadership and decision making. While their presence alone does not guarantee change for women, it has made it possible for more women to demonstrate sound political leadership, an awareness of women's needs and the importance of gender equality, all of which open doors for the next generation of women leaders.

Some country-specific initiatives and challenges:

Though **The Gambia** currently has several high-profile women in Cabinet including the Vice President, at the legislative level there are only four women, representing less than 10% of the Legislature¹³. While efforts are being made to encourage women's participation in decision making and politics, there appears to be a lukewarm attitude on the part of the State to facilitate this process;

¹³ Two of the assembly members are elected, while the other two, including the Speaker of the National Assembly, are nominated by the President of the Republic.

for instance the State can take stronger measures to legislate to allocate a third of elected seats to women, as well as ensure that political parties nominate women for a fair share of their candidates. Gambian NGOs also highlight the need to increase women's representation as village heads (*Alkalo*) and to have women as Chiefs (*Seyfolu*). Most of the activities undertaken in the period under review to promote women's participation in decision-making were spearheaded by NGOs.

Ghana has established a local governance fund for women, to support women standing for elective positions. NGOs acknowledge some commitment to Affirmative Action in appointment of women to decision-making positions, and an appreciable increase in women's representation in the District Assemblies. However women's representation in Parliament is still below 10%, affirmative action is not a policy at the national level nor in political parties, and commitment to it is limited. There is a need to enact Legislation for a 30% quota of women ahead of the 2012 elections if this situation is to change. In addition NGOs recommend that political parties must be compelled to field women as parliamentary candidates. Further, adequate allocation of resources to the Women's Fund, government-led public education to encourage women's participation in leadership and support for women who offer themselves for appointments / elections should be undertaken with urgency. As in The Gambia, NGOs are at the forefront of efforts to increase participation of women in decision-making, including holding capacity building workshops for female aspirants and female parliamentarians, and training programs for women to effectively engage in local government programs.

Kenya also has less than 10% representation of women in Parliament. Though this is the largest number of women in Parliament since Independence, it amounts to only a slight improvement since 2002 when women comprised 8.1% of parliamentarians, and it indicates the great distance yet to be covered to get Kenya to gender parity in parliament as set out by the African Union. Women are also grossly underrepresented in senior decision-making positions within the civil service. For instance, the Kenya shadow report notes that in the top most levels of the civil service, male representation stands at 84 per cent, against 16 per cent female representation. At the lower cadres of the civil service, female representation stands at 74 per cent, with 26 per cent male representation. NGOs also note that the lack of internal democracy in Kenya's political parties and ethnicity-based party politics have worked to reduce opportunities for women to get to leadership, and relegated women to peripheral roles in the women and youth leagues of the political parties. There is also a noticeable failure to nurture younger women who can keep the women's agenda afloat.

Some appreciable progress was noted in **Niger**, where the Constitutional Court, which is the country's highest court, has been headed by a woman since 2008. Also for the first time in Niger's history, a woman became president of a political party in 2006.

In **Nigeria** the Federal Government set up women Political Empowerment Projects in the 6 Zones of the Country under the coordination of NGOs. These zonal offices have assisted in the increase of women in elective positions, however the zonal offices are not well resourced and the State Governments are not very supportive of the project. The gender bias against women in politics and the failure to adopt the affirmative action policy through legislation has impacted negatively on the project. Moreover NGOs note an inability by older female politicians to understand the political power dynamics and exploit them for their benefit, as well as a failure to organize themselves politically, as key challenges. As in Kenya, lack of internal democracy within political parties was specified as a critical barrier to women's effective participation in Nigeria. NGOs have supported women legislators with information and research on issues affecting women to encourage the passage of women friendly bills. NGOs have also carried out political sensitization campaigns

before elections to encourage the electorate to vote wisely, organised seminars for women seeking political offices, and engaged party leaders in dialogue on why they should support women who seek elective offices.

Concerted efforts in the arena of women in power and decision-making have been made by NGOs in **Tanzania**. For instance in the 2005 elections NGOs developed a Voters Election Manifesto to present the concerns and demands of voters who advocate for gender equity and justice. Results of these efforts include more women contesting (e.g. in 2005 women contested for both the Presidential and Vice President positions), more special seats for women (30% in parliament), and more women elected and/ or appointed to the critical positions of Deputy Speaker, Ministers and Deputy Ministers, High Courts Judges, Under- Secretaries of State, and Regional Commissioners.

Uganda has achieved 30% representation of women in Parliament and at local government levels, awareness on affirmative action is high, and women's presence on parliamentary committees has influenced gender responsive approaches in legislation. In the 8th Parliament, five women members of parliament head parliamentary committees while nine are deputies. While numbers have grown, women's presence in areas of critical influence is limited thus curbing their ability and power to influence political change and decision making. Once more, women's participation is marred by divided party politics which has an adverse effect on the concerted efforts forged by the women of Uganda over the years and the gains so far made. In **Togo** positive steps by government include reduction of barriers including reduction of registration fees for women candidates in the 2007 legislative elections, as well as providing stipends for political parties which had women candidates in the election.

In **Egypt** unfortunately religious fundamentalism is increasing the pressure on Egyptian women to renounce their public roles and confine themselves to their domestic and reproductive roles. Egypt is one of the countries that have not ratified the African Women's Rights Protocol. Women's NGOs therefore call upon their government to urgently ratify and embark on the process of implementation. The situation is not very different in other North African Countries like Libya, Algeria and Morocco. Though women have been supported to attain higher levels of education and improve their health and social status compared to their sisters in sub- Saharan Africa, their presence in leadership and decision making positions is still very minimal.

African Women's NGOs also noted the bold step taken by the AU to adopt the Africa Charter on Democracy, Election and Governance. At the time of compiling this report only 2 countries had ratified the Democracy Charter, two years after its adoption. Ratifying the Democracy Charter is one way governments in Africa could demonstrate their commitment to achieve the gender parity target in leadership and decision making set by the AU, by SADC countries in their Gender Protocol and the commitments made in Beijing. *African women recommend* that by the end of the first three years of the African Women's Decade, the Democracy Charter should be in force.

7) Institutional Mechanisms for the Advancement of Women

Institutional mechanisms for the advancement of women were identified within the BPfA as one of the key factors in ensuring that gender equality is anchored within the policies and structures of national governments. Review reports indicate that various countries have created a Ministry of Gender as well as gender desks/ gender officers in various ministries and state agencies such as police stations. In terms of practice, however, these structures do not have strong political support and are not located at the highest level within the different institutions, thus limiting their capacity

to influence decisions and practices. They also tend not to have the necessary technical capabilities and adequate resources. Nevertheless in terms of progress, almost all countries reporting indicated that a national policy on gender is now in place and others have gone ahead to develop an Action Plan to facilitate its implementation.

Some country-specific initiatives and challenges:

In **Uganda**, the report notes that the country has shown commendable progress in enacting and reviewing the legal and policy frameworks for gender equality. There is considerable progress in gender budgeting at the ministerial level and all ministries are mandated to incorporate gender and equity issues in mainstreaming the gender policy. In 2008 Uganda undertook an assessment of the implementation of its National Action Plan for the Gender Policy and a revised Plan was adopted to accelerate the process. It was strongly recommended that a multi-sectoral approach be adopted so that all government sectors and departments make their contributions to the implementation of the Policy. However, funding for gender equality programs remains low and most people lack adequate skills and training in respect to gender analysis and gender budgeting.

Benin and **Cote D'Ivoire** both have National Gender policies in place, with efforts to mainstream gender in all policies, development plans and programmes. However Cote D'Ivoire notes there have been mixed results in implementing the policy objectives, and the mainstreaming efforts lack a monitoring and evaluation mechanism.

The gender ministry in **Ghana**, as in all countries reporting, is not well resourced to execute its mandate, and the National Gender Policy has not been well publicized either. Furthermore there is a need to adopt a multi-sectoral approach and engender other institutions of the state including the courts of law, the Department of Social Welfare and the Police through sustained training, information sharing and capacity building, and adequate resource allocation. **Niger** also notes poor coordination and intervention capacities of the Ministry in charge of women's affairs. Its human resources are weak in terms of gender mainstreaming whereas its budget, in spite of the increases it has recorded in the last few years, represents less than 1% of the national budget.

Kenya, **Niger** and **Nigeria** adopted Gender Policies in 2009, 2008 and 2007 respectively. However in Kenya there is continued under-resourcing of not only the machineries, but also for effective policy implementation. There is also need for a more multi-sectoral approach to accelerate the gender equality and women's rights and empowerment agenda. In Nigeria despite adopting a Strategic Implementation Framework and Plan of Action for the Gender Policy, the absence of gender budgeting for the implementation of the gender policy across the board at all levels remains a challenge, resulting in the policy not being fully integrated and implemented at State and Local levels.

In 2006 **Togo** adopted a National Strategy for mainstreaming gender into all policies and its development programmes. A National Gender Policy has since been developed, but it has not yet been adopted by the government or the National Assembly. This acts as a barrier to optimum functioning of the gender machinery. Additionally the report cites a lack of coordination of development aid to the gender machinery as another challenge. Togo, as well as most countries reporting, also indicated there remained insufficient updating of gender disaggregated statistics on the status of women and men in all spheres of life.

Ghana and **The Gambia** both emphasize that in light of underperforming and under-delivering national gender machinery, cohesive women's civil society and women's movements are necessary to bridge some of the gap. Ghana highlights a best practice whereby women's organisations working together in coalitions yield greater results in terms of advocacy. The Gambia however notes that sustained funding has posed challenges for women's rights organisations to effectively implement activities related to their mandates, particularly in the face of the emerging challenges such as the global financial crisis, food insecurity, climate change, and intolerance to freedom of expression and abuse of other human rights.

One general comment that was made in all the Shadow Reports is that so much time has been taken by governments to develop all kinds of policies, frameworks and action plans on gender, persons with disabilities, vulnerable and orphaned children, the elderly, migrants, refugees and IDPs, workers, and some have gone as far as designing plans for strengthening social security arrangements. The good news is that gender is integrated in most of these documents. The greatest challenge is moving from planning to action. The gender and women machineries have weak monitoring systems and lack the clout within the government structures to really push for implementation by the different actors identified as the lead agencies. The biggest excuse is limited or lack of resources. However, African Women NGOs argue that it is lack of political will to deliver on this agenda in concrete terms which is the main obstacle. In countries like Rwanda where political will and decisions have been evident right from the top leadership level, progress has been faster. *Women NGOs recommend* that gender machineries should be headed by a cabinet minister with demonstrated capacity to lead such a ministry and experience in undertaking gender mainstreaming work.

Secondly *they recommend* that the gender machineries should work closely with the ministry of finance to develop gender – responsive indicators (qualitative and quantitative) so as to make it easier for the finance teams to appreciate the qualitative changes that are so critical to the success of gender equality and women's empowerment programs.

8) Human Rights of Women

The region has seen significant progress in adoption of sub-regional, regional and international instruments that promote and protect the human rights of women. Most notably all States with the exception of Sudan and Somalia have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and twenty-seven (27) countries have ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, which also set a regional record for the speed at which it came into force in 2005.

On the other hand, 26 countries have not yet ratified the Protocol, despite the fact that member states committed themselves in 2004 in the Solemn Declaration on Gender Equality in Africa (SDGEA) to achieve universal ratification of the Protocol within one year.

The members of the Solidarity for African Women's Rights Coalition (SOAWR)¹⁴ in collaboration with UNIFEM and the AU Women, Gender and Development Directorate, organized a meeting in Kigali, Rwanda in July 2009 which brought together representatives from 14 countries that

¹⁴ SOAWR Coalition brings together 36 international, regional and national organisations working on advancing women's human rights in Africa

are parties to the Africa Women's Rights Protocol, to analyze the challenges that countries face which have led to the slow process of domestication and implementation. At this meeting, the first of its kind since the adoption of the African Women's Rights Protocol, participants drawn from governments, intergovernmental agencies and women's rights organizations agreed that the best way to deliver on their obligations under the Protocol, is to harmonize actions and approaches, ensure the involvement of all sectors and increase coordination among the different actors. This approach was envisaged in the BPfA but is still lacking in most African countries.

The fact that **Niger** is party to sub-regional conventions has opened new doors for justice for women whose rights have been violated. For instance they are party to the Court of Justice that was established by the revised Treaty of ECOWAS, and which has jurisdiction to judge human rights violation cases. In 2008, in the case of Hadijatou Mani, who was the victim of slavery as a child, the court ruled that the Republic of Niger failed to protect Ms. Mani's rights and was thus liable for the inaction by the administrative and legal authorities. Niger was sentenced to pay the plaintiff the sum of 10 million francs CFA as reparations. This jurisdictional mechanism has through this case become familiar and thus available to the people of Niger.

At the national level, several African countries have embarked on constitutional, legal and policy reforms during the 2004-2009 period, including drafting of new constitutions and gender responsive legislation to address human rights guarantees and critical issues like violence against women and women's right to property. For instance in 2007 **Morocco** reformed the nationality law to recognise a woman's right to confer nationality to her children, no matter where the birth occurs, and with retroactive effect. In **Nigeria** the Federal High Court in Port Harcourt held that it was discriminatory and unconstitutional for the immigration officer to insist on written consent of a husband before an international passport could be issued for his wife, when no similar condition is applicable to men.

Most countries are however experiencing a very slow process of domestication and implementation of the provisions of CEDAW and the African Women's Rights Protocol, to the detriment of the many women experiencing human rights violations on a daily basis.

In **The Gambia** efforts to domesticate regional and international conventions run the risk of diluting specific provisions. This has been a concern since the experience of enacting the Children's Act of 2005 in which protecting girls from female genital mutilation is couched under section 19 as follows:

"No child shall be subjected to any social and cultural practices that affect the welfare, dignity, normal growth of the child and in particular those customs and practices that are prejudicial to health and life of the child and discriminatory to the child on grounds of sex or other status."

However there is no specific provision within the Children's Act to address FGM. Additionally, while the constitution has provisions that ensure gender equality, there is a gender gap with regards to Personal Status Law of Women. The Qadi Courts are not empowered to address the human rights of women with regards to Personal Status Law and most of the District Local Authorities are not equipped with the relevant frameworks or knowledge to respond to gender specific issues arising from the law.

In **Kenya** the Constitution and the Kenya Citizenship Act continue to discriminate against children born to Kenyan mothers abroad, who have to apply for citizenship and are given entry permits for a limited duration upon entry into Kenya, while similar treatment is not accorded to children of

Kenyan fathers born to non-Kenyan mothers. Additionally, women who are single must still obtain their father's consent to obtain passports and the national identity card and those who are married must obtain their husband's consent. Customary laws are still prevalent in most communities and are based on patriarchal traditions where men own, inherit, control and manage property. In most communities women do not inherit from their parents due to cultural norms. Though this is slowly changing among the more educated and middle class families, the situation is terrible for the majority rural women who are oftentimes chased away after the death of a husband. The high levels of poverty in the rural areas are also contributing to such situations of violence against women and are worse still where the man is suspected to have died of HIV/AIDS.

In Kenya women with sons traditionally hold the property in trust but cannot own it in their own right while unmarried women are entitled to a share although less than that of their male siblings. In marriage, women only have access to user rights of property like land but majority do not enjoy ownership rights. The Matrimonial Property, Marriage, Family Protection and Equality Bills which have been in the offing for the last several years would go a long way to address most of these inequalities and violations of women's rights in Kenya.

Niger cites cultural and religious fundamentalism as barriers to implementation of human rights principles. In any decision that recognises a certain number of rights to women, the decision makers find themselves obliged to take into account socio-cultural aspects. The provisions of CEDAW and the African Women's Rights Protocol are still not popularized despite numerous sensitization campaigns conducted by civil society organizations. There remains a grave issue pertaining to knowledge and understanding of CEDAW and of the African Women's Rights Protocol, and that deficit in knowledge is at the root of the hostility by some Islamic religious groups and some women's associations who subscribe to the Islamic fundamentalist thought towards the two legal instruments. Furthermore the debates around CEDAW and the Africa Women's Rights Protocol are primarily conducted at the national level while neglecting the local and community levels.

In **Uganda** the current review and enactment of family laws has laid a major platform for the reform and consolidation of laws relating to marriage, divorce, property rights and separation. The reforms are currently embodied in two bills which if passed would provide unique protection and redress to women and girl children and also advance the equality principle which is laid down in the Universal Declaration on Human Rights. Of significance is the fact that these bills seek to outlaw the old and rigid widow inheritance law, and further advance equal property rights amongst spouses and cohabiting couples. However, the family law reform process has been on-going for the last 10 years since the draft revised Domestic Relations Bill was first presented to cabinet based on the human rights framework articulated in the Constitution of Uganda promulgated in 1995. Although certain controversies still exist in regard to particular clauses, the bills are generally perceived as a mile stone in the women's struggle for equality.

The Property Rights of Spouses Bill in **Ghana** is also still pending.

In **Tanzania** even though more efforts are needed in this area, achievements have been recorded in the form of adoption of relevant regional human rights instruments such as the African Women's Rights Protocol, and enactment of the Anti-human Trafficking Act (2008), the Employment and Labour Relations Act (2006) and the HIV/AIDS Act (2007). Other achievements include greater reporting on incidents and cases of violation of women's rights to the media and administrative and legal institutions.

The passing of the law on trafficking of women in 2005 in **Senegal** has contributed to the protection of women and girls and this has been anchored with the domestication of the CEDAW in the Constitution, and thereafter the ratification of the Africa Women's Rights Protocol. In **Burkina Faso**, some legal steps have been taken to repeal more blatant forms of discrimination in the law, including sexual harassment within the Labour Code. **Nigeria's** report underscores the failure to domesticate CEDAW as well as failure to enact a law against VAW as the major challenges to promoting and protecting women's human rights in the country.

In **Ghana** NGOs assert that the challenge to implementation of human rights standards is weak political will to protect and promote women's human rights. Access to justice is also constrained by delays in the system and insufficient sensitisation of judges and magistrates on human rights approaches and gender sensitivity. Women's rights organizations are involved in intensified advocacy efforts at the national, sub-regional and regional levels, to compel States to implement their commitments on women's human rights. Women's NGOs are also involved in popularization, mobilization and sensitization campaigns around human rights issues at the national and local levels.

In **Cote D'Ivoire** civil society has engaged in advocacy activities, even though the military and political crisis in the country have been a hindrance to strong mobilisation because of the massive displacement of women and children. In **Ghana** NGOs have made concerted efforts to include human rights in training for duty bearers. NGOs in Ghana as well as in **Senegal** and **Niger** have additionally simplified and translated some of the international instruments. Women's rights NGOs in Niger have developed a gender training manual with a list of selling points on *Gender and Islam*, a list of arguments on the lifting of reservations to the African Women's Rights Protocol, as well as a gender concept glossary in Arabic and several local languages.

In **Niger** both state and non-state actors have implemented strategies to advocate for the removal of reservations and the ratification of the African Women's Rights Protocol. However, NGOs point out that the strategies developed so far by both stakeholders are not streamlined in content as well as implementation modalities. Civil society organisations have established a coalition for the removal of reservations, but without inclusive guidelines for actions by different stakeholders working in this area, thus the need for more coordination of efforts.

In **The Gambia** NGOs working on women's rights issues are engaged in rights education to raise the awareness and consciousness of people. This awareness has resulted in women reporting domestic violence such as wife battering, abuse and abandonment by spouses, to relevant women's rights organisations that assist them to seek justice.

In addition NGOs in **Uganda** have used human rights clubs in schools to increase awareness and education on human rights and responsibilities. They have promoted the use of simulation exercises to create awareness and consciousness about the key fundamental principles of human rights and how they promote democracy, equal participation and tolerance. Through these clubs children acquire life skills for negotiating their right to participation and freedom of expression using non-violent means.

Generally women NGOs and their partners' programs over the years have contributed significantly to influencing change in attitudes and perceptions of what gender equality and women's empowerment are all about. However, they also noted in their reports that to achieve greater impact these efforts require more coordination and stronger linkages with the mainstream education and literacy programs implemented by various government agencies.

Finally it was noted that in some countries human rights education programs have brought women organizations in conflict with the state. As citizens become enlightened about their rights they are more demanding and assertive. It is therefore important to identify key allies within the state systems and to strengthen the human rights legal regime at the national level. **Ethiopia** is one of the countries that passed a law which intends to limit the operations of human rights organizations. Countries like **Uganda** have in some instances used force to suppress the legitimate voices of the people. In fragile states like **Guinea Conakry** and **DRC** women's and children's rights are constantly violated with no recourse for the survivors to seek justice. The situation that prevailed in **Zimbabwe** and **Kenya** after their disputed presidential elections in 2008 and 2007 respectively, left thousands of innocent women, children and men dead, raped, maimed, displaced, and many are destitute as they lost all their belongings including land and homes. Women and girls were systematically raped and/or subjected to other forms of sexual abuse and inhuman treatment. This trend is a great cause for concern as nothing substantial has been done so far by the leaders of these countries to bring the perpetrators to account and be punished. The survivors have oftentimes not been provided with the necessary treatment, support, counselling and reparation. The state has the responsibility to protect its citizens against all forms of violence.

Women NGOs therefore recommend that if such impunity cannot be addressed at the national level then the office of the AU Special Rapporteur on the Rights of Women in Africa must be strengthened. The AU through its various mechanisms has to put more pressure on African leaders and specific countries that are abusing the rights of their citizens, in order to bring the perpetrators to account. Otherwise, AU organs like the Africa Court of Justice must be strengthened to handle some of these cases.

9) Women and the Media

The past decade has witnessed drastic changes in global communications as a result of the increased use of Information and Communication Technologies (ICTs), which have the potential to greatly democratize national and international spaces.

The new ICTs have changed the traditional modes of communication, for instance, the old concept of gate keeping where information was controlled by a few in certain quarters has changed fundamentally. The new ICTs have availed opportunities for interactivity and hence enhanced audience participation of determining media content.¹⁵ The proliferation of technologies has further revolutionised the way information is passed and received, and the prices are dropping with every technological innovation which has been particularly beneficial to African consumers of ICTs.

However, there are still far too few women in media management in Africa, meaning that women generally have little or no control over content creation and dissemination of public information. **The Gambia** points out that no women's organisation or female entrepreneur owns a newspaper or a radio station, and there are no female managers of private radio stations. In the private sector the high license fees serve as an additional deterrent for women aspiring to publish a newspaper or operate a radio station. **Ghana** also reports that ownership of media is still male-dominated. However, in **Cameroon** a women's organisation is managing a Radio FM station Mbalmayo. It mainly broadcasts information and hosts programs that are highlighting issues of equality, women in development and women's empowerment. It has been on air since 1998 and has managed to

15 Rosemary Okello-Orlale- Looking back and ahead: The media and the struggle for gender equality after the Nairobi's UN women's Conference—Agenda- Empowering women for gender equality No 69-2006

renew its licence for the last 11 years. Women have used the radio station to mobilise women in Cameroon to participate in elections; educate women about their rights generally and more specifically in relation to their rights to property as relates to their marital status; create awareness about their right to bodily integrity, personal safety and security and what constitutes VAW/Gs. The radio station has also campaigned for the birth registration system to be revamped in Cameroon.

Significant improvements have also been noted in the way women rights issues are portrayed by the media in the region. The increase in acceptance of women's active participation in public affairs is one such indicator highlighted in the shadow reports.

Countries in Southern and Eastern Africa have established strong media women's associations which have been in the fore-front of re-defining the work of the media to enhance gender awareness and gender equality for development. These are associations such as Tanzania Media Women's Association, Association of Media Women in Kenya, African Woman and Child Features Service, Uganda Media Women Association, Gender Links in South Africa and Media Initiative of Southern Africa, who have over the years worked with governments, women leaders and NGOs to empower women as leaders using the media, in addition to developing training manuals and training journalists and editors on how to mainstream gender in media content. Media monitoring has also served as a mirror where various NGOs can hold the media accountable for their portrayal of women.

One significant issue emerging from the NGO reports is the issue of freedom of expression. In **The Gambia** the Constitution guarantees freedom of speech and of the media. However, the right to access and disseminate information is affected by several factors including fear amongst journalists in particular, owing to limited freedom in the media. The recent conviction of Sarata Jabbie-Dibba, Vice President of The Gambia Press Union and a female columnist at the Point Newspaper, for sedition, poses a major concern to practising and aspiring female journalists in particular because her imprisonment also affected her breastfeeding baby¹⁶. For the case of **Uganda** things have changed slightly as the current government seems to be less tolerant to dissenting voices and as a result several media houses have been clamped down, vocal journalists apprehended and harsh political statements made to threaten all persons, groups and individuals that are not supportive of government views.

Ghana reports of improved freedom of the press. The number of female journalists entering media organizations at professional level has increased, and there are more female students graduating from journalism and mass communication courses. The number of women in the various newsrooms of both private and public media is however not commensurate with the number of female students entering journalism training institutions. Women are also editors of some state-owned newspapers, special correspondents as well as news anchors.

In **Burkina Faso**, a woman has been appointed as the head of the High Council for Communication; however NGOs remarked that while this is an encouraging step forward, it is still an insufficient measure to bridge the gender gaps in the communications sector.

Kenya reports that several media based NGOs have worked with women aspirants to parliamentary and civic bodies to improve their use of the media and highlight their leadership qualities. They also noted that sexual harassment tends to be rampant in the larger media houses, although evidence is currently anecdotal and requires empirical study.

16 Ms. Jabbie-Dibba and five other prominent journalists were convicted in August 2009 for publication of a statement from the GPU in response to statements by President Jammeh about the slain The Gambian journalist Deyda Hydera. After serving about a month in prison, the journalists were released on a presidential pardon.

Some recommendations: With the information overload that most people are experiencing it is quite challenging for the key actors in the media to ensure that the media continues to be a positive tool for promoting gender equality and women's empowerment. Therefore, women NGOs noted that there is need for a lot of creativity to ensure that the information dissemination from the media actually gets to the intended audience. Key actors in media houses have to pay attention to the needs of different audiences. Women's machineries, media councils, human rights and equal opportunities commissions (where they exist), the information ministries and the education sector all have a critical role to play to ensure that public and private media uphold the rights to equal access to employment opportunities at all levels of the media industry and to quality training. They have to put in place monitoring mechanisms to ensure that the work place conditions and terms of service promote a work/family balance for both male and female employees.

The high levels of illiteracy among women especially in rural areas where the majority of Africans live, has to be systematically addressed. Information on various relevant issues that support women's empowerment and public awareness about human rights and citizenship responsibilities should be made available through rural extension services so that it reaches all persons, including these marginalized women. The use of mobile phones for public education should also be put to effective use. Women's NGOs also call upon African leaders and countries to adopt or review their Freedom of Information laws and policies to ensure that all citizens including all categories of women and girls have access to information that is essential for them to realize their full potential in all spheres of life.

10) Women and the Environment

In many countries in Africa, there has been increased degradation and pollution of the environment, and this is an area of grave concern to women. Environmental degradation and pollution have led to lack of clean water and food insecurity, which pose serious health risks for communities. Since the Beijing conference, there has been an increase in the formation of governmental and non-governmental structures that focus on the role of women in relation to the environment and natural resource management. This has led to an increased awareness of the necessity to involve women in decision-making and secure their participation in programmes to manage and conserve natural resources. Examples of actions taken include the increased participation of women in the development of alternative sources of energy, energy saving devices for home use and capacity building of women on the use of natural resources such as water and fuel wood in a sustainable manner.

Even though women have a vital role to play in environmental management and development, most shadow and national reports for the Beijing +15 Review provided very little information, if any at all, under this Critical area of concern. Yet it has been widely acknowledged that women's full participation is essential to achieve sustainable development.

Some country-specific initiatives and challenges:

In **Ghana**, the government has established a Gender Unit within the Environmental Protection Agency (EPA), the government institution responsible for monitoring, regulating, implementing, coordinating, advising and setting standards. Unfortunately the EPA is understaffed, and lacks the political support to carry out the tasks delegated to it. The Ghana report also asserts that there is weak collaboration among stakeholders involved in environmental protection and management both within government, the private sector and civil society.

The Gambia notes that women are a pool of resources usually drawn from to participate in tree planting and city and township cleaning exercises. Women have also contributed in attaining project objectives which however do not necessarily empower women to take charge and control of environmental resources and management processes. Women have not been the major beneficiaries of the environment either for commercial purposes or for livelihood needs, yet in situations of flooding, bushfires, drought and rainstorms, it is women and children who bear the brunt of these calamities.

In **Kenya** the issue of corruption in the management of natural resources is highlighted as a barrier to the integration of gender concerns and perspectives in policies and programmes for sustainable environmental development. NGOs have been involved in raising awareness on the linkages between governance and sustainable management of resources. They have advocated for the resolution of issues such as illegal land appropriation including essential wetlands, land clashes and evictions.

In **Benin** a strategic plan for the fight for and conservation of biodiversity with an emphasis on women has been created, but has not been popularised or implemented. **Burkina Faso** points to the existence of the National Environment Policy however stresses that what is needed is well targeted actions to address the needs of different populations particularly in rural areas.

In **Uganda** the government established the National Environment Management Authority and policy reforms and laws have been done over the last 10 years. The concerns highlighted above – limited participation of women in decision making, lack of appropriate and effective coordination among different agencies involved in environment management and political interference were named as some of the challenges in the NGO Report.

Many African cities and major towns especially those frequented by tourists are very proud of their markets which are commercial centres, and these African markets have an untapped potential to reduce poverty substantially. The majority of people in city and town markets in sub-Saharan Africa are women. They are there as vendors, suppliers, buyers and generally informal traders. The rapid surveys that FEMNET has done over the last one year in African markets indicate that there are many environment related problems that market users in Africa are faced with. The problems range from poor urban and town planning, the incomplete state of most market structures which is a health hazard, the poor management and garbage collection systems and services, and lack of proper social amenities like environmentally friendly toilets for both men and women, and safe facilities for children who come to the markets with their parents. Other problems include the exorbitant rates and fees and high levels of corruption within the management systems in different markets. All these problems combine to make African markets an indispensable nightmare for both the users and vendors and are a constant threat to the sustenance of the small scale business that the majority of women run in the markets.

Women's NGOs recommend that the AU and the NEPAD Secretariat under CAADP and through the process of popularizing the Africa Land Policy and Framework need to take into account the environmental, health and other social issues emerging from the poor management of markets in Africa. They call upon governments in Africa to review laws, policies, and market development plans in their respective countries so as to adopt gender responsive programmes, strategies and measures that take into account the needs and basic human rights of all users of African markets, particularly the right to earn a living in a clean and safe environment. All major markets need to have equal representation of women and men on their management teams. This requirement has to apply

to both public and private markets and the urban and town councils or relevant bodies responsible for monitoring markets development programs must include women in their ranks.

11) The Girl-child

Every African country with the exception of Somalia has ratified the Convention on the Rights of the Child, and as of February 2009 the African Charter on the Rights and Welfare of the Child had been ratified by 45 of the 53 member states. Yet there is still a high prevalence of violations of children's rights in the region, particularly the rights of the girl-child, who experiences sexual abuse, trafficking, child labour, early marriage, increased vulnerability to contracting HIV/AIDS and other infectious diseases, and general neglect of her welfare.

Although most countries in Africa have paid attention to the education of the girl-child, negative cultural attitudes and practices and economic constraints resulting from globalization continue to be hindering factors in achieving universal education for all school going children in Africa. Increases in sexual abuse of the girl children, at home and at school, and institutionalized and legalized abuse of girl children through early marriages and forced pregnancies are some of the causes of lower levels of education and high levels of illiteracy among girls. The girl child also continues to be burdened by household chores and care-giving compared to the boy child. This exploitative and sometimes invisible use of the labour of girl children leads to deteriorating physical and mental health and negative outcomes for personal development.

NGO reports noted several commendable efforts on the part of government to address violations of girls' human rights, but reported that critical gaps still remain in the planning and implementation to sufficiently address the issues affecting the girl child in Africa.

In **The Gambia**, NGOs stress that the issue of the girl child is affected by the social perception of adults. As a result girls have little or no decision making powers or a voice in matters that impact on them. They generally have no control over their sexuality and are subjected to various forms of injustice including FGM, early/forced marriage, and discrimination in the areas of inheritance to land and other properties. Government has provided insufficient responses to remove these injustices. The NGOs note that though the tourist industry in The Gambia contributes significantly to the GDP of the country, issues relating to girls dropping out of school at an early age to join the service industry that is essential for tourism needs to be seriously addressed.

In **Ghana** the rate of retention in school is still higher for boys than girls – less than 60% of girls that join the formal education system complete school. Underpinning these biases is poverty and traditional and cultural practices favouring education of boys over that of girls. Gender bias in educational practises still exists, for example in the biased allocation of books, in teachers' attitudes and even in class room arrangements.

A Gender Policy in Education has been adopted and implemented in **Kenya** and **Uganda**. Among the strategies undertaken is the re-entry policy for girls who get pregnant whilst in school, and provision of sanitary towels to girls. These policies have also addressed the need of enhancing gender friendly structures and sanitation facilities in schools. The enactment of the Sexual Offences Act in 2006 was also a milestone in Kenya, as it is one of the few laws which recognize children as a vulnerable group. However implementation of the Act has been very slow.

Nigeria NGOs emphasize the need for all states of the Federation to domesticate the Child Rights Convention. State laws prohibiting street trading and hawking and penalising parents and guardians

in contravention have contributed to the retention of more girls in school. The State Prohibition of Withdrawal of Girls from School for Marriage Law and laws and policies in some States in the Northern parts of the country that allow the return of pregnant girls to school after delivery have also helped to promote the education of girls and empowerment. One drawback though is ignorance of the laws by the public and lack of effective enforcement by law enforcement officers. Women NGOs ask - as girls are allowed to continue with their education, what is being done to sensitize men and boys to avoid unwanted and early pregnancies that endanger the lives of many girls that attempt unsafe abortions, and whose opportunities in life may be curtailed or reduced due to this pregnancy? They say that much more needs to be done including prioritizing the provision of family planning services and information.

Tanzania NGOs report that the fact that more girls than boys are enrolled in private secondary schools shows the positive change in parents' attitude with regard to girls' education. The down side is that it is parents of the affluent and middle class families who opt for the private schools which provide more safety and quality education compared to public schools. NGOs in collaboration with trade unions and the media have been advocating for enactment of specific laws and policies to combat child commercial sex exploitation, child domestic work and other abusive and oppressive actions to children, especially the girl child. The challenges to improving the status of the girl child in Tanzania include lack of a collective regional or district plan of action on combating sexual and other form of abuses, and the fragmented legal system which makes it difficult to hold child abusers accountable due to the inconsistent interpretation of the laws.

In **Burkina Faso**, the government has put in place laws to ensure the protection of children's rights especially on issues around FGM and early marriages. The establishment of the Ministry of Social Action and National Solidarity helps to strengthen the programmes on the girl child in the country, while in **Togo** the government has adopted a Children's Act.

In **Uganda** the government has put in place mechanisms to grant scholarships to the girls at the grass root levels, and the free primary and secondary school education initiatives have led to improved levels of literacy, and reduction in early marriages and teenage pregnancies mostly in urban and town centres. The local council system in the country was very effective in mobilizing communities to take both boys and girls to school. However, as more project based funds were made available through school grants and poverty reduction fund, some of this community mobilization efforts have reduced. Unfortunately when the project – based funds reduce good initiatives tend to collapse and this has become a reality in Uganda.

Women's NGOs are therefore recommending that all educational programs, strategies and activities that support girls' education should be institutionalized and resources should be provided.

The problem of large families in Africa especially among the poor was identified as one of the hindrances to the improvement of the condition of the girl child in Africa. Therefore several shadow reports recommended that this problem needs to be seriously tackled through public education, sensitization about the benefits of family planning and through the poverty eradication strategies.

Conclusions and Way-Forward



The Africa Women's Regional Shadow Report on Beijing +15 provides an analysis of the progress made in different countries and sub-regions that submitted shadow reports for this purpose. It also highlights many of the problems and gaps that are also identified in the official Africa Regional Report *A Fifteen years' Review of the Implementation of the Beijing Platform for Action in Africa (2005 – 2009)*. This report provides the perspectives of Women NGOs in Africa on the progress made and they provide a range of recommendations that must be undertaken if transformation in the lives of the majority of women and girls in Africa is to happen before the last review in 2015 (Beijing +20).

If African governments move at the same pace of the last 15 years, there is little hope that the change and development women desire to see and experience in Africa will be realized. It is therefore imperative that the pace of progress is accelerated. The call for moving the agenda from commitment to action has never been more pertinent. It is the only option and the right choice. The women of Africa also express commitment and willingness to work with the political leaders in Africa at all levels to make the Beijing commitments a reality in the lives of the majority of women. In this Shadow Report it has come out clearly that the women's organizations in Africa have been at the fore-front in the implementation process of the BPfA and these efforts will continue. It is in this spirit of partnership that the BPfA will become a reality in Africa.

Turning to the immediate future, there is need to maintain a faster momentum at national and regional levels and keep a sharp focus on the 12 priority areas specified in the Beijing Platform for Action. The African Women's Decade (2010-2020) provides an opportunity for all governments in Africa to take leadership singularly and collectively to use the first three years of the Decade to significantly reduce the gaps identified.

A Way Forward: The Call for Action

The Beijing +5 and +10 reviews (Annex B and C) sadly reflect many of the above issues. However, in order to consolidate the few gains made over the last 15 years, fulfill the Beijing commitments to the women of Africa, and accelerate the implementation of the Beijing Platform for Action over the next 5 years, Africa Women's NGOs made several recommendations that are highlighted throughout the body of this Report. Additional recommendations were generated through consultations made during the Africa Women's NGOs Consultative meeting held in Banjul, The Gambia on 15th and 16th of November 2009. African governments must:

Women and the Economy

- Design alternative macroeconomic policies and structures that are gender sensitive and pro-poor, and develop appropriate programs in order to guide economic growth and equitable allocation of resources and benefits.
- Desist from engaging in bilateral and international trade and economic agreements that undermine the regional integration process and impact negatively on women's rights and advancement in Africa.
- Articulate and redefine women's economic empowerment to work towards achieving full employment and sustainable livelihoods for all women in both rural and urban areas.
- Develop and implement social protection for women in the informal sector.
- Give priority to employment creation for women through targeted entrepreneurship, skills and business development, paying particular attention to the needs of rural women.

- Build the capacity of rural women in agriculture and strengthen women's land rights as part of the process of implementing CAADP and the AU Land Policy Framework and Guidelines.

Women and Health

- Prioritise women's health particularly maternal, sexual and reproductive health, as a human rights issue, and as a critical component of sustainable development in Africa, and intensify actions to reduce the feminisation of HIV/AIDS.
- Enact laws to prohibit compulsory HIV and pregnancy testing during job recruitment.
- Reposition family planning as a development priority and fully recognize and mainstream it into all interventions.
- Address corruption decisively in the health sector through democratisation of information and increasing awareness about patients' rights and responsibilities of health care giving personnel.

Violence against Women

- Construct a composite index for measuring reduction in violence against women in the efforts to eradicate all gender-based violence by 2015.
- Ensure that in the next five years there are national multi-sectoral and multi-faceted plans to address gender-based violence, underpinned by social mobilization, capacity building and effective monitoring and evaluation of the preventive strategies, redress measures and actions undertaken.

Women and Armed Conflict

- Address the burning issue of impunity in Africa with regard to violations of human rights of African citizens, particularly violence against women and children in conflict situations.
- Fully implement without any further delay the Declaration adopted at the Special session of the AU Summit held in Libya in October 2009 on peace and security in Africa. Furthermore, the process of implementation must fully involve the women of Africa.

Women and Human Rights

- Take appropriate actions to eliminate all discriminatory laws, practices and traditions, and secure through legislation women's right to equality with men particularly in marriage, divorce and separation, inheritance matters and property ownership. African states are called upon to support the adoption of a dedicated special mechanism at the Human Rights Council for tackling the issue of discriminatory laws
- Ensure that universal ratification of the African Women's Rights Protocol, CEDAW and its Optional Protocol are prioritized to be achieved in the first 3 years of the African Women's Decade (2010- 2020).
- Enact and/ or reform laws and policies to ensure conformity with CEDAW and the African Women's Rights Protocol, and re-energize efforts to enact various pending Bills highlighted in the Shadow Report and the ECA Regional Beijing + 15 Report that have the potential to address gender imbalances and inequities.
- Meet reporting requirements on progress made towards gender equality in Africa, and where there is non compliance we call upon the African Union should institute additional mechanisms for ensuring accountability under the African Women's Rights Protocol and the SDGEA.

Institutional Mechanisms for Gender Equality and Women's Empowerment

- Accelerate implementation of the Beijing Platform for Action and all women's rights

commitments through a multi - sectoral approach to which States committed themselves and are called upon to achieve by the end of the first three years of the African Women's Decade.

- Ensure that structures established to lead the gender equality and women's empowerment agenda have adequate resources as an indication of political commitment to women's advancement.
- Explore alternative sources of funding for women's institutional mechanisms other than the traditional sources, with emphasis on setting up solidarity funds for gender equality programmes at national, sub-regional and regional levels, and ensuring increased partnerships with the private sector.
- Ensure that gender equality is incorporated in all planning and budgeting processes at different levels, and the deliberate development of sex disaggregated data and gender sensitive indicators as one of the ways to guarantee effective implementation of the Beijing commitments and consistently promote, protect and fulfill African women's rights to development.

Women in Power and Decision Making

- Strengthen programs and activities of government, regional and international bodies and national and local women's NGOs that coordinate and provide support to women in leadership and politics at all levels, so as to ensure empowerment indicators are duly monitored and broad coverage up to local levels is achieved.
- Put in place mechanisms that support the growth and expansion of the African women's movement at all levels so as to create a strong pressure group for promoting gender equality, equity, women's emancipation and social transformation.
- Engage the citizenry in dialogue and education and awareness programs that are well targeted in order to influence change in attitudes and behaviour which perpetuate the marginalization of women in politics and society as a whole.
- Accelerate the process of ratifying the Democracy Charter so that it comes into force by the end of the first three years of the Africa women's Decade.
- Prioritize the implementation of the Democracy Charter by having in place constitutional guarantees to provide for gender parity, which would be enforced through affirmative action measures such as quota systems and proportional representation.
- Allocate funds to the African Union Women's Fund to support training and education programmes for women politicians aspiring for elective positions as a means of enhancing their capacities to effectively participate in and influence decision making processes.
- Make deliberate efforts to nominate female candidates for the position of Chairperson of the African Union Commission as a sign of equal sharing of leadership and responsibilities and delivering on the development agenda in Africa.

Women and the Environment

- Invest in research on climate change in Africa and its implications for women, and address the gender dimensions with respect to mitigation, adaptability, response and compensation mechanisms.
- Invest in research and technology on clean and renewable energy sources and ensure that gender analysis is integrated in such initiatives.
- Ensure that all efforts aiming to improve the quality of life in cities and urban centres integrate a gender perspective in the formulation, implementation and monitoring of impact of such programmes.

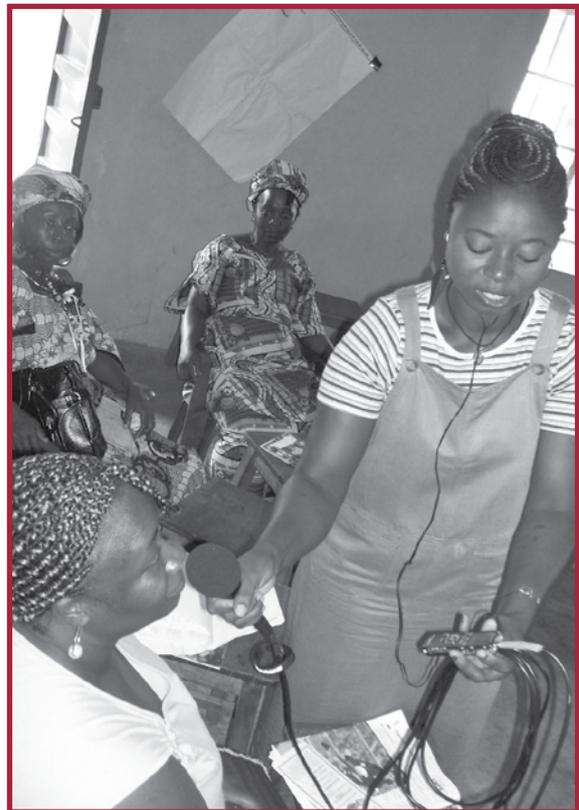
Women and the Media

- Intensify the use of both traditional media and new communication technologies for wider dissemination of information and empowerment of women and girls.
- Adopt policies and laws that support the liberalisation of airwaves as an opportunity for governments in Africa to facilitate the setting up of independent broadcasting stations. These can be used for programmes that promote human rights awareness and education, support and mobilize women and men to participate in public affairs and broadcast programs that highlight and campaign against harmful traditional practices that violate the rights of women and children.
- Enact Freedom of Information legislation in line with internationally accepted human rights principles and standards in order to guarantee citizens' access to critical information and facilitate their full and effective participation in governance, democratic processes and development.

The Girl Child

- Ratify the African Charter on the Rights and Welfare of the Child and ensure that national laws and practices are in line with the provisions of the international and regional human rights instruments focusing on children's rights.
- Use culturally-sensitive advocates to work closely in communities to support girl child education, including partnering with men in achieving gender equality in this context.

Annexes



Annex A

List of the Africa NGO Task Force for the Beijing + 15 Review

Africa Regional Coordinators: Ms. Chigedze Chinyepi and Ms. Dunstanette Macauley

SUB -REGION	TASK FORCE MEMBER	COUNTRIES
a) SADC (Southern Africa) sub-region	Ms Homa Mungapen, Mauritius homajoun@gmail.com	Madagascar, Comoro, Seychelles, Mauritius, Reunion and Mayotte
	Ms Emilia Muchawa, Zimbabwe emilia@zwla.co.zw	Zambia, Malawi, Mozambique and Zimbabwe
	Ms Ida Mokerietane, Botswana idatswana@yahoo.com	Namibia, Lesotho, Swaziland, South Africa and Botswana
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	Ms Eeza Julie, Congo	Angola, Equatorial Guinea Conakry, DRC and Congo Brazzaville
e) North Africa sub - region	Ms Imane Belghiti , Morocco belghitilasryimane@yahoo.fr al_hidn@yahoo.fr	Morocco and Mauritania
	Ms. Iman Mandour, Egypt iman@mandour.org / info@cewla.org	Egypt, Algeria, Tunisia Libya and Sudan

Annex B

Summary of Beijing +5 Review

During the NGO Consultation meeting prior to the Sixth African Regional Conference in Addis Ababa in 1999 where over 150 participants from 40 African countries met to assess the progress made in the implementation of the strategic objectives of the African and Global Platforms for Action in certain areas, the delegates noted that even though there was significant progress in some aspects, there was also considerable deterioration in the situation of women in some critical areas, especially in countries affected by armed conflicts.

The main concern among the participants at this forum was that African countries still lacked the political will required to support the progressive and consistent implementation of the commitments made in Dakar in 1994 and in Beijing in 1995. The well written national action plans and gender policies lacked the necessary resource commitments to ensure short term and long term implementation of the plan. Although there had been a lot of rhetoric after Beijing, it was not followed by sufficient actions even where there were national or regional mechanisms for doing so. It is only countries like Uganda and South Africa that made great strides by undertaking substantive constitutional and legislative reforms to recognise and guarantee women's rights.

It was noted that in all countries, the influences of patriarchy on societal values and customs, traditions and attitudes made it extremely difficult to eliminate discrimination against women in all its forms. As we approached the new millennium, African women were still confronted with brutal forms of violence and deprivation of their rights. The recognition of women's rights that had been gained through the Beijing process was being eroded by the rise of conservatism and fundamentalism. Cultural relativism and fundamentalist religious beliefs were being used as excuses for eroding/ reversing some of the gains and the momentum built over the years to work towards achieving gender equality and gender justice.

On the issue of governance, lack of involvement of women in decision-making processes in majority of countries and in the regional governance bodies like African Union (AU) formerly OAU, had led to further marginalisation of gender issues and increased discrimination against women at all levels. Lack of democracy and good governance especially in conflict affected countries had led to corruption and mismanagement of resources which were major obstacles to achieving the right to development for all.

It was noted that although several governments had taken the initiative to set up national mechanisms for promoting gender equality and women's empowerment there was a general failure to allocate substantial resources for the implementation of the BPfA. Budgetary allocation to national mechanisms or to critical sectors such as education, health and agriculture remained very low compared to defence budget allocations. The political affiliation of the national machineries to the ruling parties reduced their capacity to challenge inequalities in most countries as they remained under- resourced with very limited political clout. In the case of countries like Uganda the first national machinery after Beijing was placed in the President's office. A lot was accomplished then by the machinery compared to today where the gender unit is a department within a ministry that brings together all the under- resourced and marginalised issues.

Generally the macroeconomic policies that were being implemented in majority of African countries were fashioned in such a way that they undermined women's social and economic rights and were inconsistent with the commitments made under the BPfA.

Emerging issues from the Beijing +5 review

During the year 2000 that marked the fifth anniversary since the United Nations' (UN) Fourth World Conference on Women in Beijing, the UN held a Special Session of the General Assembly to review progress in implementing the Platform for Action.

The Special Session was organised under the theme: Women 2000: Gender, Equality, Development and Peace for the 21st century. In this session the world examined how much further women's rights and gender equality had been advanced over the previous five years, what the remaining obstacles were, and looked at new and emerging trends in the world which were affecting women's empowerment. The UN made recommendations on how to speed up the implementation of the BPfA and work towards ending discrimination against women.

The emerging issues during the Beijing +5 reviews were that the gains made by African Women were lost due to emergence of HIV/AIDS, increase in armed conflict and a rise in poverty level.

However in the shadow report presented by the NGOs, they highlighted concrete recommendations to the African governments which included;

- Engender national budgets to ensure the equitable allocation of resources to programmes aimed at advancing the situation of women
- Reform the education system to give life skills, functional literacy and to revise the school curriculum to include gender equality, human rights and democracy
- Legislate against customary laws and traditional practices that are repugnant to natural justice and which are incompatible with other objectives of the Africa and Global Platforms for Action, as well as other international and regional human rights instruments;
- Address the nexus issues of discriminatory laws, cultural practices and religious attitudes and their impact on women's vulnerability to HIV/AIDS;
- Involve women in decision-making in all programmes on natural resources management
- Harmonise constitutional and national laws with regional and international commitments and standards and set up mechanisms for their implementation
- Adopt appropriate methods to facilitate the increase in the participation of women in key decision-making positions at national and regional level
- Support NGOs work as a way of operationalizing their democratic rights to participate in their governance and development; and
- Commit adequate resources in order to work on early warning mechanisms and post-conflict reconstruction processes which equally benefit women and men.

Annex C

Summary of Beijing + 10 Review

In 2005, the Beijing +10 Review showed that although many countries in Africa were experiencing rapid economic growth and were more politically stable, the situation and status of women were not necessarily improving at an accelerated pace. By then many more effective strategies had been developed for achieving gender equality. There were significant gains under each critical area of concern. Increased numbers of women in leadership and decision-making were noted. The results from the Parliamentary Union Survey in 2000 indicated that women in parliament in Africa comprised a total of 9 percent compared to the global average of 13.4%. By 2004 the average in Africa was 15.6% women in parliaments across the continent. By then only Rwanda, Mozambique, South Africa and Seychelles had achieved the 30% percent target. Globally only Nordic countries had achieved more than this target.

The following factors were persistent obstacles to women's effective participation in political leadership: the gender insensitive structures, policies and practices of political parties; lack of reforms in electoral laws and systems to support equal participation and fair competition; and legislative assemblies whose systems and procedures were not changing in tandem with the transformation considering their role as a key institution in any democracy.

Through gender mainstreaming in development planning (under the PRSP processes) and gender budgeting for gender issues and women empowerment strategies and targets were identified, more resources were allocated to implementing the BPfA. In most African countries affirmative action measures were adopted to increase the number of children accessing primary education. In some countries like South Africa, Tanzania and Malawi adult education was prioritized. During this period there was increased commitment and resources to address the problem of child mortality and maternal health through provision of comprehensive primary health packages; a lot of resources were harnessed to address the problem of HIV/AIDS, its effects and impacts on society generally and on women and children in particular; efforts to address gender issues in environment protection programs and initiatives and the management of natural resources were prioritised through government policies and programmes.

At the continental level this was an exciting period for the African woman. The OAU was transformed into the African Union (AU) at the July 2001 Summit held in Lusaka, Zambia. One of the AU's grounding principles articulated in its Constitutive Act was the achievement of gender equality. The New Partnership for Africa's Development (NEPAD) which was adopted at the same Summit as the new framework for Africa's development represented a perfect illustration of the new will on the part of Africans to change the future of their continent. NEPAD placed gender equality and the empowerment of women at the centre of its implementation.

A Comprehensive Africa Agricultural Development Plan (CAADP), a program of NEPAD, was adopted in 2003. It recognised that over 60 – 80% of agricultural labour is provided by women in Africa and under its pillars of intervention it highlighted that if agriculture is to be a vehicle for sustainable development in Africa, strategies that deal with deeply ingrained gender inequalities at the household level must be seriously addressed. CAADP further recommended that inequalities

that manifest at the community level hindering women's access to and control over productive resources and the benefits from their labour required not only a supportive legal and policy framework, but more importantly the political will of leaders at all levels to implement programs that protect and fulfil women's right to development.

One of the milestones of this period was the adoption by the African Union of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2003. The Protocol was the first African instrument to explicitly articulate the rights of women in Africa. The content of the Protocol was informed by CEDAW as well as the gender analysis done during the period leading up to the 5th Regional Women's Conference held in Dakar, Senegal in 1994 which was a precursor to the Beijing Conference. It strengthened the legal framework for the protection and fulfilment of the rights of women in Africa. The Protocol came into force in 2005 after fifteen countries had deposited their instruments of ratification with the African Union. It was a moment of great celebration and expectation.

Other developments at the international level were of significant relevance to the promotion of the gender equality agenda in Africa. In 2005 donors under the OECD and recipient countries of bilateral and development aid adopted the Paris Declaration in which they committed themselves to make aid more effective so that it can meet the development goals and aspirations of the recipient countries. The donors committed themselves to increase the amount of aid to Africa especially to countries in sub-Saharan Africa in order to accelerate the implementation of their poverty reduction strategic plans. Aid to Africa increased especially through budget support and conditional arrangements to support more strategies for the advancement of gender equality and women's empowerment. Monitoring mechanisms in countries like South Africa, Rwanda, Tanzania, Uganda, and Ghana were strengthened in order to evaluate the impact of aid provision particularly on the achievement of gender targets.

Despite all these commendable efforts and achievements in this period (2000 – 2005) large gaps still persisted, particularly between policy/laws and practice/ implementation. There was still low representation of women in decision-making processes as the set minimum of at least 30% representation was not realised by many African countries and the quality of representation was a major concern. Inequality in employment and economic opportunities was still a big problem as women workers in Africa still formed the majority in the informal sector where profits are low, conditions of work are very poor and there are no provisions for social security. In addition unequal access to education and health care for the most poor and vulnerable groups in sub-Saharan Africa remained a major concern. The problem of school drop-outs in Africa remained high for girls, inequality persisted at higher levels of education and very few governments were taking the initiative to revise the curricula to counter gender stereotyping.

North African countries made significant improvements on this front though, with the governments in Libya, Tunisia, Morocco and Egypt supporting girls' education to attain higher and university education. Their health systems were also more responsive to the special needs of women compared to those in sub-Saharan African countries.

Persistence of violence against women reached unacceptable levels as trafficking of women and girls increased and the proliferation of small arms in parts of the continent (conflict infested areas) increased. Worse still the feminization of poverty and the HIV/AIDS pandemic were persisted during this period albeit with some efforts to reverse this trend.

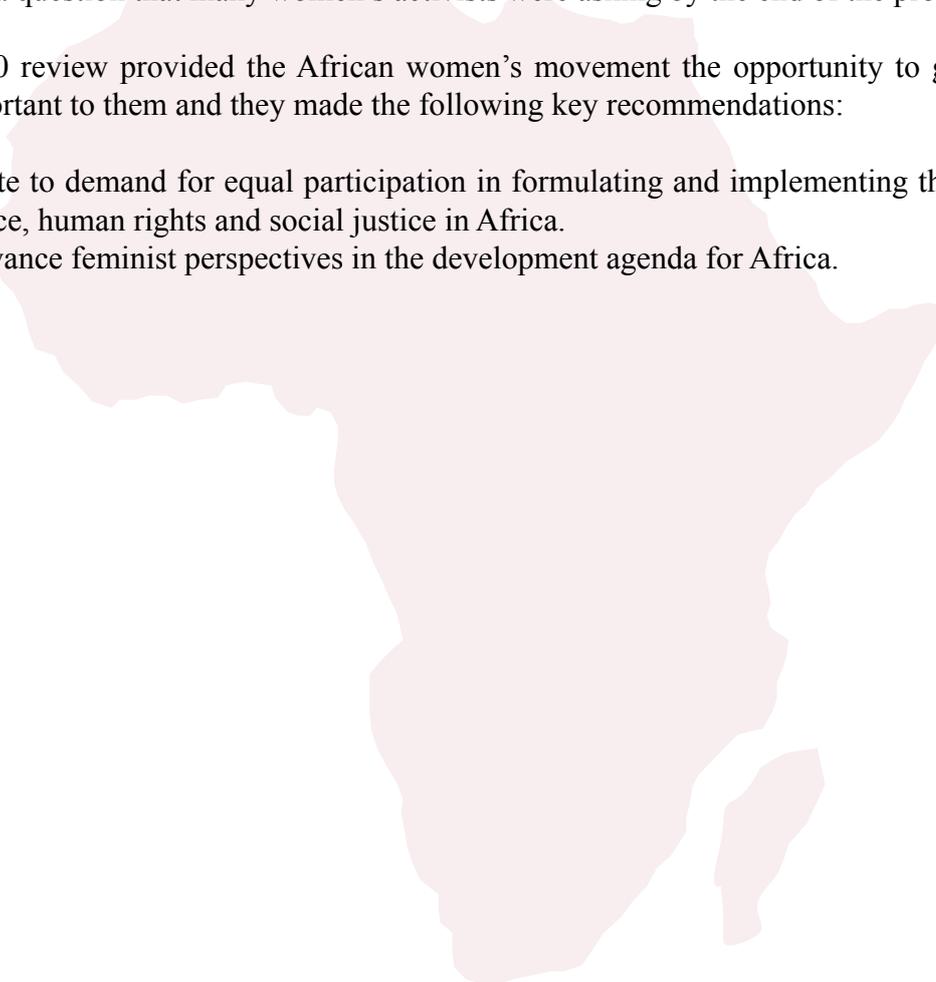
Emerging issues from the Beijing + 10 reviews

Beijing had become a tale of broken promises, where there was no political commitment. Women NGOs and rights activists tried to ensure that the outcome document of the Beijing +10 Review process would focus on concrete benchmarks and time-bound targets - of which very few new ones were agreed. Many of the agreed paragraphs were so general as to provide little additional guidance in accelerating implementation of the Beijing PfA.

The Beijing +10 Review Process was decidedly low key. Its aim was not agenda setting but agenda confirming; not policy formulation, but policy affirmation. Whether it proved to be part of an ongoing worldwide movement in support of gender equality, or whether it marked a decline of that process, is a question that many women's activists were asking by the end of the process.

Beijing +10 review provided the African women's movement the opportunity to give voice to issues important to them and they made the following key recommendations:

- Unite to demand for equal participation in formulating and implementing the agenda for peace, human rights and social justice in Africa.
- Advance feminist perspectives in the development agenda for Africa.



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