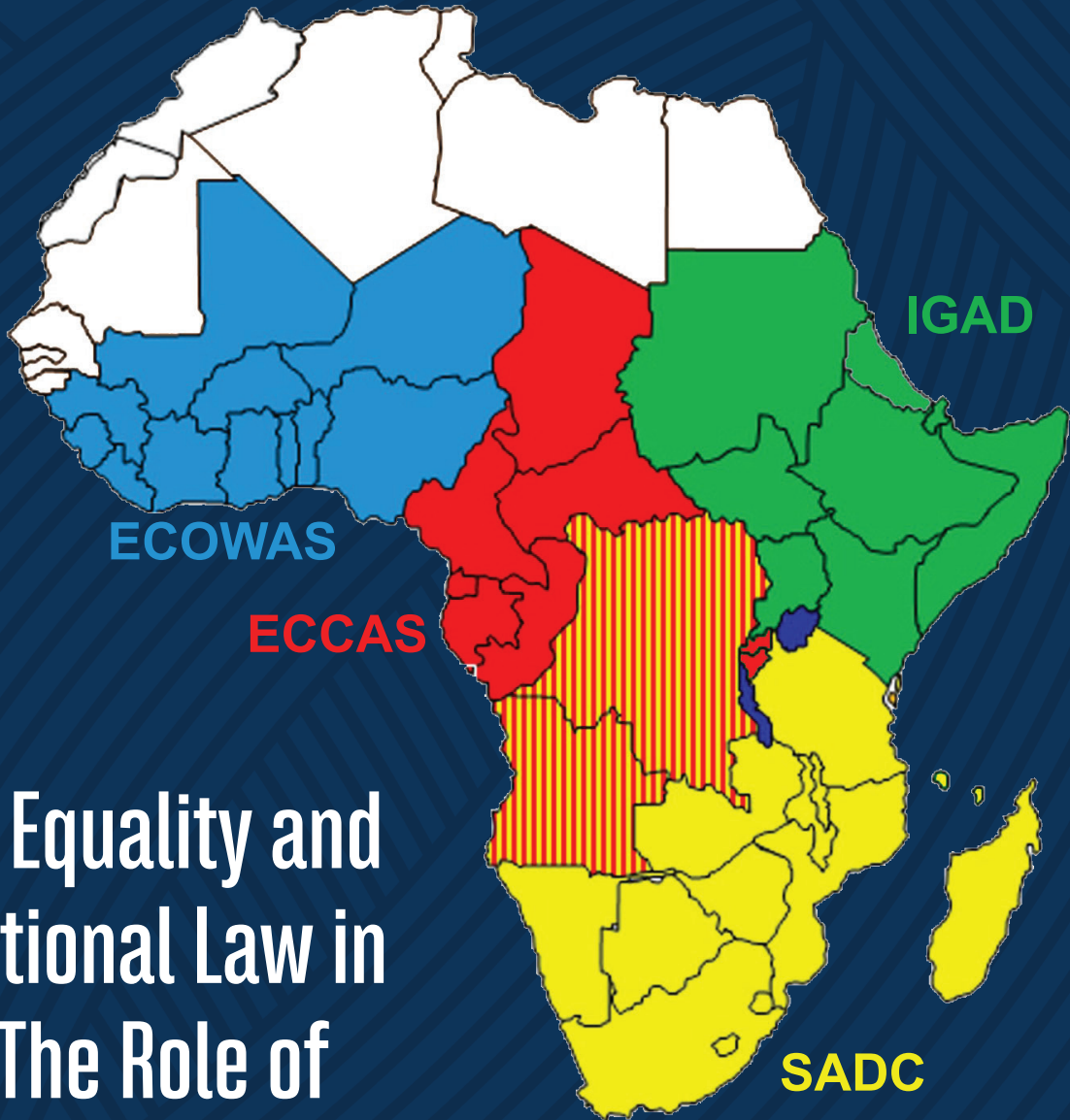




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Une force pour la liberté



# Gender Equality and International Law in Africa: The Role of Regional Economic Communities



# ACKNOWLEDGMENTS

This report, titled “Gender Equality and International Law in Africa: The Role of Regional Economic Communities” is a collaborative effort between the United Nations Development Programme (UNDP) and Equality Now/SOAWR, as part of the regional project on advancing Gender Equality and Women’s Empowerment in Africa. We express our heartfelt gratitude to the numerous stakeholders, individuals, and institutions whose invaluable contributions played a critical role in shaping the final version of this report.

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# FOREWORD

In the past three decades, Africa has made significant strides towards gender equality and women's empowerment by adopting and implementing human rights instruments such as CEDAW, the Maputo Protocol, ILO Conventions, and the African Charter on Human and Peoples' Rights. As of today, 43 out of 55 member states have ratified the Maputo Protocol, 52 member states have ratified CEDAW, and 46 African countries are member states to the ILO Convention, while 49 countries have ratified the African Charter on the rights and the welfare of the Child. This ratification by a vast majority of member states is a clear sign of Africa's commitment to promoting gender equality and human rights.

Despite this progress, Africa still faces complex challenges related to the respect of human rights and the Rule of Law, which might hinder the attainment of the African Union Agenda 2063 and the SDGs. Millions of women and girls continue to face diverse and persistent forms of gender-based violence and harmful practices. There is a gap between regional and international commitments and national-level policies, operational development plans, and investments in gender equality and women's empowerment. Slow implementation and lack of enabling legislation and policy environment also hinder the ratification, domestication, and enforcement of human rights instruments by member states.

The Mapping and Assessment Report provides a comprehensive and in-depth analysis of the status of ratification, domestication, enforcement, challenges, and opportunities across the four Regional Economic Communities of ECCAS, ECOWAS, IGAD, and SADC, addressing these challenges. The report also identifies the existing capacity within the RECs to advocate and influence member states to ratify, domesticate, and enforce human rights instruments. As crucial political building blocks of the African Union Commission, the RECs are uniquely positioned to facilitate economic integration and advance gender equality and human rights.

The Mapping and Assessment Report is a powerful resource that provides insights to accelerate the ratification, domestication, enforcing, and reporting of human rights instruments at the regional and national levels. It also serves as a crucial evidence-based advocacy tool that can influence member states and relevant stakeholders, including the AUC, RECs, regional parliamentarians, Civil Society Organizations, and development partners to take transformative action towards gender equality and women's empowerment.

We urge you to utilize this report to inform your policy decisions and program interventions to create a continent where women and girls are empowered, protected, and no one is left behind.



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# EXECUTIVE SUMMARY

## Brief Introduction

The Baseline Study aims to provide a foundation for the UNDP regional project on Advancing Gender Equality and Women's Empowerment in Africa that aims to “enhance evidence-based knowledge and the capacity of Regional Economic Communities (RECs) and civil society organisations (CSOs) to advocate for and support their Member States to fulfil gender equality and women's empowerment commitments under the African Union (AU) Agenda 2063.” Therefore, the Baseline Study contributes to the realisation of the project result on “Improving the Capacity of Regional Economic Communities (RECs) to Monitor and Influence their Member States on Ratification, Domestication, Implementation and Reporting of Regional and Global Instruments on Women's Rights and Gender Equality”. The Study analysed the status of ratification, domestication, implementation and reporting by the Member States of four RECs regarding the three human rights instruments (CEDAW, the Maputo Protocol, and the ILO Equal Remuneration Convention (No. 100)). The four RECs are: the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC).

Gender Equality is the fifth of the 17 Sustainable Development Goals (SDGs), built on the premise laid out by CEDAW that “All the SDGs depend on the achievement of Goal 5”,<sup>1</sup> being integral to all dimensions of inclusive and sustainable development. Subsequently, the four themes which shape this study are directly linked to SDG 5's targets:

1. Economic Rights and targets 5.4 and 5.A
2. Harmful Practices and target 5.3
3. Political Participation and target 5.5
4. Sexual and Gender-Based Violence (Violence Against Women) and target 5.2

Women, Peace & Security is woven throughout the study as a cross-cutting theme.

## Scope and Purpose

This Baseline Study falls under the scope of the Project result on “ Improving the Capacity of Regional Economic Communities to Monitor and Influence their Member States on Ratification, Domestication, Implementation and Reporting of Regional and Global Instruments on Women's Rights and Gender Equality” , which is spearheaded by UNDP's Regional Service Centre for Africa in collaboration with Equality Now.

It presents an analysis of the internal and external factors affecting the capacity of four RECs: The Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) and to monitor and influence their Member States on ratification, domestication, implementation and reporting with regard to three GEWE Treaties: CEDAW, the Maputo Protocol and the ILO Equal Remuneration Convention (No. 100). The study aims to identify the strengths, challenges and opportunities each of the four RECs and their Member States face on ratification, domestication, implementation and reporting.

The purpose of the Baseline Study is to map out and assess the status of ratification, domestication, implementation and reporting of global and regional instruments on women's rights and gender equality in the four RECs. Additionally, it aims to assess the capacities of RECs, by identifying the factors impacting the RECs' capacities, and inform the development of training materials aimed at providing technical support for RECs, their Member States and Civil Society Organisations (CSOs) to monitor and fast track ratification, domestication, implementation and reporting of the three GEWE Treaties.

<sup>1</sup> UN Women (2020) 'SDG 5: Achieve gender equality and empower all women and girls', available at: <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality> (accessed 08/08/2021).



## List of Member States

RECs	MEMBERS STATES
ECCAS	Angola, Burundi, Cameroon, Central African Republic, Chad, DR Congo, Equatorial Guinea, Gabon, Republic of the Congo, Rwanda and São Tomé and Príncipe.
ECOWAS	Benin, Burkina Faso, Cabo Verde, Côte d' Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal, and Togo.
IGAD	Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan (since 2011) and Uganda
SADC	Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe

## Methodology/ Research Process

The research process was largely based on desk-based reviews and supplemented by responses to questionnaires sent to all 48 Member States and the four RECs. On the whole, the desk review relied on a range of primary and secondary sources, including from the RECs, the African Union, the United Nations, the World Bank Databases as well as national databases, government websites, national laws and policies. Where available country reports were consulted, these related to the three GEWE treaties and included state reports to international and regional treaty monitoring bodies, the Beijing +25 process, and reports from the African Union, the United Nations and the World Bank. Separate questionnaires were designed and sent to the RECs and to the Member States to fill gaps in pertinent information and to collect recommendations from each.

In undertaking the Baseline Study, the approach to data collection was split into three sections:

**First** to inform the analysis of the internal and external factors affecting the four RECs Commission/Secretariats' role to influence their Member States on the ratification, domestication, implementation and reporting of the three GEWE Treaties, the data collection served to capture strengths, challenges and opportunities. The research documented information about the RECs' mandate and history, women's rights and gender equality commitments such as policy, decisions, treaties;

gender infrastructure (institutional), regional and/or REC level CSO networks and REC level campaigns, etc. Using these same research parameters, a questionnaire was designed and sent to each of the four REC Secretariats. The questionnaire aimed to capture supplementary information on accountability mechanisms, progress, challenges, opportunities as well as to collect recommendations from each of them on how the REC Commissions/Secretariats can support Member States in the ratification, domestication and implementation of the three GEWE Treaties. Out of the four RECs, two responded.

Responses received from RECs Secretariats	
ECCAS	No
ECOWAS	Yes
IGAD	No
SADC	Yes

**Secondly**, to inform the analysis concerning the rights and obligations under the three GEWE treaties, a comprehensive analysis was undertaken of the articles contained within each of the three Treaty documents. Four thematic areas were addressed:

- (1) Economic Rights,
- (2) Harmful Practices,

- (3) Political Participation, and
- (4) Sexual and Gender-Based Violence (Violence Against Women).

Women, Peace and Security is treated as a cross-cutting issue. To enrich the analysis of the rights and obligations on the three GEWE treaties, it is followed by an overview of other continental GEWE frameworks related to the four themes.

In order to inform the wider perspective of the regional progress, the Baseline Study also collected information in relation to the status of ratification, of 22 regional and international GEWE Treaties for each of the RECs Member States (48 countries). The results of the data collected on the status of ratification are presented in the appendix.

**Thirdly**, to analyse the status of ratification, domestication, implementation and reporting of the three GEWE Treaties across the four RECs Member States (48 countries), four thematic areas were addressed:

- (1) Economic Rights,
- (2) Harmful Practices,
- (3) Political Participation, and (4) Sexual and Gender-Based Violence (Violence Against Women and Girls). Women, Peace and Security was treated as a cross-cutting issue. For each of the themes, data was collected at the national level regarding each Member States' constitutional, legal, policy and institutional frameworks. The data collected was documented in a table consisting of four columns: 1) constitutional provisions/amendments, 2) legal provisions/amendments, 3) policy adoption, and 4) institutional measures. The data collection covered the period from the year 2015 to July 2021. The data collection also served to capture strengths, challenges and opportunities.

Similarly, a questionnaire was designed and sent to each of the 48 Member States using

these same parameters. The questionnaire also aimed to capture supplementary information on gender institutional infrastructure, accountability mechanisms, progress, challenges and the support received from the RECs. Of the 48 Member States, 21 responded.

On their questionnaire, the Member States were also asked for recommendations on how the REC Secretariat can support them. The responses received were used to inform the recommendations presented in this Baseline Study.

Responses Received from Member States	
ECCAS	Cameroon, Central African Republic, Chad and Democratic Republic of Congo *Four out of 11 Member States responded.
ECOWAS	Benin, Cabo Verde, Côte d'Ivoire, Ghana and Togo *Five out of 15 Member States responded.
IGAD	No responses received
SADC	Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania and Zimbabwe *12 out of 16 Member States responded.

**Finally**, to provide an opportunity for the relevant key stakeholders to discuss and evaluate the report's content, a validation workshop was held in Nairobi from the 8th to the 9th of June, 2022. The key stakeholders included those who participated in the Baseline Study and those that did not find the opportunity to participate in the Baseline Study directly. The Study and subsequent Manual validation served as a quality assurance process to check and evaluate the document.

The workshop saw the participation of 35 representatives from relevant AUC and RECs departments and organs dealing with gender and human rights, including from the department/directorate of Women, Gender and Youth (WGYD), legal counsel, political affairs, ACHPR and the Special Rapporteur on the Rights of Women in Africa, the UN including

from UNDP, UNWOMEN and the network of regional CSOs including members of the SOAWR Coalition.

Ultimately, the validation workshop's primary outcome was adding multiple recommendations for each REC.

### **Limitation of the baseline:**

The research process faced some limitations and challenges:

- The first limitation was the time constraint. The five months given to collect data, research, and write the analysis proved to be insufficient time given the project's scope.
- The second limitation concerns the limited availability of data. The data collection was restricted mainly to desk review. The information available for the Member States and the RECS varied greatly.
- Finally, questionnaires were sent to all Member States and the four RECs. These were meant to capture supplementary information and enrich the Baseline Study. However, few responded, and there were delays in receiving the questionnaires from the Member States. The constraints and challenges bear on the analysis as it can only present the current state, challenges and gaps based on the available data.

### **Appendix:**

The appendix to this Baseline study contains:

- Questionnaire sent to Member States
- Questionnaire sent to RECs
- Table presenting domestication and implementation of Member States, one for each REC
- Tables on the status of ratification of the 22 GEWE treaties

## **SUMMARY OF THE KEY FINDINGS IN THE FOUR RECS**

Positively, each of the four RECs maintain gendered frameworks, infrastructure and commitments and women are represented amongst the staff and at senior levels. Additionally, both ECCAS and ECOWAS are particularly strong in supporting their respective Member States to develop and implement their UNSCR1325 National Action Plans. However, there are some shared challenges. ECCAS, IGAD and SADC have not extensively engaged CSOs on the four themes. The same three RECs also do not have sufficient accountability mechanisms in place to address Member State noncompliance to gender equality commitments. Both SADC and ECCAS have not made their expenditure on women's rights initiatives and monitoring publicly available and whilst all four RECs have outlined GEWE goals, insufficient resources and dependence on funding from external partners have hampered their efficiency and efficacy in achieving those aims. Lastly, the Covid-19 pandemic has created additional strain across every region and threatens the momentum and progress made concerning all four women's rights themes: Economic Rights, Harmful Practices, Political Participation and Sexual and Gender-Based Violence. The opportunities discussed are mostly specific for each REC, but all stand to build upon the strong GEWE foundations they have laid. Inter-REC learning and collaboration to better influence Member States on ratification, domestication, implementation and reporting of the women's rights instruments in question present significant opportunities.

### **ECCAS:**

ECCAS' new Treaty and restructuring within the past three years have increased attention and potential capacity towards women's rights issues, most significantly through elevating the former Gender Unit to the Department of Gender Promotion, Human and Social Development as one of the five key departments. ECCAS maintains a Gender Policy and many gendered plans and strategies, mostly relating to security and disaster risk reduction. Additionally, one of ECCAS' most significant contributions towards

supporting its Member States to implement the GEWE treaties and women's rights regarding Peace and Security is in supporting their development of UNSCR1325 National Action Plans.

However, regional insecurity, financial dependence on external partners, climate change and Covid-19 serve as ongoing challenges to prioritising the implementation of the three GEWE treaties in this REC. Additionally, there are few relevant monitoring mechanisms relating to women's rights. Increased collaboration and learning from other RECs, such as ECOWAS and CEMAC, and harnessing the momentum from ECCAS' ongoing institutional reform offer significant opportunities for increasing their capacity to monitor and influence their Member States across all four women's rights themes and the three treaties. Furthermore, ECCAS' many achievements can be strengthened through mainstreaming GEWE into existing infrastructure, such as the Kinshasa Convention and the Protocol for the Free Movement of Persons.

## **ECOWAS:**

ECOWAS has a notable gender institutional infrastructure as well as several key legal and policy documents on women's rights. A strength has been the creation of the ECOWAS Gender Development Centre (EGDC) which is dedicated to working with Member States to advance GEWE commitments across policies, strategies, and programmes. The EGDC works closely with a dedicated national focal point as well as national gender based CSOs. The fact that ECOWAS has a dedicated institution to gender provides a solid starting point for influencing Member States on the ratification, domestication, implementation and reporting of the three GEWE Treaties. If used effectively, having a two-way communication channel between the REC and Member State/CSO level provides an opportunity to assist and guide Member States as well as understand the challenges faced in the implementation of GEWE at the national level.

There are several examples where ECOWAS has created gender sensitive policies at the REC level. The inclusion of women in all areas of development

as mandated in Article 63 of the Revised Treaty (1993) has led to the inclusion of gender in a wide range of policy responses by ECOWAS including trade, migration, energy, disaster risk reduction, health, and the Covid-19 Pandemic. Additionally, the adoption of the Supplementary Act (2015) as a binding legal framework served to speed up commitments across the region and harmonise national legislative frameworks to reflect Article 63 of the Revised Treaty (1993) and international commitments on GEWE. ECOWAS has also driven specific campaigns related to women's rights including combating Obstetric Fistula and the 50 Million African Women Speak Platform (50MAWS) which focuses on enhancing women's economic empowerment. The most common intervention has been the provision of technical and financial support by the EGDC to Member States for the formulation and implementation of activities related to advancing GEWE. There are some notable areas where focus has been given such as National Action Plans for the Women's Peace and Security Agenda compared to Gender and Migration. As such, it is broadly understood that through the EGDC, ECOWAS has the capacity to influence Member States in the domestication/implementation of various policies and texts such as national action plans. However, to what extent and to which policies and programs it seeks to influence Member States is unclear. Realistically this is likely to be influenced by the financial and human resource capabilities of the EGDC, which would enable the policies created on paper to be implemented at the national level. The Community Court of Justice not only provides an important accountability mechanism in the region, but it has particular importance for upholding the rights of women and girls. In recent decisions, the Court found two ECOWAS Member States (Nigeria and Sierra Leone) to be in breach of its obligations under international Treaties including the Maputo Protocol and the CEDAW Convention. These decisions have set important precedent and it demonstrates that the Court as an institution of ECOWAS has the capacity to influence Member States to fulfil their obligations under the treaties to which it has ratified and/or domesticated.



## IGAD:

IGAD supports its Member States to develop National Action Plans and promotes women's engagement in the peacebuilding processes. Despite the fact that the promotion of women's rights is not directly related to its mandate, the organisation does have a developed gendered infrastructure and policy frameworks. Moreover, IGAD launched its Gender Policy in 2004 (2004-2008) to harmonise national gender policies and to ensure gender mainstreaming into all IGAD activities. IGAD has since developed both adopted several documents for mainstreaming gender internally and adopted policies and strategic frameworks that mainstreamed gender.

However, there are no fixed accountability mechanisms to ensure the implementation of the measures. Moreover, related to the Member States' mistrust of civil society, the interaction with CSOs remains limited. The IGAD Member States are all members of other RECs with overlapping mandates. These RECs include States which are not IGAD Member States. As the mandates are similar, policies related to the same issue might differ depending on the REC it stems from and this heterogeneity of policies can in effect weaken IGAD. Furthermore, the plethora of commitments made by IGAD have not always been implemented. IGAD's capacity to influence its Member States and advance its GEWE in the region will depend on overcoming and addressing these challenges, also including a lack of funding and staff and the impact of climate change and ongoing and past conflicts in the region. However, there are also opportunities to improve their capacity, such as further utilising the IGAD Gender Strategy to promote GEWE at both the national and regional levels and the IGAD National Committee could serve to monitor compliance of Member States. Lastly, the Memoranda of Understandings, signed by IGAD and other RECs, could assist in addressing the overlap to optimise gender affairs, particularly regarding cross-border issues.

## SADC

SADC has robust gender infrastructure, including the Gender Unit within the SADC Secretariat, as well as the SADC Committee of SADC Ministers Responsible for Gender/Women's Affairs. In addition, the SADC Parliamentary Forum is another body that greatly increases the capacity of SADC as a REC to influence GEWE Treaty domestication, as it has been producing Model Laws on issues contained within CEDAW and the Maputo Protocol, thus allowing Member States access to best-practice legislation to bring to their own parliaments' consideration. In addition, SADC's strong Monitoring and Evaluation Framework SADC allows it to provide Member States with clear empirical feedback and addition training on GEWE, where necessary. This gender infrastructure is guided by a Gender Policy, as well as several declarations on women's rights. The most prominent of these is the legally-binding Gender and Development Protocol of 2008 (updated in 2016). Of the 16 Member States, only two countries (Mauritius and Comoros) are not party to the SADC Protocol. In addition to the Protocol, SADC has a strategy and framework for action on GBV (2018-2030) as a standalone issue, and the Parliamentary Forum has produced Model Laws on HIV and on Eradicating Child Marriage<sup>2</sup> in order to support Member States in the drafting of progressive legislation in these areas.

In the context of GEWE, five Member States highlighted that SADC has provided them with technical assistance and capacity building, six Member States commended the collaboration with the REC on reporting and monitoring, two Member States stated collaboration on domestication and implementation and one Member State reported financial support. However, most Member States highlighted that greater funding from the REC would significantly assist them to meet the three treaties' obligations. An opportunity to strengthen accountability between Member States and SADC Secretariat on issues of women's rights would be to re-launch the currently non-operational SADC Tribunal, so that Member States' citizens may bring cases where the rights guaranteed in the Gender Protocol are violated.

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2 The Baseline Study uses the term 'child marriage' as defined in the "Joint General Comment of the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on ending Child Marriage." However, it is essential to acknowledge that a child, someone under the age of 18, cannot give full and free consent to be married. When discussing specific legislation or policy, 'child marriage' reflects the document's language. 'Child and forced marriage' is used in this analysis when not relating to specific legislation or policy.

Further, SADC's promotion of Women in Peace and Security has been limited. This could be ameliorated by including gender issues in the SADC Organ on Politics, Defence, and Security Cooperation. Finally, SADC's budget has not been made publicly available. By applying its own Guidelines on Gender-Responsive Budgeting, SADC could lead its Member States by example by publishing their own gender-responsive budget.

## SUMMARY OF THE KEY FINDINGS FOR CSO ENGAGEMENT

Three of the four RECs maintain frameworks to engage and collaborate with regional CSOs. IGAD can be seen to have led the way for others by establishing the Forum for Non-Governmental and Civil Society Organizations in 2002.<sup>3</sup> However, this is now largely inactive and underfunded; furthermore, distrust persists as the only way to be included in the network is if Member States approve the CSOs themselves. The SADC-CNGO is the official council of NGOs created to facilitate SADC's Secretariat's civil society engagement, of which the Southern African Gender Protocol Alliance is the gender-sector representative. Significantly, the Alliance has been effective in monitoring the implementation of the REC's own Gender Protocol which, although distinct from the three GEWE treaties, addresses all of the four women's rights themes. ECOWAS has reflected on the significance of including CSOs in multiple frameworks and acts and has provided technical and financial support to regional networks. Most prominently, in order to support, strengthen and integrate gender equality and women's empowerment commitments across the region, the ECOWAS Gender Development Centre has created and provided leadership to several regional level advocacy networks related to women inclusion in governance, peace and security. Contrastingly, ECCAS has not actively engaged with civil society but appears eager to strengthen this as it continues to undergo restructuring.

As modelled by CSOs such as the Southern African Gender Protocol Alliance, when well-resourced and supported by the REC and its Member States, civil society organisations can play significant roles in collecting data, advocating for women's rights and lobbying and holding the governing bodies accountable to their treaty obligations. The role of media can also increase public awareness of the three GEWE treaties, their rights afforded by them and the status of ratification and implementation by their governments.

Common recommendations for strengthening REC-CSO engagement to better implement the GEWE treaties were for RECs to be more targeted and strategic in their partnerships, focusing on CSOs and activists with large platforms and building champions on the various aspects of the treaties.<sup>4</sup>

## SUMMARY OF THE KEY FINDINGS FOR MEMBERS STATES IN THE FOUR THEMES

As stated in all three GEWE instruments, Member States are responsible for actualising these commitments and ensuring that women and girls thoroughly enjoy their rights. This analysis presents existing legal, policy and institutional measures in each of the 48 Member States and also assesses the gaps and challenges regarding meeting agreed commitments. Since 2015, progress has been made in each of the four themes. New and revised laws, institutional bodies and action plans continue to be adopted in alignment with obligations in implementing positive protections and addressing violations of women's rights. However, enforcement of these national instruments is undermined by a lack of sufficient, or in some instances, budgetary allocations, competing priorities and pressures from parallel informal patriarchal legal and judiciary systems.

### ECCAS MEMBERS STATES:

⇒ **Economic Rights:** All countries, barring Cameroon and São Tomé and Príncipe, have

<sup>3</sup> PAX (2017), "Shrinking Civil Society Space in the Horn of Africa", p. 18, [https://www.kacesudan.org/wp-content/uploads/2017/09/PAX\\_REPORT\\_KACE\\_FINAL\\_digi\\_single\\_page.pdf](https://www.kacesudan.org/wp-content/uploads/2017/09/PAX_REPORT_KACE_FINAL_digi_single_page.pdf).

<sup>4</sup> Validation meeting held in Nairobi from the 8<sup>th</sup>-9<sup>th</sup> of June, 2022.



constitutional provisions specific to women's economic rights. Each ECCAS country maintains some legal provisions relating to women's economic rights, but these vary in number, the rights covered, and the severity of penalties. Since 2015, nine out of the eleven countries, all but the Central African Republic and Equatorial Guinea, have introduced new legislation, increased criminal penalties for non-compliant employers or repealed discriminatory legal provisions relating to women and their economic rights. For example, Burundi, Cameroon, Chad and Gabon have introduced specific legislation on sexual harassment in the workplace. Rwanda and São Tomé and Príncipe have equalised the retirement age between men and women. In 2016, DR Congo repealed provisions that limited women's ability to work at night.<sup>5</sup> Similarly, in 2020, São Tomé and Príncipe removed such provisions, allowing women to work at night and in all professions.<sup>6</sup>

⇒ **Harmful Practices:** All ECCAS countries have general constitutional articles relating to the protection of women and children's rights and/or from degrading treatment. Chad is the only country to cite FGM as such humiliating treatment.<sup>7</sup> Angola's Constitution prohibits customs that are contrary to the Constitution and women's rights. Regarding early marriage, Burundi specifically highlights "free and full consent" concerning marriage<sup>8</sup>, and Chad explicitly refers to the prohibition of "premature marriages"<sup>9</sup>. The penal codes of most countries have provisions on early, child or forced marriages. All but two countries maintain that the minimum age of marriage is 18 years for girls; Rwanda is an outlier in setting the minimum age as 21 years for both women and

men. Both Cameroon (1981 Statutory Law) and Gabon (1995 Civil Code) maintain the minimum age for girls to be married at 15 years. Four countries (Burundi, Chad, DR Congo and Rwanda) have introduced new laws or increased punishment for early marriage since 2015. Cameroon's 2016 Penal Code criminalised and introduced sanctions against forced marriage.

⇒ **Political Participation:** All eleven countries' constitutions, except Cameroon, have included either the right to equal representation in public and private life, the right not to be excluded from political life based on gender, or political parties' requirement to respect principles of gender representation. Several trends emerge when examining the introduction or amendments of legal provisions within the last six years. Burundi, Central African Republic, Chad and Congo Republic have implemented changes to their Electoral Code Laws, further committing their governments to electoral roll quotas for women of at least 30%. Expansively, Congo Republic extended their Electoral Law 30% quota to local elections.<sup>10</sup> The Central African Republic and DR Congo have both introduced Parity Laws; CAR mandates all state services and its branches, political parties, the private sector and civil society reserve at least 35% of the decision-making positions to women over the 2016-2026 period<sup>11</sup> and DR Congo's 30% quota derives from Article 14 of its Constitution, which promotes fair representation (*représentation équitable*) of women in elected and appointed bodies.<sup>12</sup> The National Development Plans of Angola, Chad and São Tomé and Príncipe all have specific policies regarding advancing women's political and decision-making rights.

5 DR Congo, *Loi n° 16/008 du 15 juillet 2016 modifiant et complétant la loi n°87-010 du 1er août 1987 portant Code de la Famille*.

6 World Bank (2020) 'Reforms - São Tomé and Príncipe', available at: <https://wbl.worldbank.org/en/reforms>

7 Chad's Constitution of 2018, available at: [https://www.constituteproject.org/constitution/Chad\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Chad_2018.pdf?lang=en) (Article 19, pg 6).

8 Burundi's Constitution of 2018, available at: [https://www.constituteproject.org/constitution/Burundi\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en) (Article 29, pg 8).

9 Chad's Constitution of 2018, available at: [https://www.constituteproject.org/constitution/Chad\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Chad_2018.pdf?lang=en) (Article 19, pg 6).

10 De La Republique Du Congo (2016), *Loi n° 1-2016 du 23 janvier 2016 modifiant et complétant certaines dispositions des lois n° 5-2007 du 25 mai 2007, n° 9-2012 du 23 mai 2012 et n° 40-2014 du 1er septembre 2014 modifiant et complétant certaines dispositions de la loi électorale*, available at: <https://aceproject.org/ero-en/regions/africa/CC/congo-brazzaville-electoral-law-amendments-2016>

11 United Nations Development Program (UNDP) (2016) 'The Central African Republic adopts the law on gender parity', available at: <https://www.cf.undp.org/content/car/fr/home/presscenter/press-releases/2016/11/10/la-centrafrique-adopte-la-loi-sur-la-parite-homme-femme.html>

12 DR Congo DR Congo (2015) 'Law No. 15/013 of 1<sup>st</sup> August 2015', available at: <https://leganet.cd/Legislation/Droit%20Public/DH/Loi.15.013.01.08.html#CI>

⇒ **Sexual and Gender-Based Violence (Violence Against Women):** Since 2015, five of the eleven Member States have revised their constitutions with provisions to benefit women's rights against violence. Burundi, Chad and the Republic of Congo's revisions include articles prohibiting degrading, humiliating or inhuman treatment; Burundi and Chad also include articles against slavery and servitude. The Central African Republic's 2016 Constitution<sup>13</sup> includes specific articles prohibiting violence against women, including intellectual violence, that no one may be subjected to rape and the positive right of every citizen to physical and moral integrity. Congo Republic introduced and Rwanda has maintained mechanisms through their constitutions, the Consultative Council of Women and the Gender Monitoring Office, respectively, to advance women's rights.

All Member States, barring the Republic of Congo and Equatorial Guinea, introduced new legislative measures and/or criminal penalties against various aspects of Violence Against Women within the last six years. Seven countries<sup>14</sup> amended their Penal Codes, increasing criminal penalties for violent violations and/or introducing new sanctions. For

example, Chad and Cameroon both increased the length of prison sentences and the amount owed in fines regarding sexual harassment. DR Congo was the only country to have recently revised its Family Code. In 2016, it repealed discriminatory provisions requiring a husband's authorisation regarding his wife's signing of any legal documents, thus removing a barrier to women's economic freedom and freedom from coercive violence.<sup>15</sup>

## ECOWAS MEMBERS STATES

⇒ **Economic Rights:** Most countries in the ECOWAS region have some constitutional provision guaranteeing citizens the right to equal access to employment/vocational training (Benin,<sup>16</sup> Burkina Faso,<sup>17</sup> Côte d'Ivoire,<sup>18</sup> The Gambia,<sup>19</sup> Guinea Bissau,<sup>20</sup> Liberia,<sup>21</sup> Mali,<sup>22</sup> Niger,<sup>23</sup> Nigeria<sup>24</sup>) and/or fair pay (Côte d'Ivoire,<sup>25</sup> Niger,<sup>26</sup> Togo).<sup>27</sup> Some countries go further and specifically address women's economic rights by including provisions relating to equal treatment and the prohibition of gender-based discrimination in the areas of employment, training and/or remuneration/equal pay (Burkina Faso,<sup>28</sup> Côte d'Ivoire, Ghana,<sup>29</sup> The

13 Central African Republic's Constitution of 2016, made available by the Constitute Project, available at: [https://www.constituteproject.org/constitution/Central\\_African\\_Republic\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Central_African_Republic_2016.pdf?lang=en) (Articles 3 & 7)

14 Angola, Burundi, Cameroon, Chad, DR Congo, Gabon & São Tomé and Príncipe

15 Democratic Republic of the Congo (2016) Loi n° 16/008 du 15 juillet 2016 modifiant et complétant le loi n°87-010 du 1er août 1987 portant Code de la Famille, available at: [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=102954&p\\_count=15&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=102954&p_count=15&p_classification=01)

16 Constitute Project (2021) "Benin's Constitution of 1990", Article 8 [https://www.constituteproject.org/constitution/Benin\\_1990.pdf?lang=en](https://www.constituteproject.org/constitution/Benin_1990.pdf?lang=en)

17 Constitute Project (2021) "Burkina Faso's Constitution of 1991 with Amendments through 2015", Article 19 [https://www.constituteproject.org/constitution/Burkina\\_Faso\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Burkina_Faso_2015.pdf?lang=en)

18 Constitute Project (2021) "Côte d'Ivoire's Constitution of 2016", Article 14 [https://www.constituteproject.org/constitution/Cote\\_DIvoire\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Cote_DIvoire_2016.pdf?lang=en)

19 Constitute Project (2021) "Gambia (The)'s Constitution of 1996 with Amendments through 2018", Article 28 [https://www.constituteproject.org/constitution/Gambia\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Gambia_2018.pdf?lang=en)

20 Constitute Project (2021) "Guinea-Bissau's Constitution of 1984 with Amendments through 1996", Article 25 [https://www.constituteproject.org/constitution/Guinea\\_Bissau\\_1996.pdf?lang=en](https://www.constituteproject.org/constitution/Guinea_Bissau_1996.pdf?lang=en)

21 Constitute Project (2021) "Liberia's Constitution of 1986", Article 8 [https://www.constituteproject.org/constitution/Liberia\\_1986.pdf?lang=en](https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en)

22 Constitute Project (2021) "Mali's Constitution of 1992 -Historical" Article 19 [https://www.constituteproject.org/constitution/Mali\\_1992.pdf?lang=en](https://www.constituteproject.org/constitution/Mali_1992.pdf?lang=en)

23 Constitute Project (2021) "Niger's Constitution of 2010 with Amendments through 2017", Article 33 [https://www.constituteproject.org/constitution/Niger\\_2017.pdf?lang=en](https://www.constituteproject.org/constitution/Niger_2017.pdf?lang=en)

24 Constitute Project (2021) "Nigeria's Constitution of 1999 with Amendments through 201", Article 3 [https://www.constituteproject.org/constitution/Nigeria\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en)

25 Constitute Project (2021) "Côte d'Ivoire's Constitution of 2016", Article 15 [https://www.constituteproject.org/constitution/Cote\\_DIvoire\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Cote_DIvoire_2016.pdf?lang=en)

26 Constitute Project (2021) "Niger's Constitution of 2010 with Amendments through 2017", Article 33 [https://www.constituteproject.org/constitution/Niger\\_2017.pdf?lang=en](https://www.constituteproject.org/constitution/Niger_2017.pdf?lang=en)

27 Constitute Project (2021) "Togo's Constitution of 1992 with Amendments through 2007", Article 37 [https://www.constituteproject.org/constitution/Togo\\_2007.pdf?lang=en](https://www.constituteproject.org/constitution/Togo_2007.pdf?lang=en)

28 Constitute Project (2021) "Burkina Faso's Constitution of 1991 with Amendments through 2015", Article 19 [https://www.constituteproject.org/constitution/Burkina\\_Faso\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Burkina_Faso_2015.pdf?lang=en)

29 Constitute Project (2021) "Ghana's Constitution of 1992 with Amendments through 1996", Article 27 [https://www.constituteproject.org/constitution/Ghana\\_1996.pdf?lang=en](https://www.constituteproject.org/constitution/Ghana_1996.pdf?lang=en)

Gambia,<sup>30</sup> Cabo Verde,<sup>31</sup> Guinea,<sup>32</sup> Liberia,<sup>33</sup> Nigeria,<sup>34</sup> Senegal,<sup>35</sup> Sierra Leone,<sup>36</sup> Togo).<sup>37</sup> All fifteen ECOWAS countries have made policy reforms strengthening women's economic rights. For example, all countries have national gender policies which include the promotion of women's economic empowerment as a strategic objective. During 2015-2021 examples of policy interventions have taken the form of national development strategies and/or dedicated projects enhancing women's economic empowerment and entrepreneurship.

⇒ **Harmful Practices:** During the period 2015-2021, almost all ECOWAS countries introduced policy and institutional reforms to address child marriage and/or FGM. These have most commonly taken the form of multi-pronged interventions consisting of national action plans, campaigns, awareness sessions and training. The prevalence of FGM and child marriage remains high in several countries in the ECOWAS region. The majority of ECOWAS countries do not have constitutional provisions prohibiting harmful practices. Some countries (Burkina Faso, The Gambia) contain provisions which require free consent for marriage. Article 23 of Burkina Faso's Constitution provides that marriage is based on free consent, and all discrimination within marriage is prohibited.<sup>38</sup> Since 2015, seven countries (Benin, Burkina Faso, Côte d'Ivoire, The Gambia, Guinea, Nigeria, and Togo) have introduced legal reforms addressing harmful practices. These have strengthened existing

legal frameworks, and in some cases, they have introduced new offences against women.

⇒ **Political Participation:** The constitution of all countries in ECOWAS contains general provisions guaranteeing an equal right to partake in political life. For example, Liberia's constitution states that political membership or association is open to every citizen of Liberia regardless of sex (Article 79(b)).<sup>39</sup> Similarly, Nigeria contains provisions guaranteeing membership of political parties to everyone, irrespective of sex (Article 222(b)).<sup>40</sup> The Constitution of Guinea Bissau (1996) notes that men and women are equal before the law, including within political life.<sup>41</sup> Seven out of fifteen countries (Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Ghana, Niger, and The Gambia,) go further and make specific mention of women having access or being equal in the political sphere. To increase women's political representation, eleven out of fifteen ECOWAS countries (Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Senegal, Sierra Leone, and Togo) have legislated quotas in place.

⇒ **Sexual and Gender-Based Violence (Violence Against Women):** All countries have a provision in their constitution protecting all citizens' fundamental right to live free from torture, cruel, inhumane or degrading treatment. Some countries have gone in addressing violence against women. In particular, Cabo Verde's 2010 amended Constitution contains a provision addressing domestic violence, "The law punishes

30 Constitution Project (2021) "Gambia (The)'s Constitution of 1996 with Amendments through 2018", Article 28 [https://www.constituteproject.org/constitution/Gambia\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Gambia_2018.pdf?lang=en)

31 Cabo Verde (2010) "Ley Constitucional núm. 1/VII/2010 que revisa la Constitución de la República de Cabo Verde", Article 62 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&isn=88419&p\\_country=CPV&p\\_count=161&p\\_classification=01.01&p\\_classcount=2](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&isn=88419&p_country=CPV&p_count=161&p_classification=01.01&p_classcount=2)

32 Constitution Project (2021) "Guinea's Constitution of 2010- **Historical**" Article 20 [https://www.constituteproject.org/constitution/Guinea\\_2010.pdf?lang=en](https://www.constituteproject.org/constitution/Guinea_2010.pdf?lang=en)

33 Constitution Project (2021) "Liberia's Constitution of 1986", Article 18 [https://www.constituteproject.org/constitution/Liberia\\_1986.pdf?lang=en](https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en)

34 Constitution Project (2021) "Nigeria's Constitution of 1999 with Amendments through 201", Article 3(e) [https://www.constituteproject.org/constitution/Nigeria\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en)

35 Constitution Project (2021) "Senegal's Constitution of 2001 with Amendments through 2016", Article 25 [https://www.constituteproject.org/constitution/Senegal\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Senegal_2016.pdf?lang=en)

36 Constitution Project (2021) "Sierra Leone's Constitution of 1991, Reinstated in 1996, with Amendments through 2013", Article 3 (e) [https://www.constituteproject.org/constitution/Sierra\\_Leone\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/Sierra_Leone_2013.pdf?lang=en)

37 Constitution Project (2021) "Togo's Constitution of 1992 with Amendments through 2007", Article 37 [https://www.constituteproject.org/constitution/Togo\\_2007.pdf?lang=en](https://www.constituteproject.org/constitution/Togo_2007.pdf?lang=en)

38 Constitution Project (2021) "Burkina Faso's Constitution of 1991 with Amendments through 2015", Article 23 [https://www.constituteproject.org/constitution/Burkina\\_Faso\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Burkina_Faso_2015.pdf?lang=en)

39 Constitution Project "Liberia's Constitution of 1986", Article 79(b) [https://www.constituteproject.org/constitution/Liberia\\_1986.pdf?lang=en](https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en)

40 Constitution Project "Nigeria's Constitution of 1999 with Amendments through 2011- subsequently amended 2018", Article 222(b) [https://www.constituteproject.org/constitution/Nigeria\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en)

41 Constitution Project "Guinea-Bissau's Constitution of 1984 with Amendments through 1996", Article 25 [https://www.constituteproject.org/constitution/Guinea\\_Bissau\\_1996.pdf?lang=en](https://www.constituteproject.org/constitution/Guinea_Bissau_1996.pdf?lang=en)

domestic violence and protects rights of all family members”<sup>42</sup> Niger obligates the states to undertake measures to combat the violence done to women and children in public and private life.<sup>43</sup> Sierra Leone mentions slavery and forced labour.<sup>44</sup>

Eleven ECOWAS countries (Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Ghana, Liberia, Niger, Nigeria, Sierra Leone, Senegal and Togo) have made legal reforms addressing violence against women from 2015-2021. Some countries (Benin, Burkina Faso, Liberia, Nigeria, and Sierra Leone) have enacted *individual legislation* which addresses violence against women. Several countries (Benin, Cabo Verde, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Nigeria, Senegal, and Sierra Leone) have updated or introduced policy responses to combat trafficking in persons

## IGAD MEMBERS STATES:

⇒ **Economic Rights:** All IGAD Member States' constitutions have provisions related to the right to work and the right to own property. Sudan adopted a Constitution in 2019, which protects women's economic rights and the right to equal pay for equal work and other professional benefits and stipulates a general right to own property.<sup>45</sup> All countries have adopted legislation providing for maternity leave. Apart from Sudan, all IGAD countries have adopted legislation to

tackle gender discrimination. Several countries have adopted policy reforms on women's economic empowerment. Ethiopia's Growth and Transformation Plan II (GTP II) (2015/16-2019/20) tackled land rights, primarily distributing land-use certificates to women.<sup>46</sup>

⇒ **Harmful Practices:** Degrading treatment is prohibited under the constitution in all IGAD Member States.<sup>47</sup> Four States (Ethiopia, Somalia, South Sudan and Sudan) underline the rights of women/children from harmful practices in their respective constitutions.<sup>48</sup> All eight IGAD countries have legislation related to harmful practices. FGM/C is prohibited under the law in all IGAD Member States. Three countries ban marriage under the age of 18 (Kenya, Somalia, South Sudan), one potentially allows child marriage (Uganda), and one does not define the age of marriage (Sudan). Three countries allow child marriage (Djibouti, Eritrea, Ethiopia). Between 2015 – 2021, all IGAD Member States introduced policy reforms and nearly all implemented institutional reforms on child marriage, or FGM, or both. Four countries (Djibouti, Kenya, Somalia, and Sudan) adopted strategies and policies to end FGM/C.

⇒ **Political Participation:** All countries allow women to vote and stand for elections. Aside from Ethiopia, where only one party adopted gender quotas, all countries have legislation on gender quotas for at least one of the

42 Cabo Verde (2010) "Ley Constitucional núm. 1/VII/2010 que revisa la Constitución de la República de Cabo Verde", Family rights (Article 82(9)) [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&isn=88419&p\\_country=CPV&p\\_count=161&p\\_classification=01\\_01&p\\_classcount=2](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&isn=88419&p_country=CPV&p_count=161&p_classification=01_01&p_classcount=2)

43 Constitute Project (2021) "Niger's Constitution of 2010 with Amendments through 2017", Article. 22 [https://www.constituteproject.org/constitution/Niger\\_2017.pdf?lang=en](https://www.constituteproject.org/constitution/Niger_2017.pdf?lang=en)

44 Constitute Project (2021) "Sierra Leone's Constitution of 1991, Reinstated in 1996, with Amendments through 2013-Subsequently amended 2016", Article 19 [https://www.constituteproject.org/constitution/Sierra\\_Leone\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/Sierra_Leone_2013.pdf?lang=en) 2013 and 2015 Amendment Acts available on ILO NATLEX Database [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&isn=104306&p\\_country=SLE&p\\_count=169&p\\_classification=01\\_01&p\\_classcount=17](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&isn=104306&p_country=SLE&p_count=169&p_classification=01_01&p_classcount=17)

45 Sudan (2019), "Constitution", [https://www.constituteproject.org/constitution/Sudan\\_2019.pdf?lang=en](https://www.constituteproject.org/constitution/Sudan_2019.pdf?lang=en).

46 Federal Democratic Republic of Ethiopia (2016) "Growth and Transformation Plan II (GTP II) (2015/16-2019/20) Volume I: Main Text", <https://ethiopia.un.org/sites/default/files/2019-08/GTPII%20%20English%20Translation%20%20Final%20%20June%2021%202016.pdf>.

47 Djibouti (2010), "Djibouti's Constitution of 1992 with Amendments through 2010", Art. 16, [https://www.constituteproject.org/constitution/Djibouti\\_2010.pdf?lang=en](https://www.constituteproject.org/constitution/Djibouti_2010.pdf?lang=en); Eritrea (1997), "Eritrea's Constitution of 1997", Art. 16, [https://www.constituteproject.org/constitution/Eritrea\\_1997.pdf?lang=en](https://www.constituteproject.org/constitution/Eritrea_1997.pdf?lang=en); Ethiopia (1994), "Ethiopia's Constitution of 1994", Art. 28, [https://www.constituteproject.org/constitution/Ethiopia\\_1994.pdf?lang=en](https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en); Kenya (2010), "Constitution of Kenya, 2010", Art. 25, <http://www.kenyalaw.org/8181/exist/kenyalex/actview.xql?actid=Const2010>; Somalia (2012), "Somalia's Constitution of 2012", Art. 15, [https://www.constituteproject.org/constitution/Somalia\\_2012.pdf?lang=en](https://www.constituteproject.org/constitution/Somalia_2012.pdf?lang=en); South Sudan (2013), "South Sudan's Constitution of 2011 with Amendments through 2013", Art. 18, [https://www.constituteproject.org/constitution/South\\_Sudan\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/South_Sudan_2013.pdf?lang=en); Sudan (2019) "Constitution of Sudan", Art. 51, [https://www.constituteproject.org/constitution/Sudan\\_2019?lang=en](https://www.constituteproject.org/constitution/Sudan_2019?lang=en); Uganda (1995), "Constitution of the Republic of Uganda", Art. 44, <https://ulii.org/akn/ug/act/statute/1995/constitution/eng%402018-01-05>.

48 Ethiopia (1994), "Ethiopia's Constitution of 1994", Art. 16(4), [https://www.constituteproject.org/constitution/Ethiopia\\_1994.pdf?lang=en](https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en); Somalia (2012), "Somalia's Constitution of 2012", Art. 15, [https://www.constituteproject.org/constitution/Somalia\\_2012.pdf?lang=en](https://www.constituteproject.org/constitution/Somalia_2012.pdf?lang=en); South Sudan (2013), "South Sudan's Constitution of 2011 with Amendments through 2013", Art. 16(4)(b), 17(1)(f) and (g), [https://www.constituteproject.org/constitution/South\\_Sudan\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/South_Sudan_2013.pdf?lang=en); Sudan (2019) "Constitution of Sudan", Art. 49(4), [https://www.constituteproject.org/constitution/Sudan\\_2019?lang=en](https://www.constituteproject.org/constitution/Sudan_2019?lang=en).



parliamentary chambers.<sup>49</sup> Djibouti adopted Act No. 219/AN/18/7<sup>th</sup>, which establishes a quota of 25% in 2018 for the National Assembly and for the candidates on party lists to be admissible for election (Art. 1).<sup>50</sup> As a result of the quota, the share of women parliamentarians in Djibouti rose 13.5% between 2015 and 2019.<sup>51</sup> Several countries introduced policy reforms on women's political rights.<sup>52</sup> Five countries (Djibouti, Kenya, South Sudan, Sudan, and Uganda) adopted National Action Plans on UNSCR 1325 on Women, Peace and Security and Related Resolutions to strengthen women's participation in the peace-making process.<sup>53</sup>

⇒ **Sexual and Gender-Based Violence (Violence Against Women):** All constitutions in the IGAD region contain articles on human dignity, forced labour, slavery, or trafficking.<sup>54</sup> In one country, Somalia, the Constitution directly addresses violence against women.<sup>55</sup> VAW was addressed by the legislators of all IGAD Member States. Several countries adopted legislation on GBV. Domestic violence laws exist in five of the eight countries (excluding Somalia, South Sudan, and Sudan). Human trafficking laws exist in

all countries except for Somalia. Since 2015, six countries (Djibouti, Ethiopia, Kenya, Somalia, South Sudan, and Uganda) have introduced policies on GBV. Several countries in the region also implemented institutional reforms related to VAW. Five countries established new institutions and counter-trafficking posts (Djibouti, Ethiopia, Somaliland, South Sudan and Uganda) to combat trafficking. The Djibouti government appointed a deputy prosecutor to monitor all anti-trafficking law enforcement efforts, and the justice ministry added a senior advisor position focused solely on trafficking.<sup>56</sup>

## SADC MEMBERS STATES:

⇒ **Economic Rights:** The constitutions in 11 countries (Angola, Comoros, DRC, Eswatini, Lesotho, Madagascar, Malawi, Mozambique, Seychelles, Tanzania, and Zimbabwe), the constitution guarantees equal pay for work of equal value.<sup>57</sup> The constitutions of Comoros, Lesotho, Malawi, Zimbabwe specifically mention women's equal pay rights or prohibit gender-based remuneration discrimination.

- 49 Eritrea (2002) "Eritrean Electoral Law", <https://constitutionnet.org/sites/default/files/Eritrea%20Election%20Laws.pdf>; South Sudan (2012), "Political Parties Act, 2012, Act No. 33"; Sudan (2008), "The National Elections Act 2008", <https://www.eisa.org/pdf/sud2008elections.pdf>
- 50 Act No. 219/AN/18/7<sup>th</sup> L (Loi N° 219/AN/18/7<sup>ème</sup> L modifiant la Loi n°192/AN/02/4<sup>ème</sup> L instituant le système de quota dans les fonctions électives et dans l'administration de l'Etat), at: <https://www.presidence.dj/texte.php?ID=219&ID2=2018-01-11&ID3=Loi&ID4=1&ID5=2018-01-15&ID6=n>; implemented by: Decree No. 2018-032/PR/MI (Décret N° 2018-032/PR/MI portant modalités d'application de la Loi n°219/AN/18/7<sup>ème</sup> L modifiant la Loi n°192/AN/02/4<sup>ème</sup> L instituant le système de quota dans les fonctions électives et dans l'administration de l'Etat), <https://www.presidence.dj/texte.php?ID=2018-032&ID2=2018-01-16&ID3=D%E9cret&ID4=2&ID5=2018-01-31&ID6=n>.
- 51 Inter-Parliamentary Union, "Women in national parliaments - Situation as of 1st January 2015", <https://www.archive.ipu.org/wmn-e/arc/classifo1015.htm>; Inter-Parliamentary Union, "Women in national parliaments - Situation as of 1st January 2019", <http://archive.ipu.org/wmn-e/arc/classifo1019.htm>.
- 52 Republic of Djibouti (2016), "Vision 2035", <https://www.ccd.dj/w2017/wp-content/uploads/2016/01/Vision-Nationale.pdf>; ReliefWeb (2021), "Let the Somali women lead", <https://reliefweb.int/report/somalia/let-somali-women-lead>; EU Election Expert Mission to Somalia, (2017) "Somalia 2016-2017 Limited Election Process - Final Report", p. 29, [https://www.ecoi.net/en/file/local/1408355/1226\\_1505130012\\_eu-eem-somalia-final-report.pdf](https://www.ecoi.net/en/file/local/1408355/1226_1505130012_eu-eem-somalia-final-report.pdf).
- 53 Ministère de la Femme et de la Famille du Djibouti (2019), "Rapport d'Examen National Approfondi Etabli à l'occasion du 25<sup>ème</sup> anniversaire de la quatrième Conférence mondiale de Beijing sur les Femmes Et les 5 ans du Programme de développement durable des Nations Unies à l'horizon 2030", p. 54, <https://famille.gouv.dj/uploads/publications/5aa0fa78858ca10cfe512dda5ab8c98.pdf>; Kenya (2016), "2016-2018 National Action Plan for the Implementation of United Nations Security Council Resolution 1325 and Related Resolutions", <https://www.peacewomen.org/sites/default/files/Kenya%20NAP-with-cover-final.pdf>; Kenya (2020), "Kenya National Action Plan for the Advancement of United Nations Security Council Resolution 1325 on Women, Peace and Security 2020-2024", <https://gender.go.ke/wp-content/uploads/2020/09/KNAP-II-digital-30-Apr-2.pdf>; South Sudan (2015), "South Sudan National Action Plan 2015-2020 on UNSCR 1325 on Women, Peace and Security and Related Resolutions", <https://www.peacewomen.org/sites/default/files/SS%20NAP%201325.pdf>; South Sudan is also currently working on revising its NAP to continue its effort past 2020; UNICEF (2020), "United Nations welcomes the launch of Sudan National Action Plan on Women Peace and Security", <https://www.unicef.org/sudan/press-releases/united-nations-welcomes-launch-sudan-national-action-plan-women-peace-and-security>; Uganda Ministry of Gender, Labour and Social Development (2021), "National Action Plan III on Women, Peace and Security 2021-2025", <https://www.idpg.or.ug/wp-content/uploads/2021/04/Third-National-Action-Plan-on-UNSCR-1325-Women-Peace-and-Security-1.pdf>.
- 54 Djibouti (2010), "Djibouti's Constitution of 1992 with Amendments through 2010", Art. 16, [https://www.constituteproject.org/constitution/Djibouti\\_2010.pdf?lang=en](https://www.constituteproject.org/constitution/Djibouti_2010.pdf?lang=en); Eritrea (1997), "Eritrea's Constitution of 1997", Art. 15 sq., [https://www.constituteproject.org/constitution/Eritrea\\_1997.pdf?lang=en](https://www.constituteproject.org/constitution/Eritrea_1997.pdf?lang=en); Ethiopia (1994), "Ethiopia's Constitution of 1994", Arts. 18, 21, 24, 91, [https://www.constituteproject.org/constitution/Ethiopia\\_1994.pdf?lang=en](https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en); Kenya (2010), "Constitution of Kenya, 2010", Arts. 25(a) and (b), 28 to 30, <http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010>; Somalia (2012), "Somalia's Constitution of 2012", Art 10, 14 sq., [https://www.constituteproject.org/constitution/Somalia\\_2012.pdf?lang=en](https://www.constituteproject.org/constitution/Somalia_2012.pdf?lang=en); South Sudan (2013), "South Sudan's Constitution of 2011 with Amendments through 2013", Arts. 16(1), 18, [https://www.constituteproject.org/constitution/South\\_Sudan\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/South_Sudan_2013.pdf?lang=en); Uganda (1995), "Constitution of the Republic of Uganda", Arts. 25, 32(2), 33(1), 44, <https://ulii.org/akn/ug/act/statute/1995/constitution/eng%402018-01-05>.
- 55 Somalia (2012), "Somalia's Constitution of 2012", Art.15(2), [https://www.constituteproject.org/constitution/Somalia\\_2012.pdf?lang=en](https://www.constituteproject.org/constitution/Somalia_2012.pdf?lang=en).
- 56 Department of State (2019) "2018 Trafficking in Persons Report: Djibouti", <https://www.state.gov/reports/2018-trafficking-in-persons-report/djibouti/>.
- 57 Angola, Comoros, DRC, Eswatini, Lesotho, Madagascar, Malawi, Mozambique, Seychelles, Tanzania, and Zimbabwe.

Each SADC Member State maintains laws considered relevant to women's economic rights. All countries have provisions protecting male and female employees from dismissal without due cause. Following legal reforms implemented between 2015 and the present, all SADC Member States now provide paid maternity leave. In eight countries (Comoros, DR Congo, Madagascar, Mauritius, Seychelles, South Africa, Zambia, Zimbabwe), maternity leave is at least 14 weeks long, thus meeting the ILO standard.<sup>58</sup> Nearly all SADC Member States have implemented policies promoting women's economic empowerment since 2015.<sup>59</sup> In Angola, Botswana, DR Congo, Eswatini, Malawi, Mozambique, Namibia, and Zimbabwe policies promote female entrepreneurship.

⇒ **Harmful Practices:** Three countries (Eswatini, Malawi, and Zimbabwe) have constitutional provisions relevant to eliminating harmful traditional practices.<sup>60</sup> Eswatini's Constitution

provides that a woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed.<sup>61</sup> The 2015 Constitution of Malawi sets the minimum age of marriage at 18, repealing the provision which previously allowed children as young as 15 years of age to marry with parental consent.<sup>62</sup> It also prohibits forced marriage. All SADC Member States, barring Comoros, Eswatini, Mauritius, Namibia, and Seychelles have legislation protecting children from traditional practices that may cause them physical or mental harm.<sup>63</sup> 10 countries have set the legal age of marriage at 18. Of those, in six countries (Botswana<sup>64</sup>, DR Congo<sup>65</sup>, Malawi<sup>66</sup>, Mozambique,<sup>67</sup> Seychelles,<sup>68</sup> Zimbabwe<sup>69</sup>) the legal minimum age of marriage is without exception. Several SADC countries implemented policy and institutional reforms on harmful practices. Between 2015 and 2019, nine countries (Angola,<sup>70</sup> DR Congo<sup>71</sup>, Lesotho,<sup>72</sup> Madagascar,<sup>73</sup>

58 Women, Business and the Law (2021) Data, <https://wbl.worldbank.org/en/wbl-data>

59 Angola, Botswana, Comoros, DRC, Eswatini, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Seychelles, South Africa, Zambia and Zimbabwe. In addition, the Zanzibar government in Tanzania introduced the Zanzibar Economic Empowerment Policy 2019.

60 Right By Her (2018), "The State of African Women Report: Chapter 6 Harmful Practices", p.201 <https://rightbyher.org/wp-content/uploads/2018/12/SOAW-Report-Chapter-6-Harmful-Practices.pdf>

61 Eswatini's 2005 Constitution, Section 28(3).

62 Malawi Constitution with Constitutional Amendment Act No.36.

63 Angola's Penal Code (2020), Article 160, [https://governo.gov.ao/fotos/frontend\\_1/gov\\_documentos/novo\\_codigo\\_penal\\_905151145fado2b10cd11.pdf](https://governo.gov.ao/fotos/frontend_1/gov_documentos/novo_codigo_penal_905151145fado2b10cd11.pdf); Botswana's Children's Act (2009), Section 62 [http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation\\_11\\_en.pdf](http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation_11_en.pdf); Democratic Republic of the Congo's Code on Child Protection (2009), Article 153 [http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation\\_11\\_en.pdf](http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation_11_en.pdf); Tanzania's Sexual Offences Special Provisions Act 1998, Article 21, <https://www.28toomany.org/country/tanzania/>; Lesotho's Children's Protection and Welfare Act (2011), Section 17, [http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation\\_11\\_en.pdf](http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation_11_en.pdf); Republic of Madagascar (2019), "Loi n°2019-008 relative à la lutte contre les Violences Basées sur le Genre", <https://www.assemblee-nationale.mg/wp-content/uploads/2019/12/Loi-n%C2%B0-2019-008-VBG.pdf>; Malawi's Child Care Protection and Justice Act (2010), Section 80, [http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation\\_11\\_en.pdf](http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation_11_en.pdf); Mozambique's Law No. 34/2014 revising the Penal Code, Article 178, [https://www.wlsa.org.mz/wp-content/uploads/2014/11/Lei-35\\_2014Codigo\\_Penal.pdf#page=22](https://www.wlsa.org.mz/wp-content/uploads/2014/11/Lei-35_2014Codigo_Penal.pdf#page=22); South Africa's Penal Code, Article 153 and 154, <https://policehumanrightsresources.org/content/uploads/2016/03/South-African-Territory-Penal-Code.pdf?x96812>; Child Act (2005), Article 12; Protection of Equality and Unfair Discrimination Act (2000), Article 8, [http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation\\_11\\_en.pdf](http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation_11_en.pdf); Zambia's Penal Code (Amendment) Act 15 of 2005; [http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation\\_11\\_en.pdf](http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation_11_en.pdf); Zimbabwe's Domestic Violence Act, 2006, Sections 3-4, [http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation\\_11\\_en.pdf](http://www.africanchildforum.org/clr/Harmonisation%20of%20Laws%20in%20Africa/other-documents-harmonisation_11_en.pdf)

64 Girls Not Brides (2021), "Atlas", <https://atlas.girlsnotbrides.org/>

65 Girls Not Brides (2021), "Atlas", <https://atlas.girlsnotbrides.org/map/democratic-republic-of-the-congo>

66 The [Marriage Divorce and Family Relations Act, 2015 \(Sections 12 and 14\)](#) applies to all marriages and raises the nuptial age to 18, as does Constitutional Amendment Act No.36

67 Save the Children (2019), "Child marriage criminalised by law in Mozambique", <https://campaigns.savethechildren.net/blogs/marcalmonteiro/child-marriage-criminalised-law-mozambique>

68 Republic of Seychelles Immigration and Civil Status (2020), "President Ramkalawan assents to new Civil Code of Seychelles", <http://www.ics.gov.sc/about/media-centre/publications/president-ramkalawan-assents-to-new-civil-code-of-seychelles>

69 Girls Not Brides (2021), "Atlas", <https://atlas.girlsnotbrides.org/>

70 UN Human Rights Council (2017), "Second periodic report submitted by Angola under article 40 of the Covenant, due in 2017", para. 173

71 United Nations Human Rights Treaty Body Database (2019), "Eighth periodic report submitted by the DRC under article 18 of the Convention, due in 2017", p.14

72 UN Lesotho (2008), "Princess Senate of Lesotho inaugurated as the National Champion to 'end child marriages'", <https://lesotho.un.org/en/2015-princess-senate-lesotho-inaugurated-national-champion-end-child-marriages>.

73 Girls Not Brides (2021), "Atlas" <https://atlas.girlsnotbrides.org/map/madagascar>



Malawi,<sup>74</sup> Mozambique,<sup>75</sup> Tanzania,<sup>76</sup> Zambia,<sup>77</sup> Zimbabwe<sup>78</sup>) launched a national action plan, strategy, or a campaign to end child marriage.

⇒ **Political Participation:** Nine countries (Angola, Eswatini, Lesotho, Malawi, Namibia, South Africa, Tanzania, Zambia, Zimbabwe) guarantee the right to vote and stand for election in their constitutions. The constitutions of Comoros,<sup>79</sup> Eswatini, Tanzania, Zambia and Zimbabwe specify a minimum number of women to be appointed to parliament.<sup>80</sup> Since 2015, Comoros, Zambia and Zimbabwe passed constitutional amendments related to gender equity in parliament. In the SADC region, all countries except for Comoros, DR Congo, Madagascar, Seychelles and Zambia have adopted quotas to increase female representation at the national or sub-national level or both.<sup>81</sup> Fourteen countries (Angola,<sup>82</sup> Botswana,<sup>83</sup> Comoros,<sup>84</sup> DR Congo,<sup>85</sup> Eswatini,<sup>86</sup> Lesotho,<sup>87</sup> Madagascar,<sup>88</sup> Malawi,<sup>89</sup> Mozambique,<sup>90</sup> Namibia,<sup>91</sup> Seychelles,<sup>92</sup>

South Africa,<sup>93</sup> Zambia,<sup>94</sup> Zimbabwe<sup>95</sup>) have implemented national policies that aim to increase women's political participation after 2015. The national policies in three countries (Comoros, Eswatini and Namibia) set numerical targets. Both Eswatini and Namibia set the target at 50%. SADC Member States (Angola, DR Congo, Mozambique, Namibia, South Africa) have adopted National Action Plans (NAPs) for the implementation of UNSCR 1325, all of which call for the participation of women.

⇒ **Sexual and Gender-Based Violence (Violence Against Women):** All SADC Member States maintain constitutional provisions relevant to the prevention and elimination of sexual and gender-based violence (SGBV) and violence against women (VAW), such as the principle of non-discrimination, the right to life and the right to physical freedom. The Constitution of Malawi explicitly mentions the elimination of sexual violence. At the same time, Zimbabwe's

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- 74 Ministry of Gender, Children, Disabilities and Social Welfare (2019), "Republic of Malawi National Review on the Beijing + 25: Twenty-fifth Anniversary of the Beijing Declaration and Platform for Action (1995)", p.19 sq.
- 75 Girls Not Brides (2021), "Atlas", <https://atlas.girlsnotbrides.org/map/mozambique>
- 76 28 too many, (2018), "Tanzania: FGM and the Law",
- 77 Republic of Zambia Ministry of Gender (2015), "National Strategy on Ending Child Marriage in Zambia 2016-2021", UNFPA <https://zambia.unfpa.org/sites/default/files/pub-pdf/CHILD%20MARRIAGE%20STRATEGIC%20PLAN%20FINAL.pdf>; Republic of Zambia (2016), "National Advocacy and Communication Strategy on Ending Child Marriage in Zambia (2018-2021)", UNICEF <https://www.unicef.org/zambia/reports/national-advocacy-and-communication-strategy-ending-child-marriage-zambia-2018-2021>
- 78 Zim GBV Portal (2019), "Zimbabwe National Action Plan and Communication Strategy on Ending Child Marriage" <https://www.zimgbvportal.org.zw/download/zimbabwe-national-action-plan-and-communication-strategy-on-ending-child-marriage/>
- 79 The Constitution Project (2018), "Comoros's Constitution of 2018", Article 34 [https://constituteproject.org/constitution/Comoros\\_2018.pdf?lang=en](https://constituteproject.org/constitution/Comoros_2018.pdf?lang=en)
- 80 The Constitution Project (2021), "Topic: First chamber representation quotas", [https://constituteproject.org/constitutions?lang=en&key=|hquota&country=Angola&country=Botswana&country=Comoros\\_the&country=Democratic\\_Republic\\_of\\_the\\_Congo&country=Lesotho&country=Madagascar&country=Malawi&country=Mauritius&country=Mozambique&country=Namibia&country=Seychelles&country=South\\_Africa&country=Swaziland&country=United\\_Republic\\_of\\_Tanzania\\_the&country=Zambia&country=Zimbabwe&status=in\\_force](https://constituteproject.org/constitutions?lang=en&key=|hquota&country=Angola&country=Botswana&country=Comoros_the&country=Democratic_Republic_of_the_Congo&country=Lesotho&country=Madagascar&country=Malawi&country=Mauritius&country=Mozambique&country=Namibia&country=Seychelles&country=South_Africa&country=Swaziland&country=United_Republic_of_Tanzania_the&country=Zambia&country=Zimbabwe&status=in_force)
- 81 Institute for Democracy and Electoral Assistance (2021), "Gender Quotas Database", <https://www.idea.int/data-tools/data/gender-quotas/regions-overview>
- 82 Government of Angola (2018), "National Development Plan 2018-222", p.83 <https://www.cabri-sbo.org/en/documents/national-development-plan-pnd-2018-2022>
- 83 Government of Botswana (2015), "National Policy on Gender and Development", <https://evaw-global-database.unwomen.org/fr/countries/africa/botswana/2015/the-national-policy-on-gender-and-development>
- 84 Union des Comores (2018), "Strategie De Croissance Acceleree et de developpement Durable (SCA2D) 2018-2021", p. 34
- 85 Government of the DRC (2019), "Report on the Application of the Beijing Declaration", p.47.
- 86 Government of Eswatini (2019), "National Development Plan 2019/20 – 2021/22", p.169.
- 87 Lesotho (2018), "Gender and Development Policy 2018-2030", p.36.
- 88 Madagascar Ministry of Population, Social Protection, and Advancement of Women (2015), "Gender and Election Strategy for Madagascar 2015-2020", <https://www.scribd.com/document/303159979/Strategie-Genre-et-elections-a-Madagascar-2015-2020>
- 89 Government of Malawi (2015), "National Gender Policy", <https://cepa.rmportal.net/Library/government-publications/National%20Gender%20Policy%202015.pdf/view>
- 90 Government of Mozambique (2018), "Gender Policy and Strategy for its Implementation", <http://forumulher.org.mz/wp-content/uploads/2018/09/POLITICA-DE-GENERO-e-Estrategia-Implementacao-APROVADA-CM-11.09.2018000.pdf>
- 91 Government of Namibia (2010), "National Gender Policy 2010-2020", p.33,
- 92 Government of Seychelles (2019), "Seychelles: National Comprehensive Review 2019", p.5.
- 93 South African Department of Women (2015), "Strategic Plan 2015-2020", p.16.
- 94 Government of Zambia (2017), "Seventh National Development Plan 2017-2021", p.107.; Government of Zambia (2014), "National Gender Policy", p.37.
- 95 Zimbabwe Electoral Commission (2020), "ZEC Gender and Inclusion Policy", <https://zimbabwe.ec-undp-electoralassistance.org/wp-content/uploads/sites/33/2020/12/ZEC-Gender-and-Inclusion-Policy.pdf>; UNDP Zimbabwe (2017), "New National Gender Policy is Launched" <https://www.zw.undp.org/content/zimbabwe/en/home/presscenter/articles/2017/07/06/milestone-as-new-national-gender-policy-is-launchedo.html>

Constitution calls for domestic violence prevention. Since 2015 several countries, such as Comoros, DR Congo, Eswatini, Madagascar, Mauritius, Seychelles, South Africa,<sup>96</sup> and Zambia,<sup>97</sup> passed laws on SGBV or VAW, or both. In some cases, the legal reform expanded upon the meaning of GBV. 12 SADC Member States (Angola, Comoros,<sup>98</sup> Eswatini, Lesotho, Madagascar,<sup>99</sup> Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Zimbabwe) marital rape is a prosecutable offence. All SADC member countries have laws to combat human trafficking.<sup>100</sup>

Twelve countries (Angola,<sup>101</sup> Botswana,<sup>102</sup> Comoros,<sup>103</sup> Eswatini,<sup>104</sup> Madagascar<sup>105</sup>, Malawi,<sup>106</sup> Mauritius,<sup>107</sup> Mozambique,<sup>108</sup> Namibia,<sup>109</sup> South Africa,<sup>110</sup> Tanzania,<sup>111</sup> Zimbabwe<sup>112</sup>) adopted national policies for combating GBV between

2015-2021. Notably, Namibia adopted a Prioritised National Plan of Action of Gender-Based Violence (2019–2023) with included a monitoring and evaluation plan.<sup>113</sup> Botswana,<sup>114</sup> Malawi,<sup>115</sup> South Africa,<sup>116</sup> Zambia,<sup>117</sup> and Zimbabwe<sup>118</sup> introduced action plans to fight human trafficking while Angola,<sup>119</sup> introduced a policy to combat domestic violence.

## SUMMARY OF THE KEY FINDINGS FOR THE THREE GEWE TREATIES

### CEDAW

- All Member States in ECOWAS, ECCAS and SADC have ratified CEDAW.
- Barring Somalia and Sudan, all IGAD Member States have ratified CEDAW.

96 Parliament of the Republic of South Africa (2020), "Domestic Violence Amendment Bill (B20-2020)", <https://www.parliament.gov.za/bill/2292693>

97 Government of Zambia (2015), "The Gender Equity And Equality Act, 2015", p.4

98 loi n° 14-036/AU du 22 décembre 2014

99 Republic of Madagascar (2019), "Loi n° 2019-008 relative à la lutte contre les Violences Basées sur le Genre".

100 U.S. Department of State (2021), "2020 Trafficking in Persons Report" <https://www.state.gov/reports/2020-trafficking-in-persons-report/>

101 [http://www.servicos.minjusdh.gov.ao/files/global/brochura-direitos-da-mulher\\_1524059494.pdf](http://www.servicos.minjusdh.gov.ao/files/global/brochura-direitos-da-mulher_1524059494.pdf)

102 UN Women (2020), "Global Data Base on Violence Against Women - Botswana: National Gender-Based Violence Strategy 2015-2020"; <https://evaw-global-database.unwomen.org/en/countries/africa/botswana/2015/national-gender-based-violence-strategy-2015-2020>.

103 <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/KM.pdf>

104 Eswatini Response to "Questionnaire for Member States", Received September 2021: "the National Strategy to End Violence of 2017-2022 as well as a Costed Action Plan; National Coordination Mechanism on GBV response; and National Guidelines for Multi-sectoral Response to Sexual and Gender Based Violence"

105 <https://genderlinks.org.za/srhrs/madagascar-gbv-strategy-2016-2020/>

106 Ministry of Gender, Children, Disabilities and Social Welfare (2019), "Republic of Malawi National Review on the Beijing + 25: Twenty-fifth Anniversary of the Beijing Declaration and Platform for Action (1995)", p.8.

107 <https://pmo.govmu.org/Communique/PMO%20-%20National%20Strategy%20TP%20FINAL%20WEB.pdf>

108 Republic of Mozambique (2018), "Plano Nacional de Prevenção e Combate a Violência Baseada no Género 2018-2021", <http://forumulher.org.mz/wp-content/uploads/2018/09/Plano-Nac-Prev-Combate-Violencia-Baseada-no-Genero-APROVADO-CM-28.08.2018.pdf>

109 UNFPA (2019), "Republic of Namibia Facts and Prospects. Sexual and Reproductive Health and Rights 2019" p.3 [https://esaro.unfpa.org/sites/default/files/pub-pdf/UNFPA\\_MIC\\_Country\\_Policy\\_Brief\\_NAMIBIA.pdf](https://esaro.unfpa.org/sites/default/files/pub-pdf/UNFPA_MIC_Country_Policy_Brief_NAMIBIA.pdf)

110 Republic of South Africa (2020), "National Strategic Plan on Gender-based Violence and Femicide" [https://www.gov.za/sites/default/files/gcis\\_document/202006/stratplan-gbvs.pdf](https://www.gov.za/sites/default/files/gcis_document/202006/stratplan-gbvs.pdf)

111 28TooMany (2018), "Tanzania: The Law and FGM".

112 UNFPA Zimbabwe (2018), "ZERO TOLERANCE FOR GBV 365 National Programme on GBV Prevention & Response 2017–2020 Annual Report" <https://upload.openaid.se/document/zimbabwe/annual-report-and-financial-report-2018.pdf>

113 Namibia Response to "Questionnaire for Member States", Received September 2021; Government of Namibia (2019), "A Prioritised National Plan of Action on Gender Based Violence 2019-2023 With Monitoring and Evaluation Plan", [https://mgpesw.gov.na/ja/archive/-/downloads/-/document\\_library/53FAEAFE5nn/view\\_file/1461550?\\_com\\_liferay\\_document\\_library\\_web\\_portlet\\_DLPortlet\\_INSTANCE\\_53FAEAFE5nn\\_redirect=https%3A%2F%2Fmgpesw.gov.na%2Fja%2Farchive-%2F-downloads%3Fp\\_id%3Dcom\\_liferay\\_document\\_library\\_web\\_portlet\\_DLPortlet\\_INSTANCE\\_53FAEAFE5nn%26p\\_p\\_lifecycle%3D%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26\\_com\\_liferay\\_document\\_library\\_web\\_portlet\\_DLPortlet\\_INSTANCE\\_53FAEAFE5nn\\_navigation%3Drecent%26\\_com\\_liferay\\_document\\_library\\_web\\_portlet\\_DLPortlet\\_INSTANCE\\_53FAEAFE5nn\\_searchContainerId%3Dentries%26\\_com\\_liferay\\_document\\_library\\_web\\_portlet\\_DLPortlet\\_INSTANCE\\_53FAEAFE5nn\\_folderId%3D795292](https://mgpesw.gov.na/ja/archive/-/downloads/-/document_library/53FAEAFE5nn/view_file/1461550?_com_liferay_document_library_web_portlet_DLPortlet_INSTANCE_53FAEAFE5nn_redirect=https%3A%2F%2Fmgpesw.gov.na%2Fja%2Farchive-%2F-downloads%3Fp_id%3Dcom_liferay_document_library_web_portlet_DLPortlet_INSTANCE_53FAEAFE5nn%26p_p_lifecycle%3D%26p_p_state%3Dnormal%26p_p_mode%3Dview%26_com_liferay_document_library_web_portlet_DLPortlet_INSTANCE_53FAEAFE5nn_navigation%3Drecent%26_com_liferay_document_library_web_portlet_DLPortlet_INSTANCE_53FAEAFE5nn_searchContainerId%3Dentries%26_com_liferay_document_library_web_portlet_DLPortlet_INSTANCE_53FAEAFE5nn_folderId%3D795292)

114 CEDWA (2018) "Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: List of issues in relation to the fourth periodic report of Botswana", p.3.

115 Republic of Malawi (2017), "National Plan of Action Against Trafficking in Persons 2017-2022", [https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/TraffickinginPersons/Malawi\\_cleaned\\_and\\_final\\_Malawi\\_NPA\\_TIP\\_Final\\_Validated\\_Draft\\_16.03.2017\\_-\\_clean4074pdf.pdf](https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/TraffickinginPersons/Malawi_cleaned_and_final_Malawi_NPA_TIP_Final_Validated_Draft_16.03.2017_-_clean4074pdf.pdf)

116 Republic of South Africa (2019), "Prevention and Combating of Trafficking in Persons National Policy Framework", <https://www.justice.gov.za/docs/other-docs/2019-TIP-NPF-10April2019.pdf>

117 United States Department of State (2019), "2019 Trafficking in Persons Report: Zambia" <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/zambia/>

118 Government of Zimbabwe (2016), "The Zimbabwe Trafficking in Persons National Plan of Action (NAPLAC) 2016-2018" [https://www.unodc.org/documents/southernafrica//Publications/CriminalJusticeIntegrity/TraffickinginPersons/Zimbabwe\\_TIP\\_National\\_Plan\\_of\\_Action.pdf](https://www.unodc.org/documents/southernafrica//Publications/CriminalJusticeIntegrity/TraffickinginPersons/Zimbabwe_TIP_National_Plan_of_Action.pdf)

119 Republic of Angola, (2018)", OS DIREITOS DA MULHER"

CEDAW contain several key provisions relevant to the four themes and the cross-cutting issue (women, peace and security).

- Economic Rights: Articles 11, 13, 14, 15, and 16.
- Harmful Practices: Articles 2, 5 and 6. With respect to Article 2, Niger has placed reservations on (2)(d) and (2)(f).
- Political Rights: Articles 7 and 8.
- Sexual and Gender-based violence (violence against women): Article 6.

Although CEDAW does not explicitly address women, peace and security, the Committee on the Elimination of Discrimination Against Women in its General recommendation No. 30 (on women in conflict prevention, conflict and post-conflict situation) noted that the articles and obligations of the Convention also apply in all forms of conflicts and post-conflict situations.

## MAPUTO PROTOCOL

- All ECOWAS Member States, except Niger, have ratified the Maputo Protocol.
- Barring Burundi, Central African Republic, and Chad, all ECCAS Member States have ratified the Protocol.
- In IGAD, half of the Member States have ratified the Maputo Protocol. Eritrea, Somalia, South Sudan, and Sudan have yet to ratify the Protocol.
- All SADC Member States, except Botswana and Madagascar, have ratified Maputo Protocol.

The Maputo Protocol includes articles that are relevant to all four themes and the cross-cutting issue (women, peace and security).

- Economic Rights: Articles 6, 7, 13, 19, 21, 22, and 23.
- Harmful Practices: Articles 1, 2, 4, 5 and 6. Regarding Article 6, Mauritius placed reservations on Articles 6(b) and 6(c) and Namibia and South Africa on Article 6(d) respectively.
- Political Rights: Articles 9 and 10. Mauritius has placed a reservation on Article 9.

- Sexual and Gender-based Violence (Violence Against Women): Articles 1, 2, 3, 4, 11, 12, 13, 22, 23 and 25. Concerning Article 11, Mauritius placed a reservation on Article 11(3).
- Women Peace and Security: Articles 10 and 11. On Article 11, Mauritius placed a reservation on Article 11(3).

## ILO EQUAL REMUNERATION CONVENTION (NO. 100)

- All ECOWAS Member States, barring Liberia, have ratified the ILO Equal Remuneration Convention (No. 100).
- All Member States in ECCAS and SADC have ratified the ILO Convention.
- Barring Somalia, all IGAD Member States have ratified the ILO Equal Remuneration Convention (No. 100).

The ILO Convention contains articles that are relevant to one of the Study's themes: economic rights.

- Economic Rights: Articles 1, 2 and 3.
- Harmful Practices: No articles.
- Political Rights: No articles.
- Sexual and Gender-based Violence (Violence Against Women): No articles.
- Women Peace and Security: No articles.

## SUMMARY OF KEY FINDINGS IN OTHER CONTINENTAL GEWE FRAMEWORKS RELATED TO THE FOUR THEMES

At the continental level, the African Union and its Member States have adopted GEWE frameworks relevant to the four themes and align with one or more of the three GEWE Treaties. The frameworks also contain provisions and strategies pertinent to women, peace and security.

## **ECONOMIC RIGHTS:**

- The Ouagadougou Declaration and Plan of Action on Employment and Poverty (2004).
- The Plan of Action on Employment, Poverty Eradication and Inclusive Development in Africa (2014).
- The Social Protection Plan for the Informal Economy and Rural Workers 2011 – 2015.
- The African Commission on Human and Peoples' Rights (ACHPR) Resolution No. 66 (on the situation of women and children in Africa).
- The African Commission on Human and Peoples' Rights Resolution 262 (on Women's Right to Land and Productive Resources).

## **HARMFUL PRACTICES:**

- The Saleema Initiative on Eliminating FGM.
- The Campaign to End Child Marriage (2015 – 2023).
- The African Commission on Human and Peoples' Rights Resolution 110 (on the Health and Reproductive Rights of Women in Africa).
- The African Commission on Human and Peoples' Rights Resolution 292.

## **POLITICAL RIGHTS:**

- African Union Declaration on the Principles Governing Democratic Elections in Africa.

- The African Charter on Democracy, Elections and Governance and the Solemn Declaration on Gender Equality in Africa.
- The Solemn Declaration on Gender Equality in Africa.
- The Continental Results Framework to accelerate the delivery of Women, Peace and Security (WPS) commitments.

## **SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN):**

- The Solemn Declaration on Gender Equality in Africa.
- The AU Strategy for Gender Equality & Women's Empowerment (2018 – 2028).
- African Commission on Human and Peoples' Rights General Comment No. 4 on the Right to Redress for Victims of Torture and other Punishments or Cruel, Inhuman and Degrading Treatment.
- African Commission on Human and Peoples' Rights Resolution 111 (on the right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence).
- African Commission on Human and Peoples' Rights Resolution 283 (on the Situation of Women and Children in Armed Conflict).
- Guidelines on Combating Sexual Violence and its Consequences in Africa.



# BACKGROUND/ CONTEXT

Women's and girls' rights are human rights. The principles of gender equality and non-discrimination are fundamental to women's and girls' rights and to realising their full and equal participation in all spheres of life. The rights and principles are enshrined in treaties covering gender equality and women's empowerment (GEWE), such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the ILO Equal Remuneration Convention (No. 100). The GEWE treaties guarantee women and girls, for example, the right to full and equal participation in political and public life, the right to stand for and participate in elections, the right to work, and the right to equal remuneration for work of equal value. They also provide for the freedom to live without fear of gender-based violence and harmful practices, such as female genital mutilation (FGM), child marriage and trafficking for sexual exploitation. The treaties also define the obligations on States Parties to take positive action and adopt appropriate measures to ensure that women and girls enjoy these rights on the basis of equality and non-discrimination.

The ratification, domestication, implementation, and reporting of commitments contained in global, continental, and regional GEWE treaties are vital in achieving women's and girls' rights. The majority of the 48 States covered in this study have signed the treaties covering GEWE under review. As of August 2021, of the 48 countries, 38 countries have signed and ratified the Maputo Protocol, 46 countries ratified/acceded to CEDAW and 46 countries are State Parties to the ILO Equal Remuneration Convention (No. 100). Nine countries (Burundi, Central African Republic, Chad, Eritrea, Madagascar, Niger, Somalia, and South Sudan) have signed but not ratified the Maputo Protocol. One country (Botswana) has neither signed nor ratified the Maputo Protocol. Two countries (Somalia and Sudan)

have signed but not ratified CEDAW. Two countries (Liberia and Somalia) have not ratified the ILO Equal Remuneration Convention (No. 100); however, it is unclear if the countries signed the Convention.<sup>120</sup>

The four Regional Economic Communities (RECs) (the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC)) and their Member States have demonstrated their commitment to advancing women's and girl's rights and eliminate gender-based discrimination through the adoption of various women's rights frameworks. At the national level, States have adopted laws that align with the commitments of the Maputo Protocol, CEDAW and the ILO Equal Remuneration Convention. These include providing gender equality in public and political life and the economic sphere and preventing and eliminating SGBV(VAW) including harmful practices. At the regional level, the four RECs reinforce the commitments in the GEWE treaties through binding and non-binding instruments on women's rights and gender equality. Gender Policies, Protocols and Declarations, for example, address women's and girls' rights broadly as well as focusing on thematic areas such as child marriage, violence against women, and participation in decision-making explicitly.

While there is progress at national and regional levels, the domestication and implementation of the GEWE treaties vary, and challenges remain in advancing women's and girls' rights. Women and girls face discrimination in law and practice based on gender and sex. Women continue to earn less than men, assume a significantly higher share of unpaid care work and face limited opportunities to own land, inherit and access credit. Although more women participate in public and political life, overall, women are underrepresented. Few women are involved in post-conflict negotiations and conflict prevention discussions. The high incidences of

120 ILO, "Up-to-date Conventions and Protocols not ratified by Liberia", no date, [https://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210\\_COUNTRY\\_ID:102742](https://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102742)

SGBV(VAW) and the continued practice of harmful acts, such as child marriage and female genital mutilation, violate women's and girls' rights and indicate insufficient legal protection. During conflicts and unrest, incidences of VAWG including SGBV and child marriage increase putting women and girls at increased risk. At the regional level, inadequate resources constrain RECs in advocating for and advancing women's and girls' rights.

2021 marks the 70th anniversary of the adoption of the ILO Equal Remuneration Convention (No. 100), the 42nd anniversary of CEDAW, the 40th of the African Charter on Human and Peoples' Rights and the 18th of the Maputo Protocol. These milestones offer an opportunity to review progress made and identify challenges, gaps and opportunities in advancing and accelerating the realisation of women's and girls' rights at the regional and national levels. It is an apt time for the four RECs to consider their role in advocating for and facilitating the ratification, domestication, and implementation of the GEWE treaties in their Member States, as well as monitoring and reporting on the commitments.

## OVERVIEW OF THE KEY PROVISIONS OF THE THREE GEWE TREATIES

This chapter of the Baseline Study is divided into two sections. The first section provides an overview of the key articles in the Maputo Protocol, CEDAW and the ILO Equal Remuneration Convention (No. 100) concerning the four themes covered in this baseline report. It is then divided into three parts, one for each GEWE Treaty. Each part gives a brief overview of the treaty, the status of ratification and reporting processes, and an analysis of key provisions relevant to each of the four themes.

The second section provides an overview of other continental GEWE frameworks related to the four themes. This section is divided into four parts, one for each theme. It also presents some statistics relevant to the theme under discussion.

The four themes are economic rights, harmful practices, political rights and sexual and gender-based violence (violence against women). Women, peace, and security is a cross-cutting theme in the study and is included where relevant articles exist in the three GEWE.

## CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the United Nations General Assembly. It entered into force in September 1981. CEDAW is widely considered an “an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.”<sup>121</sup> It includes provisions on women's economic, political, social and cultural rights, defines discrimination against women and gives meaning to equality and how it can be achieved.<sup>122</sup>

All Member States of ECOWAS, ECCAS and SADC have ratified/ acceded to CEDAW. In IGAD, all Member States, barring Somalia and Sudan, have done so. Somalia and Sudan have not yet signed CEDAW.

States Parties are required to submit a national report (under Article 18 of CEDAW) to the Committee on the Elimination of Discrimination Against Women at least every four years.<sup>123</sup> The national report should address measures, such as legislative, judicial, administrative or others, taken by the Member States to give effect to the articles of CEDAW. The Committee discusses the reports during its annual session.

CEDAW contains several articles considered relevant to the themes covered in this baseline report. The table below presents an overview of key provisions and notes any reservations by the Member States, if applicable. The articles in the table may be read together with articles 1 – 5 and 24 of CEDAW.<sup>124</sup> An analysis of the articles follows it as they relate to each theme.

121 OHCHR, “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979”, 1996-2021, <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

122 OHCHR, “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979”, 1996-2021, <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

123 The Committee on the Elimination of Discrimination against Women monitors the implementation of Convention on the Elimination of All Forms of Discrimination against Women New York

124 Articles 1-5 and 24 are often referred to as CEDAW's framework articles.



The rights and obligations contained in the articles presented in the table and discussed in the analysis should also be considered relevant to the cross-cutting theme of women, peace and security. General Recommendation (GR) No. 30 on Women in conflict prevention, conflict and post-conflict prevention affirms that the provisions of CEDAW also applies in all forms of conflict and post-conflict settings. Moreover, GR. 30 states that CEDAW and “international humanitarian law apply concurrently, and their different protections are complementary, not mutually exclusive.”<sup>125</sup>

## KEY PROVISIONS IN CEDAW

Issue	Article(s)	Reservation(s)
Economic Rights	Article 11	No
	Article 13	No
	Article 14	No
	Article 15	No
	Article 16	No
Harmful Practices	Article 2	Niger (2)(d) and (2)(f)
	Article 5	Niger (5)(a)
	Article 6	No
	Article 16	No
Political Rights	Article 7	No
	Article 8	No
Sexual and Gender-based violence (Violence Against Women)	Article 6	No
Women, peace and security	No article	No

## ECONOMIC RIGHTS

Article 11 of the CEDAW explicitly addresses equality and non-discrimination in employment. It guarantees women, based on equality with men: the right to work as an inalienable right of all human beings; to equal employment opportunities, including the application of the same criteria for selection in matters of employment; the right to free choice of profession and employment, and the right to promotion. States parties should take steps to ensure women have the

right to equal remuneration, including benefits, and equal treatment in respect to work of equal value and equality of treatment in evaluating the quality of work. Women have the right to social security, particularly in retirement, unemployment, sickness, invalidity, old age, and other incapacities to work. They also have the right to paid leave; and the right to protection of health and safety in working conditions, including safeguarding the function of reproduction.

CEDAW obligates States Parties to eliminate discrimination against women in employment and to take appropriate measures to prohibit dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals based on marital status (11(2)(a)). States Parties are also called upon to introduce maternity leave with pay or comparable social benefits without loss of former employment, seniority or social allowances (Art. 11(2)(b)). They are also encouraged to provide the necessary supporting social services, such as childcare facilities, to enable parents to combine work and family responsibilities (Art. 11(2)(c)).

Sub-sections of other articles also address women's economic rights. Article 14 explicitly concerns rural women. This article requires States Parties to take all appropriate measures to ensure the application of the provisions of the CEDAW to women in rural areas and ensure that rural women have the right to organize self-help groups and co-operatives to obtain equal access to economic opportunities through employment or self-employment (Art.14 (2)(e)). Women shall also have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform and land resettlement schemes (Art.14 (2)(g)). States Parties are also to ensure that women, on the basis of equality of men and women, participate in and benefit from rural development. Women are also guaranteed the right to family benefits (Art. 13(a)); the right to bank loans, mortgages and other forms of financial credit (Art. (13)(b)); the same right as their spouse to ownership, acquisition, management, administration, enjoyment and disposition of property (Art. 16(1)(h)) and equal right to conclude contracts (Art. (15)(2)).

<sup>125</sup> UN Women, (2015), “Guidebook on CEDAW general recommendation no. 30 and the UN Security Council resolutions on women, peace and security”, p. 9.

The Committee on the Elimination of Discrimination against Women has adopted General Recommendations<sup>126</sup> (GR) relevant to women's economic rights. For example, GR 13 (Equal remuneration for work of equal value) encourages States Parties to develop job evaluation systems based on gender-neutral criteria to facilitate the comparison of the value of jobs and include the results in their reports to the Committee. GR 16 (Unpaid women workers in rural and urban family enterprises) requires States Parties to consider that many women work without pay, social security and benefits in enterprises owned by a family member and affirms that unpaid work constitutes a form of exploitation that is contrary to CEDAW.

## HARMFUL PRACTICES

While the Convention on the Elimination of All Forms of Discrimination against Women does not explicitly address harmful practices, Articles 6 and 16 contain relevant provisions for specific practices. Under Article 16, States Parties commit to taking all appropriate measures to eliminate discrimination against women in marriage, guarantee the same right to enter into marriage, freely choose their spouse, and enter into the marriage based only on their free and full consent. The betrothal and marriage of a child have no legal effect and calls on State Parties to establish a minimum age of marriage and make compulsory the registration of marriages in an official registry (Art. 16 (2)). Concerning trafficking, States Parties commit to taking all appropriate measures, including legislation, to suppress the practice as well as the exploitation of the prostitution of women (Art. 6).

Joint General Recommendation<sup>127</sup> No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices defines these as “persistent practices and forms of behaviour that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/

or psychological harm or suffering.” Practices are considered harmful if they, for example, constitute a denial of the dignity and/or integrity of an individual and a violation of the human rights and fundamental freedoms enshrined in CEDAW. They are also seen as harmful if they cause women or children physical, psychological, economic and social harm and/or violence and limitations on their capacity to participate fully in society or develop and reach their full potential. The Joint General Recommendation/ General Comment considers female genital mutilation (FGM), child and forced marriage, polygamy and crimes committed in the name of so-called honour and dowry-related violence as manifestations of harmful practices. It defines child marriage as any marriage where at least one of the parties is under 18 years of age and recommends that a minimum legal age for girls and boys, with or without parental consent, is established at age 18. Moreover, States Parties have a due-diligence obligation to prevent violations of rights in the Convention, protect the victims, and adopt appropriate legislation, policies, and other measures to eliminate harmful practices. States Parties should pursue these measures without delay and may adopt temporary special measures (Art. (4)(1)).

Though broad in scope, Articles 2 and 5 are relevant to eliminating harmful practices. These obligate States Parties, among others, to eradicate all forms of discrimination against women, to act without delay, and to modify and eliminate social and cultural patterns based on prejudice, customary and traditional practices, sex-role stereotypes and the alleged inferiority or superiority of either of the sexes.

Niger made reservations on articles (2)(d) and (2)(f) concerning the obligation to take all appropriate measures to abolish all customs and practices which constitute discrimination against women upon ratifying CEDAW.<sup>128</sup> Niger also expressed reservations regarding the modification of social and cultural patterns of conduct of men and women under Article (5)(a).

<sup>126</sup> The Committee on the Elimination of Discrimination Against Women formulates interpretation of CEDAW to assist the States Parties in implementing their obligations under the Convention.

<sup>127</sup> The Committee on the Elimination of Discrimination Against Women formulates interpretation of CEDAW to assist the States Parties in implementing their obligations under the Convention.

<sup>128</sup> United Nations Treaty Collection, “Convention on the Elimination of All Forms of Discrimination against Women”, 2021, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtldsg\\_no=IV-8&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtldsg_no=IV-8&chapter=4)

## POLITICAL PARTICIPATION

Articles 7 and 8 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>129</sup> explicitly provide for the principles of equality and non-discrimination concerning political and public life. Women are guaranteed, on equal terms with men: the right to vote in all elections and referenda and to be eligible for election to all publicly elected bodies (Art. 7(a)); the right to participate in policy formulation and implementation, and to hold public office and perform all public functions at all levels of government (Art. 7(b)); and the right to participate in non-governmental organisations and associations concerned with the public and political life of the country (Art. 7 (c)). Article 8 guarantees women, based on equality and non-discrimination, the opportunity to represent their government at the international level and participate in international organisations' work.

The Committee on the Elimination of Discrimination Against Women clarifies in General Recommendation<sup>130</sup> (GR) 23 (Political and Public life) that the obligations specified in Article 7 extend to all areas of public and political life and is not limited to those articulated in subparagraphs (a), (b) and (c). Organisations such as trade unions and political parties also have an obligation to demonstrate their commitment to the principle of gender equality in all aspects of their work. Article 8 obligates governments to include women in all areas, such as economic and military matters, and at all levels, including multilateral and bilateral diplomacy, and in official delegations to international and regional conferences. Articles 7 and 8 also contain responsibilities which States Parties shall fulfil, such as appoint women to senior decision-making roles, consult and incorporate the advice of women, and ensure women's full participation in the formulation of government policy.

General Recommendation No. 23 also expands upon the meaning of 'public and political life' and 'appropriate measures'. 'Public and political life' is

broadly interpreted and includes the exercise of legislative, judicial, executive, and administrative powers and covers all aspects of public administration and the formulation and implementation of policy at international, national, regional and local levels. It also applies to civil society, such as local councils, women's organisations and CSOs, concerned with public and political life. The concept of 'appropriate measures' incorporates legislative and other regulatory instruments, policies and initiatives, allocation of financial and other resources, and setting numerical goals and quotas. States Parties may adopt temporary special measures as provided for under Article 4(1)<sup>131</sup> of CEDAW to eliminate gender discrimination and inequality. Once the objectives of equality and non-discrimination are achieved, States Parties must remove the temporary special measures.

States Parties shall take appropriate measures to ensure that women in vulnerable situations enjoy the rights enshrined in Articles 7 and 8. General Recommendation No. 27 (on older women and protection of their human rights) requires States Parties to take all appropriate measures to eliminate discrimination against older women at all levels in public and political life. The Committee notes in General Recommendation No. 30 (on women in conflict prevention, conflict and post-conflict situations) that States Parties must also ensure women's equal participation in electoral and legislative reform, constitution-drafting processes in post-conflict contexts. They shall also adopt gender-sensitive mechanisms and zero tolerance of all forms of violence directed at women seeking elected office or exercising their right to vote.

## SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) does not explicitly address or define sexual and gender-

<sup>129</sup> The sources consulted did not reveal reservations by States Parties upon ratifying CEDAW concerning Articles 7 and 8.

<sup>130</sup> The Committee on the Elimination of Discrimination Against Women formulates interpretation of CEDAW to assist the States Parties in implementing their obligations under the Convention.

<sup>131</sup> Article 4 (1) reads: "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

based (SGBV)/violence against women (VAW). It implicitly does so in Article 6.<sup>132</sup> However, in General Recommendations<sup>133</sup> (GR) No. 12 and No. 19 (on Violence Against Women), and No. 35 (on Gender-Based Violence Against Women, updating General Recommendation No. 19) the Committee on the Elimination of Discrimination against Women clarifies the scope and meaning of Articles 1-3, 5-6, 10-12, 14 and 16 and the obligations of the States Parties concerning SGBV(VAW). GR No. 12 calls on States Parties to include in their report: legislation to protect women against all kinds of violence in everyday life and other measures taken to eradicate this violence; services provided to survivors; and statistical data.

General Recommendation No. 19 provides that the definition of discrimination in Article 1 of CEDAW includes gender-based violence. These are acts of violence directed against a woman because she is a woman or affects women disproportionately and includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, or other deprivations of liberty. They constitute forms of discrimination that prevent women from enjoying and exercising their human rights equally with men. Governments and private actors, such as organisations, enterprises, and individuals, may perpetrate acts of SGBV(VAW). Under CEDAW, GR No. 19 notes, States Parties must apply due diligence to prevent SGBV(VAW) and protect the victims.

GR No. 35 expands the definition of VAW to include, for example, violations of sexual and reproductive health rights and economic harm or the threat of economic harm. It notes that through *Opinio Juris* and State practices, the prohibition of GBV against women has evolved into a principle of customary international law.<sup>134</sup> GR No. 35 recommends that States repeal or amend laws that directly or indirectly cause, condone, or facilitate violence against women. Therefore, any acts of violence as defined in GR. No. 19 and 35 may be interpreted as breaching provisions of CEDAW, regardless of whether the article or articles explicitly mentions violence or not.

## PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (THE MAPUTO PROTOCOL)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) was adopted in 2003 and came into force in November 2005. The Protocol is a binding legal framework on women's rights. It clearly defines what constitutes discrimination against women and girls. The Maputo Protocol is a comprehensive and far-reaching human rights framework covering women's and girls' political, civil, economic, social, and cultural rights. Notably, among those rights, the Protocol prohibits FGM and provides protection from violence, both in public and private spheres and in times of conflict and peace.

In ECOWAS, 14 Member States have signed and ratified the Maputo Protocol. Niger has signed but not yet ratified the Protocol. Of the 11 ECCAS Member States, eight have signed and ratified the Protocol. The remaining three members (Burundi, Central African Republic and Chad) have signed but not ratified. Little over half of the IGAD Member States have signed and ratified the Protocol, while four members (Eritrea, Somalia, South Sudan and Sudan) have only signed it. In SADC, all Member States, except Botswana and Madagascar, have signed and ratified the Maputo Protocol. At the time of writing, Botswana has yet to sign or ratify the Protocol, while Madagascar has signed but not ratified it.

States Parties to the Protocol are obligated to submit a periodic report to the African Commission on Human and Peoples' Rights (the Commission) every two years (under Article 62 of the Protocol). The reports should address measures, such as legislative and policy measures, taken by the States in realising and ensuring the provisions articulated in the Protocol.

The Maputo Protocol contain several articles that are considered relevant to the themes covered in this

<sup>132</sup> The Harmful Practices section includes an analysis of Article 6 of CEDAW.

<sup>133</sup> The Committee on the Elimination of Discrimination Against Women formulates interpretation of CEDAW to assist the States Parties in implementing their obligations under the Convention.

<sup>134</sup> Para 2. CEDAW GR 35



baseline report. The table below presents an overview of key provisions and notes any reservations by the Member States, if applicable. An analysis of the articles follows it as they relate to each theme.

## KEY PROVISIONS IN THE MAPUTO PROTOCOL

Issue	Article(s)	Reservation(s)
Economic Rights	Article 6	No
	Article 7	No
	Article 13	No
	Article 19	No
	Article 21	No
	Article 22	No
	Article 23	No
Harmful Practices	Article 1	No
	Article 2	No
	Article 4	No
	Article 5	No
	Article 6	Mauritius on Article 6(b) (c) Namibia and South Africa on Article 6(d) respectively.
	Article 19	No
Political Rights	Article 9	Mauritius
	Article 10	No
Sexual and Gender-based violence (Violence Against Women)	Article 1	No
	Article 2	No
	Article 3	No
	Article 4	No
	Article 11	Mauritius on Article 11(3)
	Article 12	No
	Article 13	No
	Article 22	No
	Article 23	No
	Article 25	No
Women, Peace and Security	Article 10	No
	Article 11	Mauritius on Article 11(3)

## ECONOMIC RIGHTS

The Maputo Protocol contains provisions relevant to women's economic rights under Article 13 (Economic and Social Welfare Rights) and in sub-paragraphs of other articles. Article 13 provides for women's<sup>135</sup> equal opportunities in work, career advancement and other economic opportunities and enshrines the principles of equality and non-discrimination. To that end, States Parties are obligated to adopt and enforce legislative and other measures. Additionally, States Parties shall promote equality of access to employment, equal remuneration for work of equal value and transparency in recruitment, promotion, and dismissal of women.<sup>136</sup> States Parties shall create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector (Art. (13)(j)) and establish a system of protection and social insurance (Art. (13)(f)).

Concerning the right to work, States Parties shall also facilitate access to employment, professional and vocational training to women with disabilities (Art. 23) and elderly women (Art. 22). The Maputo Protocol also prohibits child employment and calls on States Parties to introduce a minimum age of work and prohibit work under that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl child (Art. (13)(g)).

The Maputo Protocol guarantees women paid pre- and post-natal maternity leave in both the private and public sectors. (Art. (13)(i)) prohibits discrimination in allowances and entitlements (Art. (13)(k)). It also calls on States Parties to recognise the economic value of women's work in the home (Art. (13)(h)) and that both parents hold the primary responsibility for the upbringing and development of children (Art. (13)(l)).

The Maputo Protocol extends the principle of equality to inheritance. It affords a widow the right to an equitable share in the inheritance of her husband's property and the right to continue to live in the matrimonial house. She maintains this right even in the event of remarriage (Art. (21)(1)). It also provides

<sup>135</sup> The Maputo Protocol defines *women* as "persons of female gender, including girls."

<sup>136</sup> Article 13.c.

that women have the right to inherit, in equitable shares, their parents' properties (Art. 21(2)).

Married women have an equal right to acquire property independently and freely administer and manage it (Art. (6)(j)). In the event of a separation, divorce or annulment of marriage, women and men have the right to an equitable share of the joint property derived during the marriage (Art. (7)(d)).

The Maputo Protocol also calls on States Parties to promote women's access to and control over productive resources such as land and guarantee their property rights (Art. (19)(c)) and reduce the negative effects of globalization and any adverse effects of the implementation of trade and economic policies and programmes for women (Art. (19)(f)).

## HARMFUL PRACTICES

The Maputo Protocol defines harmful practices as “all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity” (Art.1(g)). To that end, Article (2)(b) calls on States Parties to adopt and implement laws and other measures that prohibit and curb all forms of discrimination, particularly those harmful practices which endanger the health and general well-being of women.<sup>137</sup>

Article 5<sup>138</sup> of the Maputo Protocol explicitly concerns the elimination of harmful practices. It calls on States Parties to prohibit all forms of FGM, mutilation, scarification, medicalisation and para-medicalisation of FGM and all other practices (Art. (5)(b)). Article 5 also requires States Parties to take various approaches such as legislative measures backed by sanctions to eliminate and prohibit ALL FORMS of harmful practices that negatively affect women's human rights. States Parties shall also make provisions that guarantee the necessary support to victims of harmful practices through basic services such as health services, legal

and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting; but also protect women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

Article 6 (Marriage) and sub-sections of Articles 4 (the Rights to Life, Integrity and Security of Person) and 19 (Widow's Rights) of the Maputo Protocol contain provisions relevant to harmful practices. Article 6 provides for equality in marriage and guarantees equal rights for men and women. States Parties shall adopt legislative measures to ensure that no marriage takes place without the free and full consent of both parties and that the minimum age of marriage for women shall be 18 years (Art. (6)(a)(b)). To be legally recognised, each marriage must be recorded in writing and registered following national laws (Art. 6(d)).

Article (19)(a) (Widows' Rights) protects widows against being subjected to inhuman, humiliating and degrading treatment. Article 4(2)(g) calls on States Parties to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk.

Two countries (Namibia and South Africa) made reservations on Article (6)(d) upon ratifying the Maputo Protocol. The Government of Namibia made a reservation on Article 6(d) “until legislation regarding the recording and registration of customary marriages is enacted.”<sup>139</sup> South Africa also has a reservation on Article 6(d) stating that the country “does not consider itself bound by this Article that a marriage be recorded in writing and registered in accordance with national laws in order to be legally recognised.”<sup>140</sup>

The Maputo Protocol also encourages monogamy as the preferred form of marriage and that women's rights in family and marriage, such as polygamous marital relationships, are promoted and protected (Art. (6)(d)).

The Republic of Mauritius has reservations on Article 6(b)(c) on the minimum age of marriage and

<sup>137</sup> The Maputo Protocol defines *women* as “persons of female gender, including girls.”

<sup>138</sup> None of the countries that have ratified the Maputo Protocol made reservations on Article 5.

<sup>139</sup> Africa Union, (2016), “Status of Implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa”, p.2

<sup>140</sup> Africa Union, (2016), “Status of Implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa”, p.3



polygamous marriages. The country “declares that it shall not take any legislative measures under Article 6(b) and 6(c) of the Protocol where these measures would be incompatible with provisions of the laws in force in Mauritius.”<sup>141</sup> Although South Sudan has yet to ratify the Maputo Protocol, the South Sudanese parliament recommended ratification with reservations, such regarding polygamous marriages.<sup>142</sup>

The Joint General Comment of the African Commission on Human and Peoples’ Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on Ending Child Marriage defines ‘child marriage’ as “a marriage in which either one of the parties, or both, is or was a child under the age of 18 at the time of union.”<sup>143</sup> ‘Free and full consent’ in the context of marriage entails a non-coercive agreement to the marriage with a full understanding of the consequences of giving consent. ACHPR/ACERWC notes that the language of the Maputo Protocol and the African Children’s Charter is clear: children are not capable of giving full and free consent to a marriage. Moreover, a child’s inability to consent to marriage cannot be supplemented or cured with the addition of parental consent given on behalf of a child, as the requirement of “full” requires total consent on the part of the person consenting.<sup>144</sup>

## POLITICAL PARTICIPATION

Article 9 (Right to participation in the political and decision-making process) of the Maputo Protocol unequivocally provides for the right to equal participation in and the elimination of discrimination against women<sup>145</sup> in political life at all levels. It concerns elimination of discrimination against women in elections, equal representation of women in the electoral processes, and recognition

of women as equal partners with men at all levels of development and implementation of State policies and development programmes (Art. 9 (1)). To promote participative governance and equal participation and representation of women in political life in their countries and combat discrimination, Article 9 (1) calls on States Parties to take specific positive action, such as through affirmative action, national legislation, and other measures. Furthermore, Article 9(2) imposes an obligation on the States Parties to ensure increased and effective representation and participation of women at all levels of decision-making.

Upon ratification, Mauritius placed a reservation on Article 9 of the Maputo Protocol. The country declared that it shall not take any legislative measures under this Article and that Mauritius shall use its best endeavours to ensure the equal participation of women in political life, in accordance with its Constitution.<sup>146</sup>

The Protocol also commits State Parties to take all appropriate measures to ensure that more women participate in the structures and processes for conflict prevention, management, and resolution at local, national, regional, continental, and international levels and in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation (Art.10 (2) (Right to peace)).

## SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)

The Maputo Protocol contains a broad definition of “violence against women.”<sup>147</sup> Article 1(j) defines VAW as “*all acts perpetrated against women which result or may result in “physical, sexual, psychological and economic harm, including the threat to take such acts;*

141 Republic of Mauritius, (2019), “African Charter on Human and Peoples’ Rights: Ninth to Tenth Combined Periodic Report of the Republic of Mauritius on the Implementation of the African Charter on Human and Peoples’ rights (January 2016 – August 2019)”, p. 14.

142 Equality Now, “The Maputo Protocol turns 18 today. But what does this mean for women and girls in Africa?”, 2021, [https://www.equalitynow.org/maputo\\_protocol\\_turns\\_18](https://www.equalitynow.org/maputo_protocol_turns_18)

143 ACHPR/ACERWC, (2017), “Joint General Comment of the African Commission on Human and Peoples’ Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on ending Child Marriage”, p.4.

144 ACHPR/ACERWC, (2017), “Joint General Comment of the African Commission on Human and Peoples’ Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on ending Child Marriage”, p.4.

145 The Maputo Protocol defines *women* as “persons of female gender, including girls.”

146 Republic of Mauritius, (2019), “African Charter on Human and Peoples’ Rights: Ninth to Tenth Combined Periodic Report of the Republic of Mauritius on the Implementation of the African Charter on Human and Peoples’ rights (January 2016 – August 2019)”, p. 14.

147 The Maputo Protocol defines *women* as “persons of female gender, including girls.”

or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in *private or public life in peace time and during situations of armed conflicts or of war.*"

The Maputo Protocol contains several articles that guarantee women and girls the right to freedom from SGBV(VAW) and obligate State Parties to implement legislative and other measures to provide women and girls protection against such acts. These include Article 2 (Elimination of Discrimination against Women), Article 3 (The Right to Dignity) and Article 4 (The Right to Life, Integrity and Security of Person). Article 3 requires States Parties to adopt and implement appropriate measures to prohibit any exploitation or degradation of women and protect every woman's right to respect for her dignity and protection from all forms of violence, particularly sexual and verbal violence.

Article (4)(1) entitles every woman to respect for her life and the integrity and security of her person. It also calls for all forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited. States Parties must enact and enforce laws to prohibit all forms of VAW, including unwanted and forced sex, whether the violence happens in public or private, and to identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence (Art. (4)(2)).

The Maputo Protocol also protects women and girls in particularly vulnerable situations. The Protocol calls on States Parties to protect women and girls during armed conflict or war, such as asylum-seeking women, refugees, returnees, and internally displaced persons, against all forms of violence, rape, and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanities and that the perpetrators are held accountable. (Art. (11)(3)). States Parties shall

also prevent the exploitation and abuse of women in advertising and pornography (Art. (13(m))) and protect women and girls from abuse and sexual harassment in education (Art. 12(1)(c)) and in the workplace (Art. 13 (c)). Under the Maputo Protocol, women and girls also have the right to freedom from violence in employment and education. States Parties are to provide appropriate remedies to survivors of SGBV(VAW) whose rights, as recognised in the Protocol, have been violated (Art. 25). It guarantees the rights of elderly women (Art. 22) and women with disabilities (Art. 23) to freedom from violence, including sexual abuse.

The Republic of Mauritius declared that it shall not take any measures<sup>148</sup> under Article 11(3) upon ratifying the Protocol.<sup>149</sup>

## ILO EQUAL REMUNERATION CONVENTION (NO. 100)

The ILO Equal Remuneration Convention (No. 100), adopted in 1951, came into force in May 1953.<sup>150</sup> It is one of the fundamental ILO Conventions addressing principles and rights at work.<sup>151</sup> The Convention addresses gender discrimination in employment and outlines principles for equal pay for work of equal value independent of whether men or women perform it.

All Member States of SADC and ECCAS have ratified the ILO Equal Remuneration Convention (No. 100.) In ECOWAS, all States, save for Liberia, have ratified the ILO Convention.<sup>152</sup> Similarly, in IGAD, barring Somalia, all Member States have ratified the ILO Convention. The ILO does not provide information on signatures to the Equal Remuneration Convention.

All States Parties must submit annual reports on their progress in implementing the principles of ILO Conventions, such as the Equal Remuneration

148 The sources consulted did not provide information regarding the reason for this decision.

149 Republic of Mauritius, (2019), "African Charter on Human and Peoples' Rights: Ninth to Tenth Combined Periodic Report of the Republic of Mauritius on the Implementation of the African Charter on Human and Peoples' rights (January 2016 – August 2019)", p. 14.

150 ILO, 1951, 'C100 - Equal Remuneration Convention, 1951 (No. 100)', available online at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0:::55:P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:CON,en,C100/Document](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0:::55:P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C100/Document).

151 ILO 'Conventions and Recommendations'. Available at ILO <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm>

152 ILO, "Up-to-date Conventions and Protocols not ratified by Liberia", no date, [https://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210\\_COUNTRY\\_ID:102742](https://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102742)

Convention (No. 100).<sup>153</sup> As the Convention is one of the fundamental ILO Conventions, each State must also submit a report every 3 years to the ILO Committee of Experts. The triannual reports address measures taken by States to give effect to provisions of the ILO Equal Remuneration Convention (No. 100).

The ILO Equal Remuneration Convention (No. 100) contains articles considered relevant to one of the themes covered in this baseline report. The table below presents an overview of relevant articles and notes any reservations by the Member States, if applicable. An analysis of the articles follows it as they relate to each theme.

## KEY PROVISIONS IN THE ILO EQUAL REMUNERATION CONVENTION (NO. 100)

Issue	Article(s)	Reservation(s)
Economic Rights	Article 1	No
	Article 2	No
	Article 3	No
Harmful Practices	No article	
Political Rights	No article	
Sexual and Gender-based violence (Violence Against Women)	No article	
Women, Peace and Security	No article	

### ECONOMIC RIGHTS

The ILO Equal Remuneration Convention (No. 100) provides for the principles of gender equality and elimination of discrimination concerning equal remuneration for work of equal value. The Convention defines equal *remuneration for work of equal value* as “rates of remuneration established without discrimination based on sex” (Art.(1)(b)). By *remuneration*, the Convention implies “ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly,

whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment” (Art. (1)(a)).

Article 2 (1) requires each Member to promote and ensure the application of the principle of equal remuneration for work of equal value to male and female workers by means appropriate to the methods in operation for determining rates of remuneration. The principle of equal remuneration for work of equal value may be applied through national laws and regulations; legally established or recognised machinery for wage determination; collective agreements between employers and workers; or a combination of these various means (Art. (2)(2)). Differences in rates of remuneration between workers are permitted as long as they are determined by objective appraisal and are not considered contrary to the principle of equal remuneration for women and men workers for work of equal value (Art. (3)(3)).

The 1998 ILO Declaration on Fundamental Principles and Rights at Work obligates all Member States to respect, promote and realise fundamental rights, such as eliminating discrimination regarding employment and occupation, whether or not the State has ratified the relevant Conventions, such as the Equal Remuneration Convention.<sup>154</sup>

### HARMFUL PRACTICES

The ILO Equal Remuneration Convention (No. 100) does not contain articles on harmful practices.

### POLITICAL PARTICIPATION

The ILO Equal Remuneration Convention (No. 100) does not include provisions on political rights.

### SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)

The ILO Equal Remuneration Convention (No. 100) does not contain articles on SGBV (VAW).

<sup>153</sup> Article 23, ILO Constitution

<sup>154</sup> International Labour Organisation (2013), “Equal Pay: An Introductory Guide”, p. 2.

## OVERVIEW OF OTHER CONTINENTAL GEWE FRAMEWORKS RELATED TO THE FOUR THEMES

### ECONOMIC RIGHTS

At the continental and regional levels, binding and non-binding mechanisms expand, strengthen and advance women's economic rights enshrined in CEDAW, the Maputo Protocol and the Equal Remuneration Convention (No. 100) and the realisation of women's economic empowerment. The 2004 Ouagadougou Declaration and Plan of Action on Employment and Poverty Alleviation and the 2014 Plan of Action on Employment, Poverty Eradication and Inclusive Development in Africa included goals to reduce unemployment among women and youth and to support their self-employment and entrepreneurship. The Social Protection Plan for the Informal Economy and Rural Workers 2011 – 2015, among others, called on Member States to define and implement a Minimum Protection Substantive Package for informal and rural workers that includes maternity and retirement measures.<sup>155</sup> Pillar One of the AU Strategy for Gender Equality and Women's Empowerment 2018 – 2028 focuses on economic empowerment and financial inclusion of women and girls, such as obtaining income autonomy and social protection.

Building on the 2010 – 2020 African Women's Decade, which included goals to promote women's economic empowerment and entrepreneurship, the AU declared 2020 – 2030 the Decade of Women's Financial and Economic Inclusion. The overall goal of the AWD 2020 – 2030 is that every woman must be able to work, be paid, and participate in her country's economy. It also includes the objective of developing market access by enhancing new credit solutions for women, generating access to infrastructure in downstream processing and distribution.<sup>156</sup> The African Union Commission's

Women, Gender and Youth Directorate is developing a 10-year Continental AU Strategy and Action Plan. This will include concrete actions for the AU to close the gender gap in financial inclusion and provide evidence-based solutions for women to control their economic resources.<sup>157</sup>

The African Commission on Human and Peoples' Rights (ACHPR) has passed resolutions that aim to expedite and strengthen women's economic rights. Resolution No. 66 (on the situation of women and children in Africa) appeals to the Member States to devise a system to help women benefit from social security. Resolution 262 (on Women's Right to Land and Productive Resources) calls on States Parties to repeal discriminatory laws and adopt legislative measures that ensure women's equal access to, use of and control over land and other productive resources, right to inheritance and property, and their access to credit and other income-generating activities. Furthermore, the resolution calls on States Parties to prevent the further marginalisation of widows, rural women, women from poor and marginalised communities, women with disabilities, and women living with HIV/AIDS.

Overall, the female labour force participation rate (% of female population ages 15+) in most countries under review is high. Among the highest rates of female labour force participation are Rwanda (83.88%), Madagascar (83.52%) and Burundi (80.02%) and the lowest in Somalia (21.44%), Sudan (28.58%) and Comoros (33.49%).<sup>158</sup> Although the participation rate in the formal sector is on the rise, many African women work in the informal sector. Estimates indicate that women make up about 70% of informal cross-border traders in Africa.<sup>159</sup> Despite the progress made in realising women's economic rights and achieving gender equality and women's empowerment in the workplace, gender pay gaps persist. In sub-Saharan Africa, the gender pay gap is 30% compared to 24%

<sup>155</sup> African Union, (2011), "Social Protection Plan for the Informal Economy and Rural Workers 2011 – 2015", p.9

<sup>156</sup> <https://au.int/en/pressreleases/20200615/new-decade-womens-financial-and-economic-inclusion-why-scaling-actions>

<sup>157</sup> African Union (2020), "Violence against Women and Girls; financial and economic inclusion of women among key outcomes of AU Ministerial meeting", 2020, <https://au.int/en/pressreleases/20201201/violence-against-women-and-girls-financial-and-economic-inclusion-women-among>

<sup>158</sup> World Bank, "Gender Statistics", <https://databank.worldbank.org/source/gender-statistics#> accessed on May 27, 2021.

<sup>159</sup> African Union (2020), "A new Decade of Women's Financial and Economic Inclusion; why scaling up actions is inevitable", 2020, <https://au.int/en/pressreleases/20200615/new-decade-womens-financial-and-economic-inclusion-why-scaling-actions>



globally.<sup>160</sup> Moreover, not all workers receive wages. In 2017, ILO estimates showed that paid workers accounted for 29% of all people in employment in Africa (22.5% in Sub-Saharan Africa).<sup>161</sup> Limited access to financial resources and assuming most of the responsibility for unpaid care work, such as childcare, are examples of barriers that women face. Over 70% of African women are unable to receive financial services such as a savings account, loans or credit or are excluded by financial institutions.<sup>162</sup> While all 48 countries covered in this study provide for paid maternity leave, in practice many women are not covered or are inadequately protected, or both. A 2014 ILO report showed that legal provision for maternity leave only covered 18% of female workers in Africa.<sup>163</sup> 29 countries of those covered in this report offer paid paternity leave of which five provide for 14 days paternity leave. The remaining 19 countries provide for paternity leave ranging from one to four days. These figures indicate unpaid care and domestic work continues to constrain women's economic empowerment.

## HARMFUL PRACTICES

The African Union (AU) and the Regional Economic Communities (RECS) have adopted various frameworks and initiatives to eliminate harmful practices against women and girls that align with the Maputo Protocol and CEDAW. The AU's Saleema Initiative on Eliminating FGM aims to end the practice by 2030 and stimulate political action to enforce strong legislation, increase the allocation of financial resources and strengthen partnerships to end FGM, particularly within communities most impacted by the practice.<sup>164</sup> In 2014, the AU launched its Campaign to

End Child Marriage (2015 – 2023) to raise awareness and accelerate the end of the practice in Africa.<sup>165</sup> Efforts are also underway to prevent and eliminate harmful practices taking place across borders. Agenda 2063: The Africa We Want includes commitments to end FGM and child, early and forced marriage by 2023. The African Commission on Human and Peoples' Rights has adopted two resolutions related to eliminating harmful practices. Resolution 110 (on the Health and Reproductive Rights of Women in Africa) urges States to outlaw FGM without delay. Resolution 292 called for the Special Rapporteur on the Rights of Women in Africa to conduct a study on child marriage in Africa covering the following countries: Cameroon, the Democratic Republic of Congo, Kenya, Mali, Mauritania, Malawi, Mozambique, South Africa, The Gambia, and Uganda.

Harmful practices disproportionately affect women and girls and violate their human rights. To date, an estimated 200 million women have undergone FGM in 31 countries with representative data on prevalence.<sup>166</sup> In Africa, the practice of FGM is primarily, but not exclusively, concentrated in countries from the Atlantic coast to the Horn of Africa.<sup>167</sup> The prevalence of FGM among women and girls aged 15 – 49 varies from the near-universal prevalence in Somalia (98%) and Guinea (95%) to nearly eliminated in Togo (3%) and Cameroon (1%).<sup>168</sup> About 12 million girls worldwide are married before the age of 18 annually.<sup>169</sup> Among the 20 countries with the highest prevalence of child marriage, 18 are in Africa.<sup>170</sup> Child marriage is most common in West Africa, where 41% of women are married before 18, 38% in Central Africa, 36% in Southern Africa and 34%

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160 AU, (no date) "African Union Strategy for Gender Equality and Women's Empowerment 2018–2028", p.25.

161 International Labour Organisation, (2019), "Wages in Africa: Recent trends in average wages, gender pay gaps and wage disparities", p. 28

162 African Union (2020), "A new Decade of Women's Financial and Economic Inclusion; why scaling up actions is inevitable", 2020, <https://au.int/en/pressreleases/20200615/new-decade-womens-financial-and-economic-inclusion-why-scaling-actions>

163 International Labour Organisation, (2019), "Wages in Africa: Recent trends in average wages, gender pay gaps and wage disparities", p. 28

164 African Union, "The African Union Launches a Continental Initiative to End Female Genital Mutilation and Save 50 million Girls at Risk", 2010, <https://au.int/en/pressreleases/20100211/african-union-launches-continental-initiative-end-female-genital-mutilation>

165 African Union, (2013), "Campaign to End Child Marriage in Africa: Call to Action", p. 6.

166 UNICEF, "Female genital mutilation", 2020, <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

167 UNICEF, "Female genital mutilation", 2020, <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

168 UNICEF, "Female genital mutilation", 2020, <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

169 Girls not brides, "About child marriage", 2020-2021, <https://www.girlsnotbrides.org/about-child-marriage/#sources>

170 Girls Not Brides, "Top 20 countries with the highest prevalence rates of child marriage", 2020, [https://atlas.girlsnotbrides.org/map/?\\_ga=2.31613886.1663635281.1624887197-239787200.1616507335](https://atlas.girlsnotbrides.org/map/?_ga=2.31613886.1663635281.1624887197-239787200.1616507335)

in Eastern Africa.<sup>171</sup> Figures indicate that of the global human trafficking, 23% takes place in Africa.<sup>172</sup> Of the victims of trafficking detected in Sub-Saharan Africa, the majority were women (27%) and girls (32%).<sup>173</sup> The majority of victims are trafficked for forced labour followed by sexual exploitation and other forms of exploitation, such as forced marriage. Estimates indicate that 63% of trafficking victims, many of whom are children, are forced into marriage without their consent.<sup>174</sup> Because of its hidden nature, figures on trafficking do not represent a complete picture. Conflict and political violence, and unrest prevent the tracking of human trafficking and the implementation and enforcement of laws and policies.

## POLITICAL PARTICIPATION

At the continental and regional levels, the AU Constitutive Act, GEWE treaties, policy frameworks, strategies, and campaigns advance women's political rights and the commitments contained in the Maputo Protocol and CEDAW. The African Union Declaration on the Principles Governing Democratic Elections in Africa, the African Charter on Democracy, Elections and Governance and the Solemn Declaration on Gender Equality in Africa, for example all contain provisions to advance women's political rights at various levels of decision-making. The African Union Declaration on the Principles Governing Democratic Elections in Africa reaffirms the right to vote and the right to stand for elections. It also commits the governments to "encourage the participation of African women in all aspects of the electoral process in accordance with the national law."<sup>175</sup> Article 8 of the African Charter on Democracy, Elections and Governance obligates States Parties to eliminate all forms of discrimination, such as those based on gender, and adopt legislative and administrative measures to guarantee the rights of women and other groups.

Under the Solemn Declaration on Gender Equality in Africa, the Heads of State and Governments of AU Member States agreed to: ensure the full and effective participation and representation of women in the peace process, including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa as stipulated in UN Resolution 1325 (2000) and to also appoint women as Special Envoys and Special Representatives of the AU. They also agree to expand and promote the gender parity principle<sup>176</sup> adopted to all the other organs of the AU, RECs, and the national and local levels in collaboration with political parties and the national parliaments.<sup>177</sup> States also sought to strengthen women's political rights and their participation and representation through the African Women's Decade 2010 – 2020, Agenda 2063: The Africa We Want, and the AU Strategy for Gender Equality and Women's Empowerment.

The Strategy for Higher Representation of Women in Decision-Making Positions, adopted by IGAD, and the SADC Framework for Achieving Gender Parity in Political and Decision-making Positions by 2015, aims to achieve gender parity in representation in decision-making bodies.

In 2018, the AU adopted the Continental Results Framework to accelerate the delivery of Women, Peace and Security (WPS) commitments. Other initiatives, such as FemWise-Africa (Network of African Women in Conflict Prevention and Mediation) and the "SheLeadsPeace" Campaign on Women, Peace and Security in Africa, seek to strengthen and promote the role of women and girls in conflict prevention, peacebuilding and post-conflict reconstruction.

In recent years, African women's participation and representation in elected offices and leadership and decision-making positions have increased. African

171 The Borgen Project, "The Current State of Child Marriage in Africa", 2019, <https://borgenproject.org/the-current-state-of-child-marriage-in-africa/#top>

172 The Borgen Project, "10 Facts about Human Trafficking in Africa", 2019, <https://www.borgenmagazine.com/top-10-facts-about-human-trafficking-in-africa/>

173 UNODC, (2020), "Global Report on Trafficking in Persons 2020", p. 165

174 The Borgen Project, "10 Facts about Human Trafficking in Africa", 2019, <https://borgenproject.org/human-trafficking-in-africa/>

175 OHCHR, "African Union Declaration on the Principles Governing Democratic Elections in Africa, AHG/Decl.1 (XXXVIII), 2002", <https://www.ohchr.org/EN/Issues/RuleOfLaw/CompilationDemocracy/Pages/AHG.aspx>

176 The Constitutive Act of the AU enshrines the principle of gender equality (Art. 4(I)).

177 African Union, (2004), "The Solemn Declaration on Gender Equality in Africa".

women have held positions of President, Prime Minister, and Vice-President and more women serve in cabinet positions and lead ministries considered important. 17 African States have 30% or more female representation at the ministerial levels.<sup>178</sup> Two of these countries achieved parity in representation at the ministerial level: Rwanda (54.8%) and Guinea-Bissau (50%).<sup>179</sup> Overall, in Sub-Saharan Africa, 25.4% of parliamentarians are women.<sup>180</sup> Female representation in the lower house of parliament at the national level varies. Continentally and globally, Rwanda has the highest number of women in parliament, with 61.3%.<sup>181</sup> Several countries have achieved near parity in representation in parliament. These include South Africa (46.5%), Namibia (44.2%), Senegal (43%), Mozambique (42.4%), Ethiopia (38.8%) and Burundi (38.2%).<sup>182</sup> In other countries, female representation in parliament remains well below 30% female representation. In Nigeria (3.6%), Burkina Faso (6.3%), Benin (8.4%) and Gambia (8.6%) few women hold seats in national parliaments.<sup>183</sup> Female representation in local government shows a similar picture. Rwanda (62%) has the highest female representation in local government, followed by Uganda (46%) and Namibia (45%).<sup>184</sup> In many countries, women represent less than a third of the members of local government. Senegal (2%), Benin (4%) and Ghana (4%) have the lowest female representation in local government.<sup>185</sup> Despite the progress made on women's political rights, formal and informal barriers remain. They highlight the gap between the *de jure* and *de facto* participation of women in public and political life and the realisation of their political rights.

## SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)

African States have committed to eliminating SGBV(VAW) and protecting women and girls through various binding and non-binding instruments at the

continental and regional levels. The African Union (AU) sought to accelerate the eradication of SGBV/ VAW in Africa through, for example, the Solemn Declaration on Gender Equality in Africa and the AU Gender Policy. The AU Strategy for Gender Equality & Women's Empowerment (2018 – 2028) calls for creating a sustained target campaign to reduce GBV by one third by 2023. Among the key outcomes of the 5th Ordinary Session of the AU Specialised Technical Committee on Gender Equality and Women's Empowerment (STC on GEWE) included developing the AU Campaign and negotiating an AU Convention on Ending Violence against Women and Girls. At the institutional level, as part of their respective mandates, the AU Women, Gender and Development Directorate and the Special Rapporteur on the Rights of Women in Africa address VAW.

The African Commission on Human and Peoples' Rights passed General Comments and Resolutions on SGBV(VAW). General Comment No. 4 on the Right to Redress for Victims of Torture and other Punishments or Cruel, Inhuman and Degrading Treatment (Art. 5) gives victims of sexual and gender-based violence the right to reparations. Resolution 111 (on the right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence) reiterates the importance that all States Parties criminalise all forms of sexual violence and ensure that perpetrators and accomplices of such crimes are held accountable. Resolution 283 (on the Situation of Women and Children in Armed Conflict) calls for Member States to adopt legislative and other measures to prevent and eradicate all forms of VAWG and conduct independent investigations into all crimes of SGBV and prosecute and punish perpetrators to end impunity. In addition to these, the Commission also passed resolutions condemning sexual violence in certain countries and circumstances. In 2017, the Commission adopted the Guidelines on Combating

178 The 17 countries are Angola, Burundi, Guinea-Bissau, Ethiopia, Kenya, Madagascar, Mozambique, Namibia, Rwanda, Eswatini, São Tomé and Príncipe, Seychelles, South Africa, South Sudan, Uganda, Togo, and Zambia.

179 IPU, "Women in Politics: Situation on 1 January 2021", 2021, <https://www.ipu.org/women-in-politics-2021>

180 IPU, "Global and regional averages of women in national parliaments", 2021, <https://data.ipu.org/women-averages> Accessed on 27 May 2021.

181 IPU, "Monthly ranking of women in national parliaments", 2021 <https://data.ipu.org/women-ranking?month=4&year=2021> Accessed on 27 May 2021.

182 IPU, "Monthly ranking of women in national parliaments", 2021 <https://data.ipu.org/women-ranking?month=4&year=2021> Accessed on 27 May 2021.

183 IPU, "Monthly ranking of women in national parliaments", 2021 <https://data.ipu.org/women-ranking?month=4&year=2021> Accessed on 27 May 2021.

184 Institute for Democracy and Electoral Assistance, (2021), "Women's Political Participation: Africa Barometer 2021", p.176.

185 Institute for Democracy and Electoral Assistance, (2021), "Women's Political Participation: Africa Barometer 2021", p.176.

Sexual Violence and its Consequences in Africa. The purpose of the Guidelines is to “guide and support Member States of the African Union in effectively implementing their commitments and obligations to combat sexual violence and its consequences.”<sup>186</sup>

At a continental level, efforts also include addressing SGBV(VAW) in the context of Covid-19 and after the end of the pandemic. An example is the AU Guidelines on Gender-Responsive Responses to Covid-19 to assist Member States in integrating gender equality in all Covid-19 responses in line with the AU Constitutive Act.<sup>187</sup>

SGBV (VAW) prevalence often increases during conflicts, civil unrest, disasters, economic hardships, and global health crises, such as the Covid-19 pandemic. Since the start of the pandemic, the number of cases of violence against women and girls has risen globally, including in the African continent. Global estimates indicate that one in three women have experienced VAW or GBV in their lifetime.<sup>188</sup> Among African women aged 15-49 years, about 36% have experienced physical or sexual violence or both by an intimate partner or non-partner at least once in their lifetime.<sup>189</sup>

Among the highest prevalence estimates of intimate partner violence (IPV) among women aged 15–49 in Africa are: The Democratic Republic of the Congo (47%), Equatorial Guinea (46%), Uganda (45%) and Liberia (43%).<sup>190</sup> In all four regions, reports indicate a significant increase in SGBV(VAW). For example, Chad, Senegal and Mali recorded increases of 30%, 14% and 10%, respectively, in the incidence of domestic violence.<sup>191</sup> In South Africa, there was a 37% increase from the weekly average GBV cases reported for 2019.<sup>192</sup> In many times, VAW results in the death of the woman, a UNODC report revealed that Africa is the region where women face the most significant risk of being killed by an intimate partner or family member. In 2017, 69% of African women were killed by an intimate partner or a family member.<sup>193</sup> Femicide, understood as the gender-related killing of women and girls simply because of the gender assigned to them, often committed by an intimate partner or family member, is a significant problem in many African countries. Prevalence rates are often difficult to collect. Incidences of SGBV(VAW) often go unreported as many survivors’ fear reprisals and shame. Some acts of violence, such as marital rape, are not considered crimes under statutory or customary law or both and are therefore not reported.

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186 African Commission on Human and People's Rights, (2017), “Guidelines on Combating Sexual Violence and its consequences in Africa”, p. 6.

187 The African Union Commission, (2020), “Gender-Based Violence in Africa During the Covid-19 Pandemic”, p. 9

188 The World Bank, “Gender-Based Violence (Violence Against Women and Girls)”, 2019, <https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls>

189 WHO, (2021), “ WHO African Region Fact Sheet, Violence Against Women Prevalence estimates, 2018”, p.1, <https://apps.who.int/iris/bitstream/handle/10665/341591/WHO-SRH-21.7-eng.pdf>

190 WHO, (2021), “ WHO African Region Fact Sheet, Violence Against Women Prevalence estimates, 2018”, p.1, <https://apps.who.int/iris/bitstream/handle/10665/341591/WHO-SRH-21.7-eng.pdf>

191 AUC-WGDD, UN Women, OHCHR and UNFPA, (2020), “Gender-based violence in Africa during the Covid-19 Pandemic”, p.5.

192 AUC-WGDD, UN Women, OHCHR and UNFPA, (2020), “Gender-based violence in Africa during the Covid-19 Pandemic”, p.7.

193 UNODC, (2019), “Global Study on homicide: Gender-related killing of women and girls”, p.11.



# THE ECONOMIC COMMISSION OF CENTRAL AFRICAN STATES (ECCAS)

## HISTORY/MANDATE AND ENTRY POINT FOR WOMEN'S RIGHTS AND GENDER EQUALITY

The Economic Commission of Central African States (ECCAS), originally the Economic Community of Central African States, or Communauté Économique Des États De L'Afrique Centrale (CEEAC) was created on the October 18<sup>th</sup> 1983. It consists of 11 Member States: Angola, Burundi, Cameroon, Central African Republic, Chad, DR Congo, Equatorial Guinea, Gabon, Republic of the Congo, Rwanda and São Tomé and Príncipe.

Since 2015, there has been a focus on institutional reform. Significantly, the revision of the original 1983 Treaty, which established ECCAS, entered into force on August 28<sup>th</sup>, 2020, and has thus far been signed by all eleven Member States and ratified by ten, barring Burundi. The revised Treaty also reframed the ECCAS' status as a Commission, "to implement its activities with greater efficiency in the face of the region's challenges and thus meet the hopes of a very young population, who see its future success in regional integration".<sup>194</sup> The REC has also drafted revisions of four other fundamental texts: the Organic Framework of ECCAS, the Staff Regulations of ECCAS, the ECCAS Financial Regulations and the Protocol Relating to the Peace and Security Council of Africa Central (COPAX).

According to Article 4 of the revised Treaty (2020), the objective of the Commission is to: "promote cooperation and the strengthening of regional integration in Africa through political, security, economic, monetary, financial, social, cultural, scientific and technical activities to achieve collective self-reliance, raising the standard of living of the people, increasing and maintaining economic stability,

strengthening and preserving close and peaceful relations among its Member States and contributing to the progress and development of the African continent".<sup>195</sup>

As demonstrated in both the Commission's objective and the following overview of the key legal and policy documents, the main entry points for women's rights within the REC are surrounding:

- i) peace and security
- ii) disaster risk management.

## THE CAPACITY OF ECCAS ON ADVANCING GEWE COMMITMENTS

The recent and ongoing institutional reform and revision of key documents and policies provides momentum for transforming the Commission's systems and capacity to be more inclusive and mainstream the three GEWE mechanisms. Significantly, the Department of Gender Promotion, Human and Social Development has been elevated to one of the five key departments. Furthermore, on the 12<sup>th</sup> of January 2021, UNOCA met the ECCAS Commissioner for Gender and Social Affairs to discuss partnership between the two offices in support of ECCAS efforts to promote women's participation in governance and mediation structures and in gender sensitive civil society platforms for early warning and conflict prevention.<sup>196</sup>

If the GEWE treaties are mainstreamed throughout new ECCAS Treaty's plan to operationalise the Community Parliament of ECCAS, the Community Court of Justice, the Community Court of Accounts

194 ECCAS (2020) 'Presentation: ECCAS at the service of the peoples of Central Africa', available at: <https://ceeac-eccas.org/#presentation> (accessed 07/07/2021).

195 ECCAS (2020) *Traite Révisé Instituant La Communauté Économique Des États De L'Afrique Centrale*, available at: <http://kalieu-elongo.com/wp-content/uploads/2020/10/Traite-revisé-CEEAC-1.pdf> (Article 4, Page 10) (accessed 07/07/2021).

196 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (III B 70., page 12) (accessed 10/07/2021).

and a Central Bank and a Development Bank, the REC's monitoring and accountability can significantly improve.

The many ECCAS frameworks and policies regarding women's rights, representation and participation serve to engage well with the four women's rights areas and particularly the Indicative Strategic Plan (2021-2025) seems more direct in its plan to influence “state and non-state actors involved in the promotion of women in decision-making bodies and the protection of their rights”.<sup>197</sup>

Following the 2021 IWD Conference, ECCAS appears to be in the foundational stages of forging opportune relationships with regional CSOs and their networks more specifically focussed on women's rights, which it has not previously invested in.

The revised Treaty and institutional reform, mandates that ECCAS work towards greater financial independence. Subsequently, in May of 2021, relevant government ministers held a meeting to discuss the operationalization of the Compensation, Cooperation and Development Fund of the Economic Community of Central African States (FCCD-AC) which ECCAS sees as the first step in having financial autonomy, before the establishing of their proposed Development Bank and Community Central Bank.

ECCAS has continued to engage with its neighbouring REC, ECOWAS, since its first joint summit in 2013, to enhance regional coordination of policies and projects. Significantly, in March of 2021, the relevant gender departments of both RECs met for a knowledge exchange, “specifically aimed at ECCAS learning from the experience of ECOWAS on themes such as: sub-regional integration, the promotion of gender, the development of regional sectoral centres (youth and sport, civil society integration, culture of peace,

health, women, peace and security), and the role that ECOWAS plays through its health institution, West African Health Organisation (WAHO) in supporting the Member States in their response to the COVID-19 pandemic in West Africa”.<sup>198</sup>

Additionally, in February of 2021, the Presidents of the ECCAS and CEMAC Commissions met in Libreville as part of a dialogue between the two institutions to develop synergies towards facilitating regional integration, accelerating economic transformation and promoting subregional economic and social development.<sup>199</sup>

These collaborative efforts provide opportunities for strengthening of existing ECCAS and cooperative projects as well as the cross-border institutionalisation of and potential accountability for ensuring rights particular to women.

## GENDER INSTITUTIONAL INFRASTRUCTURE

Through the 2020 Treaty revision, the institutions of ECCAS were restructured within the new ‘ECCAS Commission’. Subsequently, “The Heads of State and Government” seized the opportunity offered by the institutional reform of ECCAS to make an indelible mark on the promotion of women”<sup>200</sup>, and the Department of Gender Promotion, Human and Social Development was formed with Madame Marie Thérèse Chantal Ngakono as the Commissioner. It is one of five key departments. Subsumed within this broader Department are the Gender and Women's Promotion Department and the Gender and Capacity Building Department. Whilst a public explanation could not be found, it can be inferred that this is a restructuring of what was formerly known as the Gender Unit, directed by Madame Isabelle Boukinda Nzaou.

197 ECCAS News (2021) 'Central African women celebrate their participation in economic and political life as well as in the fight against Covid 19', available at: <https://ceecac-eccas.org/programmes/les-femmes-dafrique-centrale-exaltent-leur-participation-dans-la-vie-economique-politique-ainsi-que-dans-la-lutte-contre-la-covid-19/> (accessed 09/07/2021).

198 ECOWAS (2021) 'ECOWAS and ECCAS ADVANCE INTER REGIONAL COOPERATION in GENDER, SOCIAL AFFAIRS and HEALTH', available at: <https://www.ecowas.int/ecowas-and-eccas-advance-inter-regional-cooperation-in-gender-social-affairs-and-health/#:~:text=The%20ECCAS%20omission%20in%20Abuja,ECOWAS%20counterpart%2C%20Her%20Excellency%20Dr> (accessed 16/07/2021).

199 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II D 51., page 10) (accessed 10/07/2021).

200 Verissimo, G.P. (2021) 'Message from the President of the ECCAS Commission Ambassador Gilberto Da Piedade Verissimo on the occasion of International Women's Day for the year 2021', available at: <https://ceecac-eccas.org/presidence/message-du-president-de-la-commission-de-la-ceeac-ambassadeur-gilberto-da-piedade-verissimo-a-l'occasion-de-la-journee-internationale-des-femmes-pour-l'annee-2021/> (accessed 09/07/2021).

## FRAMEWORK ON GEWE: OVERVIEW OF KEY LEGAL AND POLICY DOCUMENTS RELATING TO WOMEN'S RIGHTS

### *ECCAS Treaties*

The original 1983 Treaty has been praised for its gendered provision in Article 60 at a time when Regional Trade Agreements were predominantly gender blind. It was in fact “the first RTA signed by developing countries to include a gender-related provision”.<sup>201</sup> The provision found in the article on cooperation in social affairs committed the parties to develop collaborative research to improve women's economic, social, and cultural status in urban and rural areas and increase their integration in development activities. Its revised Treaty has built upon this by naming Gender Equality as one of its Fundamental Principles and committing to respect human rights and fundamental freedoms in accordance with international and African instruments.<sup>202</sup> Additionally, Chapter XVIII on Cooperation in the Matter of Human Resources, Social and Gender Affairs contains three Articles dedicated to issues particular to women and girls, namely Article 77: Social Affairs, Article 78: Women and Development and Article 79: Gender. These Articles outline commitments to building and strengthening significant infrastructure to improve women's economic, social, and cultural conditions, both internally for Member States and as a Commission, by better integrating women into development processes and fostering dialogue from the local to interstate level.<sup>203</sup>

### *UNSCR1325 Regional Action Plan 2018-2022*

Validated on 24 May 2018, by member states and key stakeholders including the United Nations entities

and CSOs, the four year ECCAS Regional Action on WPS was call for the establishment of a specialized technical group (STG) on monitoring implementation, mobilize funds, take action in favour of increasing the number of women in deployments of peace support missions, establish a Women, Peace and Security network in Central Africa to support the action of ECCAS member states in conflict prevention, peacebuilding and post-conflict reconstruction. The RAP targets include: preventing conflict and GBV, participation and decision-making of women in all stages of a conflict, mainstreaming gender and empowering women in rehabilitation efforts.<sup>204</sup>

### *Indicative Strategic Plan 2021-2025*

On International Women's Day of 2021, the President of ECCAS published a statement that the Community's promotion of women is reflected in the priorities of the joint UNOCA-ECCAS Indicative Strategic Plan.<sup>205</sup> However, these have not yet been publicly circulated. The ECCAS online conference of women, which was commemorated on the same day, concluded that “the opportunity is now given to the Commission to make known the priorities in the field of gender equality of the Indicative Strategic Plan (2021-2025) of the ECCAS to influential state and non-state actors involved in the promotion of women in decision-making bodies and the protection of their rights”.<sup>206</sup>

### *The ECCAS Gender Mainstreamed Disaster Risk Reduction Strategy and Action Plan 2020-2030*

Revised from its 2015 version, the 2020 Plan adopts the Sendai Framework for Disaster Risk Reduction 2015-2030's four priorities and the Recommendations of the 4<sup>th</sup> Yaoundé Ministerial Conference and adds specific

201 Monteiro, José-Antonio (2021) 'The evolution of gender-related provisions in regional trade agreements', WTO Staff Working Paper, No. ERSD-2021-8, World Trade Organization (WTO), Geneva, <http://dx.doi.org/10.30875/dd10a280-en> (accessed 09/07/2021).

202 ECCAS (2020) Traite Revise Instaurant La Communauté Economique Des Etats De L'Afrique Centrale, available at: <http://kalieu-elongo.com/wp-content/uploads/2020/10/Traite-revise-CEEAC-1.pdf> (Article 3 b & c, Page 9) (accessed 07/07/2021).

203 Eccas (2020) Traite Revise Instaurant La Communauté Economique Des Etats De L'Afrique Centrale, available at: <http://kalieu-elongo.com/wp-content/uploads/2020/10/Traite-revise-CEEAC-1.pdf> (Chapter XVIII, pages 45-47) (accessed 07/07/2021).

204 ECCAS And UNOCA (2018) Plan D'action Regional De La Ceeac Pour La Mise En Œuvre De La Resolution 1325 Du Conseil De Securite Et Des Resolutions Connexes Sur Les Femmes, La Paix Et La Securite, available at: [http://1325naps.peacewomen.org/wp-content/uploads/2021/08/PAR-1325-Dec-2018\\_2020-2024-ECCAS.pdf](http://1325naps.peacewomen.org/wp-content/uploads/2021/08/PAR-1325-Dec-2018_2020-2024-ECCAS.pdf) (accessed 19/08/2021).

205 Verissimo, G.P. (2021) 'Message from the President of the ECCAS Commission Ambassador Gilberto Da Piedade Verissimo on the occasion of International Women's Day for the year 2021', available at: <https://ceeac-eccas.org/presidence/message-du-president-de-la-commission-de-la-ceeac-ambassadeur-gilberto-da-piedade-verissimo-a-l'occasion-de-la-journee-internationale-des-femmes-pour-l'annee-2021/> (accessed 09/07/2021).

206 ECCAS News (2021) 'Central African women celebrate their participation in economic and political life as well as in the fight against Covid 19', available at: <https://ceeac-eccas.org/programmes/les-femmes-d'afrique-centrale-exaltent-leur-participation-dans-la-vie-economique-politique-ainsi-que-dans-la-lutte-contre-la-covid-19/> (accessed 09/07/2021).

gendered and regional sub-priorities, deadlines and outcomes. For example, in Priority 1: Understanding Disaster Risk, some of the Priority Actions for Central Africa include, “Conduct a study on access of women and men to disaster and risk information” and “Support States for the establishment of a system for collecting and managing gender-based data in the field of DRR”.<sup>207</sup> The deadlines for both actions are listed as 2020-2030.

The most imminent deadline (2020-2022) is assigned to the following Priority Actions:

- Make Central African Climate Prediction and Application Centre (CAPC-AC) operational for centralizing meteorological data.
- Training instructors for gender focal points, DRR focal points, Parliamentary Network for Disaster Resilience in Central Africa (REPARC), the private sector and civil society.
- Align ECCAS Human Resources Policies within the DRM framework with AU initiatives on gender equity: a survey of the number of staffs; use of special measures; parity during meetings.
- Integrate gender into DRR political, institutional and legal frameworks.

Within the Plan's definitions of Gender Equality, it is stated that “ECCAS also aims to go one step further, taking a gender-responsive approach that not only recognizes and works with gender differences but, in so doing, actively tries to address the root causes of inequality. This often requires an equitable approach that is different for women, men, girls and boys, and positive discrimination and women's empowerment to redress existing inequality. When gender-responsive attempts at DRM have been successful in reducing inequality, and the inequity of benefits of risk reduction activities, future iterations of the GSAP will be able to take a more nuanced and intersectional approach to disaster risk reduction”.<sup>208</sup>

The Plan also lists the following relevant ECCAS Policies<sup>209</sup>:

- The Ndjamena Declaration (2014) was signed to reaffirm ECCAS regional and international commitments (including Resolution 1325) to women, peace and security. It is a commitment to promote women's leadership and political participation, mainstream gender equality, empower women in a number of activities of the respective parliaments, and undertake institution building for good governance as an important factor in preventing conflicts in the sub-region.
- The ECCAS Gender Policy (2014) envisages a community in which men and women enjoy equal rights, develop their skills and contribute as equal partners to the construction of a just and prosperous society for all, and the sustainable development of Central Africa. The Policy recommends increasing the effectiveness of regional, national and community dialogues. It encourages the expansion of gender-based planning and budgeting tools and broad participation in the ratification, integration, and effective application of legal and political instruments aimed at eliminating structural and systemic constraints. Three of the specific objectives of the Policy are:
  1. Promote the effectiveness of policies through the institutionalization of gender and the economic and political empowerment of women;
  2. Improve women's health and care for people living with HIV; and
  3. Improve the capacities and results of peace and security mechanisms to respond to gender-based violence (GBV), stereotypes, and harmful practices.
- The 2006 Multilateral Agreement on Regional Cooperation to Combat Trafficking in Persons,

207 ECCAS (2020) Gender Action Plan 2020-2030: For Implementation of the Central Africa Gender Responsive Regional Strategy for Risk Prevention, Disaster Management and Climate Change Adaptation, available at: <https://www.gfdr.org/sites/default/files/publication/ECCAS%20-%20Gender%20Action%20Plan%202020-2030.pdf> (page 11) (accessed 07/07/2021).

208 ECCAS (2020) Gender Action Plan 2020-2030: For Implementation of the Central Africa Gender Responsive Regional Strategy for Risk Prevention, Disaster Management and Climate Change Adaptation, available at: <https://www.gfdr.org/sites/default/files/publication/ECCAS%20-%20Gender%20Action%20Plan%202020-2030.pdf> (pages 11-14) (accessed 07/07/2021).

209 ECCAS (2020) Gender Action Plan 2020-2030: For Implementation of the Central Africa Gender Responsive Regional Strategy for Risk Prevention, Disaster Management and Climate Change Adaptation, available at: <https://www.gfdr.org/sites/default/files/publication/ECCAS%20-%20Gender%20Action%20Plan%202020-2030.pdf> (pages 8-10) (accessed 07/07/2021).



especially Women and Children, in West and Central Africa was prepared in partnership with ECOWAS to develop a common front to prevent, suppress and punish trafficking in persons through international cooperation.

- The Strategic Plan on the Fight against HIV & AIDS (2014-2018) comprises five main pillars, including mother-to-child transmission and the supply and availability of ARVs.

## MONITORING AND ACCOUNTABILITY MECHANISMS

The only discussion of monitoring that could be found was in the ECCAS Gender Mainstreamed Disaster Risk Reduction Strategy and Action Plan 2020-2030. It outlines that “progress of the implementation of the Action Plan will be assessed using annual monitoring systems and mechanisms. These will be reported in line with existing global and regional monitoring systems and mechanisms, as coordinated by the Disaster Risk Management Unit in cooperation with the Gender Department (formerly the Gender Unit). In addition, annual reports submitted by each Member State under the Sendai Framework for DRR will be updated, reflecting commitments outlined herein. Space for more informal feeding back and reporting on good practice will be provided during the annual Gender Responsive DRR Platform”. This last platform was not expanded upon within the documentation.

The revised Treaty recommends the establishment of the Community Parliament of ECCAS, the Community Court of Justice, the Community Court of Accounts, a Central Bank and a Development Bank. Previously, the ECCAS Commission has condemned Member States’ actions or inactions and threatened to suspend a state’s membership; however, there are now limited accountability measures for Member States who violate the Commission’s agreements.

## INITIATIVES, REGIONAL LEVEL ADVOCACY NETWORKS & REGIONAL CSO ENGAGEMENT

In addition to the policies and strengths already discussed above, the following are some of the initiatives of the Commission, with positive impacts for GEWE, both prior and according to its Vision 2025, to “transform the region into a haven of peace, solidarity and balanced development where each citizen could move freely.”<sup>210</sup>

- **The ‘Silencing the Guns’ Joint Project:** At the forty-seventh meeting of the Commission in 2018, ECCAS, UNOCA and the United Nations Regional Centre for Peace and Disarmament in Africa signed and launched a joint project on “Supporting African States towards the African Union’s vision of ‘Silencing the Guns’ in Africa by 2020: capacity-building for the Central African States”. The Commission recalled that “women have a key role to play in peace and security. Member States reiterated their commitment to promoting the greater participation of women in political and peace processes, including through the adoption and implementation of national action plans on Security Council Resolution 1325 (2000)”.<sup>211</sup> This gave birth to the regional action plan for the implementation of UN Resolution 1325 by the gender ministers in collaboration with UNOCA.<sup>212</sup>
- **Establishment of MICOPAX:** In 2000, ECCAS Member States signed the protocol establishing the founding principles and organs of the Council for Peace and Security in Central Africa (COPAX) and a mutual assistance pact.<sup>213</sup> The adoption of the Protocol on the establishment of a Network of Parliamentarians of Central Africa (REPAC) and the standing organs of the COPAX, including the Defence and Security Commission (CDC), Multinational Force of Central Africa (FOMAC), and the Early Warning Mechanism of Central Africa (MARAC) occurred in 2002.

210 NEPAD Planning and Coordinating Agency (2015) ‘Strengthening the Institutional Capacity of the Economic Community of Central African States (ECCAS)’, available at: <https://www.nepad.org/file-download/download/public/15621> (page 11) (accessed 20/07/2021).

211 UNCA (2019) ‘Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa - Report of the Secretary-General’, available at: <https://undocs.org/pdf?symbol=en/A/74/218> (page 2) (accessed 11/07/2021).

212 African Union (2019) 2019 African Regional Integration Report: Towards an Integrated, Prosperous and Peaceful Africa’, available at: [https://au.int/sites/default/files/documents/38176-doc-african-integration-report-eng\\_final.pdf](https://au.int/sites/default/files/documents/38176-doc-african-integration-report-eng_final.pdf) (page 64) (accessed 21/07/2021).

213 European Council on Foreign Relations (2020) Mapping African Regional Cooperation: ECCAS, available at: <https://ecfr.eu/special/african-cooperation/eccas/> (accessed 07/07/2021).

- **Commitments to Gender Equality:** In ECCAS' 11th Ordinary Session of Heads of State and Government in Congo Republic in January 2004, the Community adopted a declaration on implementing NEPAD in Central Africa and a declaration on Gender Equality.<sup>214</sup> This was reinforced by including Gender Equality as one of the Commission's key principles in Article 3 of the revised Treaty adopted in 2020.

ECCAS has not comprehensively published its engagement with relevant Civil Societies outside of its 'news' website page; however, some of the CSO partners have reported on their joint initiatives.

ECCAS maintains a Memorandum of Understanding (2010-present) with the Electoral Institute for Sustainable Democracy in Africa (EISA) to support Member States in electoral processes. Part of this involves training of ECCAS members to "respond effectively to the challenges of conducting elections professionally, independent and non-partisan Electoral Monitoring Bodies (EMB) in the Member States, as well as equipping other stakeholders to fulfil their roles."<sup>215</sup>

Similarly, the African Union NEPAD (New Partnership for Africa's Development) reported that ECCAS's biggest donor, the European Union, provides funding for capacity-building in political and diplomatic action; and strengthens civil society and development of CSO-ECCAS cooperation.<sup>216</sup>

Most recently, on International Women's Day 2021, the ECCAS Commission held an online conference on the theme 'Promote participation of women in economic and political life in Central Africa: Women essential actors in the fight against COVID 19'.

Following the institutional reform and the example of the IWD conference, it would appear that ECCAS is eager to increase its CSO engagement. ECCAS

summarised the relevant conclusions of the March 2021 conference as:

- (a) "carrying out a plea for effective consideration of their specific needs and better protection of women in the region in a COVID 19 pandemic situation,
- (b) the opportunity is now given to the Commission to make known the priorities in the field of gender equality of the Indicative Strategic Plan (2021-2025) of the ECCAS to influential state and non-state actors involved in the promotion of women in decision-making bodies and the protection of their rights,
- (c) a bridge has now been established between new generations of women and girl leaders, gender activists and defenders and pioneers of women's rights who have played a leading role in the life of their communities,
- (d) women in civil society have expressed the difficulties on the ground,
- (e) the actions of governments, academics, civil society research institutes and men committed to promoting and empowering women in Central Africa were highlighted as part of an exchange of good practices".<sup>217</sup>

Lastly, research from 2015 suggests the potential for an increased role of the regional media in advancing ECCAS' objectives and improving civilians' knowledge of the Commission to increase regional support.<sup>218</sup> If the regional media platforms (social, digital and print) were to report more on issues and events relating to the Commission, it is anticipated that there would be greater ownership by the relevant populations and increased demand and accountability for ECCAS to "achieve more and demonstrate greater effectiveness and efficiency".<sup>219</sup>

214 African Union (n.d.) 'Economic Community of Central African States (ECCAS)', available at: <https://au.int/en/recs/eccas> (accessed 20/07/2021).

215 Electoral Institute for Sustainable Democracy in Africa (EISA) (2020) 'ECCAS: Stakeholder capacity building', available at: <https://www.eisa.org/eccasworkshops.php> (accessed 20/07/2021).

216 NEPAD Planning and Coordinating Agency (2015) 'Strengthening the Institutional Capacity of the Economic Community of Central African States (ECCAS)', available at: <https://www.nepad.org/file-download/download/public/15621> (page 15) (accessed 20/07/2021).

217 ECCAS (2021) 'Central African women celebrate their participation in economic and political life as well as in the fight against Covid 19', available at: <https://ceeac-eccas.org/programmes/les-femmes-dafrique-centrale-exaltent-leur-participation-dans-la-vie-economique-politique-ainsi-que-dans-la-lutte-contre-la-covid-19/> (accessed 10/07/2021).

218 Reson, M.T. (2015) 'Analysing challenges and prospects of regional integration in Africa: A case study of Economic Community of Central African States (ECCAS)', University of Nairobi, available at: [http://erepository.uonbi.ac.ke/bitstream/handle/11295/108949/JULIET\\_PROJECT\\_CORRECTED13.11.2019-3.pdf?sequence=1](http://erepository.uonbi.ac.ke/bitstream/handle/11295/108949/JULIET_PROJECT_CORRECTED13.11.2019-3.pdf?sequence=1) (pages 100-105) (accessed 15/07/2021).

219 Reson, M.T. (2015) 'Analysing challenges and prospects of regional integration in Africa: A case study of Economic Community of Central African States (ECCAS)', University of Nairobi, available at: [http://erepository.uonbi.ac.ke/bitstream/handle/11295/108949/JULIET\\_PROJECT\\_CORRECTED13.11.2019-3.pdf?sequence=1](http://erepository.uonbi.ac.ke/bitstream/handle/11295/108949/JULIET_PROJECT_CORRECTED13.11.2019-3.pdf?sequence=1) (page 102) (accessed 15/07/2021).

## STRENGTHS, CHALLENGES & OPPORTUNITIES

STRENGTHS	CHALLENGES	OPPORTUNITIES
<ul style="list-style-type: none"> <li>● <b>Support of Member States in developing UNSCR1325 National Action Plans</b>, most recently Equatorial Guinea<sup>220</sup> and São Tomé and Príncipe.<sup>221</sup></li> <li>● <b>Women's Representation in Senior Leadership:</b> currently, 3/7 Commission members are women.</li> <li>● <b>Institutional reform related to the establishment of the dedicated Gender department.</b> The department will lead the integration of gender dimensions into all organs, structures, policies of the Commission.</li> <li>● <b>The political will</b> of ECASS Commission senior leadership to champion GEWE.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Regional Insecurity</b><sup>222</sup> including high rates of SGBV<sup>223</sup>, abduction of women<sup>224</sup>, displacement and exclusion of women from transition and political processes.<sup>225</sup></li> <li>● <b>Financial Dependence</b> on external development partners and fickle nature of Member State contributions.<sup>226</sup></li> <li>● <b>Inequitable effects of Climate Change</b><sup>227</sup></li> <li>● <b>Covid-19: Health &amp; Economic Crises</b> accentuating poverty and inequality especially for women.<sup>228</sup></li> </ul>	<ul style="list-style-type: none"> <li>● <b>Increasing Collaboration with and Learning from other RECs</b>, including ECOWAS<sup>229</sup> and CEMAC<sup>230</sup>.</li> <li>● <b>Ongoing Institutional Reform</b>, including the elevation of the Department of Gender Promotion, Human and Social Development to one of the five key departments, provides momentum for transforming the Commission's systems to be more inclusive and to mainstream women's rights. Additionally, there is the potential partnership with UNOCA to promote women's participation in governance and mediation structures and gender-sensitive civil society platforms for early warning and conflict prevention.<sup>231</sup></li> <li>● <b>Mainstream GEWE into the Kinshasa Convention and Protocol for the Free Movement of Persons.</b></li> </ul>

220 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (III A 62., page 12) (accessed 10/07/2021).

221 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (III A 66., page 12) (accessed 10/07/2021).

222 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II A 2., page 1) (accessed 10/07/2021).

223 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II C 44 & 45., page 9) (accessed 10/07/2021).

224 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II A 24., page 6) (accessed 10/07/2021).

225 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II B 42., pages 8-9; II C 46., page 9 and III C 82., page 14) (accessed 10/07/2021).

226 Ministry of Finances, Budget and Public Portfolio, Congo Republic (2021) 'Economic Community of Central African States (ECCAS) - MINISTERS DISCUSS THE CHARACTERISTICS OF THE FC-CD-AC', available at: <https://www.finances.gouv.cg/en/articles/economic-community-central-african-states-eccas> (accessed 12/07/2021).

227 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II A 29., page 7) (accessed 10/07/2021).

228 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II D 52., page 10) (accessed 10/07/2021).

229 ECOWAS (2021) 'ECOWAS and ECCAS ADVANCE INTER REGIONAL COOPERATION in GENDER, SOCIAL AFFAIRS and HEALTH', available at: <https://www.ecowas.int/ecowas-and-eccas-advance-inter-regional-cooperation-in-gender-social-affairs-and-health/#:~:text=The%20ECCAS%20omission%20in%20Abuja,ECOWAS%20counterpart%2C%20Her%20Excellency%20Dr> (accessed 16/07/2021).

230 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (II D 51., page 10) (accessed 10/07/2021).

231 UNSC (2021) 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa – Report of the Secretary-General', available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/S\\_2021\\_517\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_517_E.pdf) (III B 70., page 12) (accessed 10/07/2021).

## RECOMMENDATIONS

- Ensure gender mainstreaming in all aspects of the work of the Secretariat through ongoing institutional reform. This includes, for example, mainstream GEWE treaties into the Kinshasa Convention and Protocol for the Free Movement of Persons.
- Strengthen monitoring and accountability mechanisms to ensure that Member States fulfil the commitments of the GEWE treaties and other women's rights frameworks.
- Increase collaboration with other RECs to enhance regional coordination and CSO engagement in the region to inform GEWE policies, priorities and accountability for Member States.
- Increase media engagement to increase public knowledge of ECCAS, their work and regional and international treaties. This in turn would aim to increase public pressure on states to implement the treaties.
- Assist Member States in addressing the high rates of SGBV, displacement and exclusion of women from political processes; ensure regional stability and implement UNSCR1325.
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices.
- Simplify reporting template and procedures for reporting on implementation; reduce the multiplicity of reporting obligations, strengthen linkages, and increase transaction linkages between RECs and States.<sup>232</sup>
- Update lapsed policies and strategies and use them to assist Member States and CSOs to advocate for development of national action plans and implementation of GEWE Treaties.<sup>233</sup>
- Engage religious, cultural and grass-roots leaders in GEWE rights issues, such as the Council of Traditional Leaders of Africa (COTLA).<sup>234</sup>

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<sup>232</sup> Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

<sup>233</sup> Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

<sup>234</sup> Recommendation from Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.



# The Status of Ratification, Domestication and Implementation of The Three GEWE Within ECCAS’s Member States

This section of the Baseline Study provides an overview of the ratification, domestication, and implementation of the three GEWE treaties. It is divided into two parts. In the first part, the table below presents an overview of the status of ratification of CEDAW, the Maputo Protocol and the ILO Convention on Equal Remuneration (No. 100) in ECCAS. It also shows examples of how the ECCAS Member States domesticate, implement/enforce the commitments of

the three GEWEs and presents best practices.

The second part analyses some challenges ECCAS Member States face in the domestication and implementation of the three GEWE treaties. The challenges are presented by theme starting with economic rights, followed by harmful practices, political rights and sexual and gender-based violence (violence against women).

TREATY	STATUS OF RATIFICATION		
<b>CEDAW</b>	Angola, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon, Republic of the Congo, Rwanda, São Tomé and Príncipe *All 11 countries have ratified CEDAW		
<b>Maputo Protocol</b>	Angola, Cameroon, Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon, Republic of the Congo, Rwanda, São Tomé and Príncipe *All countries have ratified the Maputo Protocol except Burundi, Central African Republic, Chad		
<b>ILO Convention</b>	Angola, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon, Republic of the Congo, Rwanda, São Tomé and Príncipe *All countries have ratified the ILO Convention		
Thematic Area	Domestication	Implementation/Enforcement	Best Practices
<b>Economic Rights</b>	<p>1. <b>Gabon:</b> Reform of the Civil Code of the Gabonese republic (2015): removal of Article 692 relating to discriminatory provisions regarding widows and property.</p> <p>2. <b>Rwanda:</b> 2003 Constitution Amended in 2015: Article 30: Right to free choice of employment: - Everyone has the right to free choice of employment. - All individuals, without any form of discrimination, have the right to equal pay for equal work.</p> <p>3. <b>São Tomé and Príncipe:</b> Law No. 6/2019, Arts. 16, 17, 21 and 22 prohibit discrimination in employment based on gender.</p>	<p>1. <b>Burundi</b> National Development Plan (NDP) 2018-2027: -Facilitation of equitable access to economic opportunities between men and women. - Capacity building of key actors in the implementation of the National Gender Policy. - Support for the empowerment of women and girls.</p> <p>2. <b>Cameroon:</b> Support Programme for the Promotion of Female Entrepreneurship (SPPFE), and the Gender Climate Change and Agriculture Support Programme (GCCASP) 2015-2019.</p>	<p>1. <b>Burundi:</b> Since 2015, the government of Burundi, through the National Communal Investment Fund (FONIC), has been financing the municipalities. Women are the primary beneficiaries as they have more income-generating activities in rural areas.</p> <p>2. <b>Chad:</b> The Ministry of Microfinance, which has become a general directorate of the Ministry of Vocational training and small trades has signed agreements with microfinance institutions for granting loans to groups vulnerable, particularly to women and young people and has a Directorate of Women and Youth Entrepreneurship.</p>

		<p>3. <b>Republic of Congo:</b> Training of Directors of Studies and Planning (DEP) and Directors of Administrative and Financial Affairs (DAAF) on gender-sensitive budgeting in public finances (March 2019). This training was organized by the Ministry of Finance and Budget in partnership with AFRITAC-Center (IMF) and UN-Women. It resulted in the adoption of an implementation roadmap for 2022.</p>	<p>3. <b>Gabon:</b> Regarding social measures taken by the Government of Gabon, the healthcare coverage benefits provided by the National Health Insurance and Social Protection Fund are available to men and women who work in the informal sector. The Fund also provides vocational and technical training to young women and unqualified women, to give them access to the formal sector.</p>
<p><b>Harmful Practices</b></p>	<p>1. <b>Cameroon:</b> Law No. 2016/007 of 12 July 2016 of the penal Code introduced new offences concerning violence against women (including FGM, child marriage, bigamy/polygamy, trafficking and slavery).</p> <p>2. <b>Chad:</b> Order No. 06/PR/2015 of 14 March 2015 on the prohibition of child marriage, ratified by Act No. 029/PR/2015 of 21 July 2015 14. The Order establishes that the minimum legal age for marriage is 18 (Art. 2) and it makes child marriage punishable by a term of imprisonment of 5 to 10 years and a fine of between 500,000 and 5 million CFA francs (Art. 4).</p> <p>3. <b>Rwanda:</b> Law N°32/2016 of 28/08/2016 Law Governing Persons and Family: the minimum legal age of marriage is 21 for both men and women, without exceptions (Rwanda, 2016, Art. 168). Marriages of persons under the age of 21 are subject to automatic, absolute annulment (Rwanda, 2016, Art. 193).</p>	<p>1. <b>Central African Republic:</b> Creation in 2017 of the Monitoring Committee for the Convention on the Elimination of All Forms of Discrimination against Women (CEDEF). And the joint rapid response unit to combat sexual violence against women and children.</p> <p>2. <b>Chad:</b> The 2016-2018 Road Map concerning child marriage and FGM. This Road Map includes four objectives namely coordination, follow-up and monitoring; social mobilisation and advocacy; capacity building for actors; and multi-sectorial responses (MFASSN, 2015).</p> <p>3. <b>Cameroon:</b> Five Year Action Plan to combat FGM adopted in 2011 and revised in 2016, incorporating the new provisions of the Penal Code relating to the rights of women, families and children in accordance with CEDAW.</p>	<p>1. <b>Burundi:</b> The 2016 Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence. It includes a comprehensive definition of gender-based violence including measures of prevention and protection for victims. For example, Article 2 lists sexual mutilation, child marriage, domestic violence, marital rape, and sexual harassment as forms of violence against women. It also addresses discriminatory traditional customs and includes them in the definitions concerning violence against women.</p> <p>2. <b>DR Congo:</b> In 2019, the Government put in place National Police units specializing in child protection and prevention of sexual violence in the country's provinces.</p> <p>3. <b>Equatorial Guinea:</b> In 2018, the Ministry of Justice provided training to 102 justice professionals (judges, prosecutors for minors, justice officials) on the child rights principles and protocol, as well as their effective implementation at the national and regional/district level.</p>

## Political Participation

1. **Burundi:** Law No 1/11 of 20 May 2019 amending Law No 1/20 of 3 June 2014 on the Electoral Code: Article 108 “1 in 3 candidates put forward for election to the National Assembly must be female. If this is not reached, then the Electoral Commission has the power to make amendments so that the National Assembly reflects the stipulated quota.”

2. **Central African Republic:** New Electoral Code Law 2019: Loi N°19 0011 Du 20 Août 2019 Art.281: “For the two-round uninominal voting system for legislative, senatorial and regional elections, political and regional elections, political parties, political associations and political groupings are required to present at least 35% of their associations and political groupings are obliged to present at least 35% female candidates. For municipal elections, the lists of candidates must respect the quota of at least 35% of women candidates.

3. **Republic of Congo:** Loi n° 1-2016 du 23 janvier 2016, Article 67: “The presentation of candidates for local elections must take into account the representativeness of women in at least 30% for each list of candidates, on the one hand, and the positioning of women, while respecting the rigorous alternation with the upper third, in the municipalities on the other hand.”

1. **Central African Republic:** Established in 2016 the National Observatory on Gender Parity.

2. **DR Congo:** Adoption of the National Strategy for Women's Political Participation in Democratic Governance (SNPPFGD) in 2018.

3. **Republic of Congo:** National Gender Policy (2016): Strategic axis 3: Promotion of female leadership in politics and in public life. The specific objectives defined in this strategic axis would consist of:

- o Support the implementation of constitutional parity;
- o Facilitate the representativeness of women in politics and in public life;
- o Strengthen the technical capacities of women in politics and public life.”

1. **Cameroon:** The Government created the annual gender ranking. This tool is for capturing and visualizing parities men and women in positions of responsibility in administrations and advocacy in favor of female public leadership. The gender ranking is a tool used by the Government to increase its advocacy strategy to end discrimination against women and to promote their participation in decision-making position with equal opportunities between men.

2. **DR Congo:** For the 2018 elections, the Commission électorale nationale indépendante (CENI) ordered its agents to prioritize several categories of eligible voters, including women and pregnant women, aged voters, and persons with disabilities, to increase their levels of registration. Agents were also instructed to reserve Sundays for the registration of women. The JPC/CENCO electoral observation mission stated that priority was given to these categories of eligible voters in 88% of observed cases.

3. **Rwanda:** The 2003 Constitution, amended in 2015, enshrines the principle of gender equality and provides for minimum of 30% quota for women in all decision-making positions (Article 9 [4]). The 80 members of the Chamber of Deputies are elected as follows: 53 members elected by direct universal suffrage through a secret ballot using closed list proportional representation, of which at least 30% must be seats reserved for women; 24 women (2 elected from each province and from the city of Kigali by an electoral college with a women-only ballot); 2 members elected by the National Youth Council; and 1 member elected by the Federation of the Associations of the Disabled (Constitution, Article 76). The total of 26 members of the Senate are either indirectly elected or appointed.

<p><b>Sexual and Gender-Based Violence (Violence Against Women)</b></p>	<p>1. <b>Angola:</b> General Advertising Act, Act No. 9/17 of 13 March 2017: Art. 15 prohibits all forms of advertising which stereotypes or depicts women in a discriminatory and humiliating way contrary to public morals and decency.</p> <p>2. <b>Gabon:</b> Loi no042/2018 of July 2019 (Revised Penal Code) (including articles on sexual violence, domestic violence and rape).</p> <p>3. <b>Rwanda:</b> Law N°68/2018 of 30/08/2018: “Determining offences and penalties in general article 133, 137 &amp; 134 provide punishment of Gender Based Violence in all its forms including sexual violence.”</p>	<p>1. <b>Central African Republic:</b> Adoption of the Communication Strategy for the Fight Against GBV in 2017. One of the strong actions carried out in the context of prevention and care for victims of GBV in times of conflict, has been the creation of a toll-free numbers to all subscribers of mobile phones so that anyone with knowledge of any situation of VAW to denounce the / or cases assault, rape or any other act that puts a woman's life at risk.</p> <p>2. <b>Chad:</b> The creation of the “National Women's House”, inaugurated in 2014 and officially recognised as a structure for raising awareness, training, supervision and psychosocial care for victims of violence.</p> <p>3. <b>São Tomé and Príncipe:</b> The Office of Women's Affairs, under the Prime Minister's Office, and UNICEF maintained a counseling center and small shelter with a hotline for domestic violence. The Gender Equality Institute within the Office of Women's Affairs also conducted awareness workshops and seminars during the year to educate women on their rights. The institute also trained police, medical professionals, court officials, and lawyers on how to recognize and respond to cases of domestic abuse.</p>	<p>1. <b>Cameroon:</b> The establishment of gender clubs, gender desks and call centres in schools and universities, police stations and centres for the advancement of women and the family. Their purpose is to popularize gender in the institutions concerned, to track cases of violations of the rights of women and girls, including gender-based violence, and to conduct a diligent search for solutions, in collaboration with the competent authorities.</p> <p>2. <b>DR Congo:</b> The establishment of a system for monitoring and collecting data and early warning on cases of GBV in schools, by student participation structures, parent-teacher associations, teachers ‘and principals’ associations and community members, to improve referral to assistance, better analyze the problem and adapt the solutions. Over the 2015-2016 school period, 11,530 cases of violence, 6,017 acts of discrimination against girls and 2,834 acts of discrimination against boys has been reported while for the school period 2016-2017, these figures were reduced to 4.289, 2.990 and 950 respectively.</p>
			<p>3. <b>Republic of Congo:</b> Some laudable steps have been taken to strengthen services for victims of violence such as : The establishment of care units (psychological and medical) for victims of violence sexual; - Provision of treatment units for victims of violence with health kits and medicines;- The establishment of reception and listening cells for victims of violence in police stations; Training of Police and Gendarmes on reception and listening techniques for victims of violence ; - The provision of reception and listening cells with computer tools, office supplies, digital cameras and cameras; Free reception of complaints from asylum seekers, victims of sexual violence or others forms of mistreatment, in police stations, police stations and the prosecution.</p>



## CHALLENGES & GAPS

### ECONOMIC RIGHTS

**Sexual Harassment in the Workplace:** The Organisation for Economic Co-operation and Development (OECD) Centre notes that despite the prevalence of laws, there is limited data regarding the prevalence of such harassment in Burundi<sup>235</sup> and the Central African Republic<sup>236</sup>. Additionally, there is a noted lack of enforcement of DR Congo's 2006 laws against sexual and gender-based violence, including provisions regarding violence against subordinates.<sup>237</sup> Chad, Congo Republic and Equatorial Guinea do not have any legislation or criminal penalties regarding sexual harassment in the workplace; however, Chad maintains one provision which prohibits the dismissal of a victim of workplace harassment.<sup>238</sup> In Chad especially, sexual harassment is most common in the workplace, perpetrated by the employer to the employee, almost always in a male to female dynamic. Often, women are fired if they report it.<sup>239</sup>

**Land and Non-land Asset Ownership & Inheritance:** Burundi has a legal gap regarding matrimonial regimes and inheritance and, in those instances, relies on customary law.<sup>240</sup> However, whether formally or informally, the coexistence of national legislation with customary law, which discriminates against women, undermines women's economic rights. Angola<sup>241</sup>, Chad<sup>242</sup> and Equatorial Guinea<sup>243</sup> specifically cite respect for customary and/or religious law alongside relevant State legal provisions. Others are less explicit in this acknowledgement, but the lack

of sufficiently specific legislation on issues such as widow inheritance and the practice of disinheritance allows for discriminatory customary norms and practices to persist. In contrast, the Central African Republic and DR Congo have made extra efforts to outlaw disinheritance. However, women's economic rights within marriage continue to disadvantage them. For example, Gabonese women are supposedly guaranteed equal land and non-land asset ownership; however, a discriminatory provision gives husbands the right to administer the property.<sup>244</sup> In Equatorial Guinea, unmarried and divorced women have equal rights as their male counterparts. However, the Civil Code determines that married women must still obtain their husband's consent to acquire or dispose of property or land.<sup>245</sup> Furthermore, the non-recognition of informal unions is a pervasive challenge for women in accessing these economic rights throughout the region. Overall, the disparity between urban and rural women's economic rights regarding the greater prevalence, lack of accessible remedies and impunity in practising some customary norms in rural areas is highlighted in almost all countries.

**Financial Resources:** Discriminatory legislation introduced in the 20<sup>th</sup> century in Chad, Equatorial Guinea and Gabon prevail. Legislation in Chad stipulates<sup>246</sup> that the husband must be notified and authorise withdrawals from an account. Equatorial Guinea legislates that married women cannot sign a contract without their husbands' consent.<sup>247</sup> Gabonese husbands must be notified of the opening of a bank account and permit withdrawals.<sup>248</sup> However, even in those countries with stronger legislation, disparities

235 OECD Development Centre (2019) 'Social Institutions & Gender Index: Burundi', available at: <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/BI.pdf> (pg 6).

236 OECD Development Centre (2019) 'Social Institutions & Gender Index: CAR', available at: <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/CF.pdf> (pg 6).

237 United States Department of State (2017) 2016 Country Reports on Human Rights Practices, available at: <https://www.state.gov/reports/2016-country-reports-on-human-rights-practices/democratic-republic-of-the-congo/>

238 United Nations Population Fund (UNFPA) (2016) 'Les Violences Faites aux Femmes', available at: <http://chad.unfpa.org/fr/publications/les-violences-faites-aux-femmes>

239 United Nations Population Fund [UNFPA] (2016), Les Violences Faites aux Femmes, available at: <http://chad.unfpa.org/fr/publications/les-violences-faites-aux-femmes>

240 OECD Development Centre (2019) 'Social Institutions & Gender Index: Burundi', available at: <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/BI.pdf> (pgs 3 & 7).

241 Republic of Angola (2010) Constitution, made available by the Constitute Project, available at: [https://www.constituteproject.org/constitution/Angola\\_2010.pdf?lang=en](https://www.constituteproject.org/constitution/Angola_2010.pdf?lang=en)

242 Constitution of Chad of 2018, Article 162, made available by the Constitute Project, available at: [https://www.constituteproject.org/constitution/Chad\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Chad_2018.pdf?lang=en)

243 Food and Agriculture Organisation (FAO) (n.d.), Country Profile: Equatorial Guinea—Gender and Land Rights Database, available at: [www.fao.org/gender-landrights-database/countryprofiles/listcountries/customarylaw/fr/?country\\_iso3=GNQ](http://www.fao.org/gender-landrights-database/countryprofiles/listcountries/customarylaw/fr/?country_iso3=GNQ)

244 Gabon Civil Code of 30 December 1989, Article 335.

245 Equatorial Guinea Civil Code (Spanish Civil Code) of 1960, Articles 58 & 59 [http://cesge.org/index.php?option=com\\_phocadownload&view=category&id=8&Itemid=74#](http://cesge.org/index.php?option=com_phocadownload&view=category&id=8&Itemid=74#)

246 French Civil Code of 1958 (applicable in Chad), Article 221

247 Equatorial Guinea Civil Code Article (Spanish Civil Code) of 1960, Article 1262 <http://cesge.org/index.php/leyes/category/4-civil>

248 Gabon Civil Code of 30 December 1989, Article 257.

in customary attitudes and laws and low rates of women's ownership of land and property inhibit their ability and qualification to be approved for business loans or credit. The barriers faced by women in accessing financial resources in this region have been responsible for an over-reliance on informal loan and savings systems and an over-representation of women in the informal sector without any social protection. This is particularly pertinent for rural and illiterate women. Furthermore, despite some legislation, it has little impact on women's lived experiences, such as those in the Central African Republic, where more than 95% of adults do not have an account at a formal financial institution due to poor infrastructure, security threats and lack of identification.<sup>249</sup> Additionally, due to the overrepresentation of women in the informal sector, losses experienced through Covid-19 restriction measures and shocks to the economy, greater investment and strategies will be necessary for women's economic empowerment. Whilst Cameroon has multiple projects relating to women's economic empowerment, the State notes that increasing budget allocations for this right issue is a challenge.<sup>250</sup>

**Legislating Economic Equality:** Whilst most countries have enshrined economic equality, there remains some discriminatory legislation and/or discrepancies. Seven out of the eleven countries<sup>251</sup> still maintain legislation prohibiting women from working in certain professions and/or during night hours. Most of these countries justify that this is for women's safety and health, many having extra provisions for the health of pregnant women and often reference the ILO Convention No. 4. The Central African Republic and Equatorial Guinea outlaw women from professions deemed as beyond their physical strength<sup>252</sup>. Chad also

prohibits women from some occupations, highlighting the risk of endangering a woman's 'morality' as a justification.<sup>253</sup>

In addition, Cameroon's Civil Code contradicts its Labour Code<sup>254</sup>, permitting a husband to object to his wife's employment if it is in the interest of the marriage and/or children; Congo Republic has insufficient legislation on non-discrimination on the basis of employment, only legislating equal remuneration<sup>255</sup> and Gabon's Civil Code details that a married woman can choose her profession unless her husband asks the court to forbid her.<sup>256</sup>

## HARMFUL PRACTICES

**Corporal Punishment:** With only one country in the region completely outlawing the practice, corporal punishment is a key issue for legal redress. Six countries (Cameroon, Chad, DR Congo, Gabon, Rwanda and São Tomé and Príncipe) have legislation outlawing the practice in school environments. Still, they do not specifically criminalise parental or at-home corporal punishment. Angola's 2012 Child Law explicitly allows "justifiable correction",<sup>257</sup> and the Central African Republic's 1997 Family Code states that parental authority includes the power "to reprimand and correct to the extent compatible with the age and level of understanding of the child"<sup>258</sup>. Burundi's government is yet to clarify whether their 2020 Code of Child Protection includes a provision prohibiting corporal punishment<sup>259</sup>.

The organisation End Corporal Punishment argues that "Prohibiting corporal punishment is about ensuring children are equally protected under the law on assault – whoever the perpetrator and whether or

249 African Development Bank (2013), Financial Inclusion in Africa, available at: [www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Financial\\_Inclusion\\_in\\_Africa.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Financial_Inclusion_in_Africa.pdf).

250 Cameroon, Response to "Questionnaire pour les États membres", Received September 2021.

251 Angola, Burundi, Cameroon, CAR, Chad, Equatorial Guinea & Gabon

252 Both laws do not state or give examples of such professions but reference physical strength or "in jobs requiring lifting weights above threshold in the same way as men". The study could not locate any reference to a particular example for either country.

253 Law No. 038/PR/96 of 11 December 1996 Concerning Labour Code, Article 336.

254 OECD Development Centre (2019) 'Social Institutions & Gender Index: Cameroon', available at: <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/CM.pdf> (pg 6).

255 Congo Republic's Labour Code of 15 March 1975, (Article 80) available at: [www.droit-afrique.com/upload/doc/congo/Congo-Code-1975-dutravail.pdf](http://www.droit-afrique.com/upload/doc/congo/Congo-Code-1975-dutravail.pdf).

256 Gabon's Civil Code of 30 December 1989, (Article 261) available at: [https://drive.google.com/file/d/0B\\_1V1Foh\\_GoNUcxLTFEb2xnOVU/view](https://drive.google.com/file/d/0B_1V1Foh_GoNUcxLTFEb2xnOVU/view).

257 End Corporal Punishment (2020) 'Country Report for Angola', available at: <https://endcorporalpunishment.org/reports-on-every-state-and-territory/angola/>.

258 End Corporal Punishment (2020) 'Country Report for the Central African Republic', available at: <https://endcorporalpunishment.org/reports-on-every-state-and-territory/central-african-republic/>

259 End Corporal Punishment (2018) 'Country Report for the Burundi', available at: <https://endcorporalpunishment.org/reports-on-every-state-and-territory/burundi/>

not the assault is inflicted as 'discipline' or punishment. As the smallest and most vulnerable members of society, children deserve more, not less, protection from assault. The primary purpose of the legal prohibition is educative – providing a clear statement that any level or form of corporal punishment is no longer acceptable – rather than punitive.<sup>260</sup> Creating sanctions for the practice in every setting: the home, alternative care settings, day care, schools and penal institutions remains to be completed by all countries, except for Congo Republic.

**FGM:** Three countries (Angola, Rwanda and São Tomé and Príncipe) do not have legislation on FGM due to the practice “not being widely practised”<sup>261</sup> or that it “does not appear to be a practice of concern”<sup>262</sup>. These three countries maintain that the more general articles of their constitutions, civil codes or penal codes regarding the protection of women against bodily harm are sufficient.

Whilst the practice of FGM may not be widely present in these ECCAS nations, the Inter-Parliamentary Union discusses that they “take in nationals from countries where such practices are common, and it would therefore be wise to introduce appropriate legislation”<sup>263</sup>. A similar argument is used to highlight the need to strengthen and introduce cross-border FGM legislation. Additionally, some legal loopholes regarding medical FGM remain, such as in the Central African Republic. If constitutions were to echo Angola and Chad's explicit prohibition of harmful practices to women and prioritise women's and girls' rights over cultural laws and practices, this would provide a more significant legal mandate and decrease the sense of impunity.

**Child and Forced Marriage:** Five countries' legal systems (Angola, the Central African Republic, Congo Republic, Equatorial Guinea and São Tomé and Príncipe)

provide loopholes whereby exceptions are made in 'extenuating circumstances' usually by a judge with parental consent, allowing for girls to be married from the age of 15. The Central African Republic Family Code has an additional provision permitting marriage at age 13 if the girl is pregnant. Overall, in the region, whilst progress has slowly been made to decrease the rates of child and early marriage, it is estimated that “the COVID-19 pandemic may cause 13 million additional child marriages by 2030, and West and Central Africa will be severely affected unless multi-sectoral, comprehensive efforts to end child marriage are accelerated in the region.”<sup>264</sup> Therefore, extra and timely policy and institutional instruments will be necessary to counteract this increase.

Overall, DR Congo notes the persistent challenges of “cultural barriers, women's illiteracy, the lack of access to sexual and reproductive health rights and the lack of financial resources allocated to the promotion of gender equality in the country”.<sup>265</sup>

## POLITICAL PARTICIPATION

**Constitutional Reforms & Legislation:** Burundi's Constitution is the most comprehensive in enshrining mandates to reach certain quotas in all levels of elections, governance and judiciaries, which serves as a positive model for others to echo. Additionally, adopting similar provisions to Article 169 of Burundi's Electoral Code<sup>266</sup> regarding clear steps for government bodies to implement if quotas are not met would reinforce their impact and the seriousness with which they are observed. Cameroon and DR Congo maintain gendered provisions but these are not legally binding. Cameroon's 2012 Electoral Law states that each electoral list must “consider gender aspects”,<sup>267</sup> and the DR Congo's 2015 Gender Parity statute lacks binding measures. The election law expressly states that

260 End Corporal Punishment (2018), 'What is Corporal Punishment?', available at: <https://endcorporalpunishment.org/introduction/>

261 Interparliamentary Union Archive, 'Legislation and other national provisions', available at: <http://archive.ipu.org/wmn-e/fgm-prov-p.htm>

262 UNICEF (2013), Equatorial Guinea – Statistics, Available at: [www.unicef.org/infobycountry/equatorialguinea\\_statistics.html](http://www.unicef.org/infobycountry/equatorialguinea_statistics.html)

263 Interparliamentary Union Archive, 'Legislation and other national provisions', available at: <http://archive.ipu.org/wmn-e/fgm-prov-g.htm>

264 Plan International & Girls Not Brides (2020) 'Covid-19 and Child Marriage in West and Central Africa', available at: <https://plan-international.org/publications/covid-19-child-marriage-west-central-africa#:~:text=The%20COVID%2D19%20pandemic%20may,are%20accelerated%20in%20the%20region.>

265 DR Congo, "Questionnaire pour les États membres", Received September 2021.

266 Republique du Burundi, Cabinet du President (2019) 'Loi Organique No1/11 due 20 Mai 2019 Potant Modification de la Loi No 1/20 Due Juin 2014 Portant Code Electoral', available at: <https://www.eisa.org/pdf/bur2019electoralcode.pdf> (page 42).

267 Republic of Cameroon (2012) 'Law No. 2012/001 of 19 April relating to the Electoral Code', available at <https://aceproject.org/electoral-advice/archive/questions/replies/7798903/986792279/ELECTORAL-CODE-OF-CAMEROON.pdf> (Section 151 (3) page 46).

candidate lists cannot be rejected because they lack gender parity.<sup>268</sup> Perhaps surprisingly, Cameroon has not legislated political quotas, but is currently ranked third amongst the ECCAS countries for having 34% of its National Assembly represented by women.<sup>269</sup> Whilst seven of the eleven countries<sup>270</sup> have at least one form of legislated quota, Burundi is the only country to sanction non-compliance.

Furthermore, only four countries have quotas at the sub-national level. The Central African Republic, Chad, São Tomé and Príncipe and Congo Republic have not met their respective quotas yet. The majority of the Member States without any political quotas rank in the bottom half of the political representation rankings within ECCAS, Africa and the world. Those who are yet to reach their quota minimums lack comprehensive enforcement strategies and mechanisms. DR Congo reported that, in regards to women's political representation and senior decision-making, “we are not moving forward at the desired pace”.<sup>271</sup>

The Human Rights Committee has, in 2020, reported regret regarding the lack of comprehensive anti-discrimination laws in the Central African Republic and that “no information has been provided on the practical steps taken to mainstream the gender dimension in all aspects of the transitional justice process, including the actual practice of the Special Criminal Court. The Committee also regrets the lack of information on actions taken to ensure equality between men and women not only in law but also in practice, including participation in public affairs, given

that women's representation in legislative bodies, executive decision-making positions and the judiciary remains very low”.<sup>272</sup>

**Funding:** No countries have provided any financial motivations to encourage efforts towards parity in public or private spheres at the national or subnational levels. The Member States' expenditure to increase women's political participation and decision-making is unclear. According to UN Women and the Global Partnership for Effective Development Co-operation (GPEDC), Rwanda is the only State of the eleven to have “all of the elements of a system in place to track and make public allocations for gender equality and women's empowerment, fully meeting the requirements of SDG indicator 5. c.1”. Cameroon, Congo Republic and Equatorial Guinea have “some of the elements” and the remaining States have “none of the elements” or “have not yet assessed” their systems.<sup>273</sup>

**Electoral Management Bodies:** Overall, the Central African region has the lowest percentage of women in EMBs across the continent at a regional average of 20%, whilst the continental average sits at 28%.<sup>274</sup> Furthermore, most do not maintain gendered provisions, have not appointed a gender focal person, nor sufficiently mainstreamed gender.<sup>275</sup> This has adverse effects on the registering of women voters.<sup>276</sup> Despite the CENI's gendered measures in the 2018 DR Congo elections, women made up only 47.3% of the total registered population.<sup>277</sup> The United Nations Joint Human Rights Office (UNJHRO) explained

268 USAID & CEPPS (2018) 'Assessment of Electoral Preparations in the Democratic Republic of the Congo (DR Congo)', available at: [https://www.ndi.org/sites/default/files/cepps\\_DR\\_Congo\\_2018\\_electoral\\_preparation\\_assessment\\_final\\_external.pdf](https://www.ndi.org/sites/default/files/cepps_DR_Congo_2018_electoral_preparation_assessment_final_external.pdf) (page 29).

269 International Institute for Democracy and Electoral Assistance (IDEA) (2021) 'Country Data: Cameroon (Republic of Cameroon)', available at: <https://www.idea.int/data-tools/data/gender-quotas/country-view/80/35>

270 Angola, Burundi, the Central African Republic, Chad, Congo Republic, Rwanda & São Tomé and Príncipe. Cameroon, Equatorial Guinea, Gabon & DR Congo DR Congo do not have any legislated quotas.

271 DR Congo, Response to “Questionnaire pour les États membres”, Received September 2021.

272 United Nations Human Rights Committee (2020) 'Concluding observations on the third periodic report of the Central African Republic', available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAF%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAF%2fCO%2f3&Lang=en) (pages 3-4).

273 Global Partnership for Effective Development Co-operation (GPEDC) (2018) 'Global Partnership Monitoring Country Profiles', available at: <https://www.effectivecooperation.org/landing-page/gpedc-country-profiles> (accessed 11/09/2021).

274 International Institute for Democracy and Electoral Assistance (2021) 'Women's Political Participation – Africa Barometer 2021', available at: <https://www.idea.int/sites/default/files/publications/womens-political-participation-africa-barometer-2021.pdf> (page 93).

275 International Institute for Democracy and Electoral Assistance (2021) 'Women's Political Participation – Africa Barometer 2021', available at: <https://www.idea.int/sites/default/files/publications/womens-political-participation-africa-barometer-2021.pdf> (page 94).

276 International Institute for Democracy and Electoral Assistance (2021) 'Women's Political Participation – Africa Barometer 2021', available at: <https://www.idea.int/sites/default/files/publications/womens-political-participation-africa-barometer-2021.pdf> (page 97).

277 USAID & CEPPS (2018) 'Assessment of Electoral Preparations in the Democratic Republic of the Congo (DR Congo)', available at: [https://www.ndi.org/sites/default/files/cepps\\_DR\\_Congo\\_2018\\_electoral\\_preparation\\_assessment\\_final\\_external.pdf](https://www.ndi.org/sites/default/files/cepps_DR_Congo_2018_electoral_preparation_assessment_final_external.pdf) (page 14).



that lower-than-expected turnout was caused by the “fragile security situation in several provinces and reported cases of sexual violence and/or the threat of sexual violence perpetrated by police against female registrants. In addition, the distance to registration centres, bad road conditions, the lack of affordable transportation, and the practice of ‘monnayage’ (paying the CENI registration staff or the security forces to have priority in the queue) all negatively impacted women’s participation in the registration process”.<sup>278</sup>

**UNSCR 1325 National Action Plans:** Chad, Congo Republic, Equatorial Guinea, Gabon and São Tomé and Príncipe are yet to draft and adopt UNSCR1325 National Action Plans. The African Union also notes the importance of States “earmarking specific funds to support the implementation of NAPs”.<sup>279</sup> Cameroon, who is now drafting their second UNSCR1325 NAP, notes that effective implementation of the instrument is a challenge.<sup>280</sup>

**Sex Disaggregated Data:** Congo Republic, Equatorial Guinea and São Tomé and Príncipe have not published sex-disaggregated data regarding their EMs. More generally, Equatorial Guinea’s lack of published data, policies, quotas and legislation regarding women’s political participation and role in decision-making undermines their compliance with the three women’s rights treaties.

## SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)

**VAW:** Congo Republic and Equatorial Guinea have not yet criminalised violence against women. Since 2019, both have reported draft bills, but they have not been

formally introduced or adopted. Even in those countries which maintain such laws, implementation remains a challenge.<sup>281</sup>

**Sexual Harassment:** Equatorial Guinea and Gabon have neither legislation nor criminal penalties regarding sexual harassment. Angola’s Criminal Code has penalties for the crime but no specific national legislation (Article 173).

**Domestic Violence:** Cameroon, Congo Republic, the DR Congo and Equatorial Guinea have yet to outlaw domestic violence. Chad & Gabon both have criminal penalties for the offence but lack specific laws.

**Human Trafficking:** Congo Republic and Equatorial Guinea have no legislation regarding human trafficking.

**Marital Rape:** Angola, Burundi, the Central African Republic and São Tomé and Príncipe have specifically outlawed and criminalised marital rape. Rwanda has done the same; however, it maintains lower criminal penalties for marital rape than rape outside of marriage.<sup>282</sup> Chad, Congo Republic, the DR Congo, Gabon and Cameroon have not explicitly outlawed marital rape, but wives can still prosecute their husbands under broader legislation. Equatorial Guinea is the only country that has not prohibited marital rape and in which wives cannot seek any legal redress against their husbands.<sup>283</sup>

**SGBV in Conflicts:** New (from 2015-2021) and significant national measures include: the DR Congo removed the statute of limitations for reporting and prosecuting war crimes<sup>284</sup>, the Central African Republic introduced their Defence & Security Sector Reform Plan regarding VAW in conflicts<sup>285</sup>, Burundi introduced more significant

278 The United Nations Joint Human Rights Office (UNJHRO) in USAID & CEPPS (2018) ‘Assessment of Electoral Preparations in the Democratic Republic of the Congo (DR Congo)’, available at: [https://www.ndi.org/sites/default/files/cepps\\_DR\\_Congo\\_2018\\_electoral\\_preparation\\_assessment\\_final\\_external.pdf](https://www.ndi.org/sites/default/files/cepps_DR_Congo_2018_electoral_preparation_assessment_final_external.pdf) (page 14).

279 The African Centre for Constructive Resolution of Disputes (ACCORD) and the African Union and Security Council (2020) ‘Resolution 1325 in 2020: Looking Forward, Looking Back’, available at: [https://media.africaportal.org/documents/1325\\_in\\_2020.pdf](https://media.africaportal.org/documents/1325_in_2020.pdf) (page 46).

280 Cameroon, Response to “Questionnaire pour les États membres”, Received September 2021.

281 Chad, Response to “Questionnaire pour les États membres”, Received September 2021.

282 Republic of Rwanda (2009) Law No. 59/2008 of 2008 on Prevention and Punishment of Gender-Based Violence, available at: <https://www.refworld.org/docid/4a3f88812.html> (Articles 198-199)

283 Equatorial Guinea, Penal Code (Spanish Penal Code) of 1963, available at: <https://www.refworld.org/docid/4a3f88812.html> (Article 443).

284 Democratic Republic of the Congo (DR Congo) (2015) Law 15/022 modifying the Penal Code; Law 15/023 modifying the Military Penal Code; Law 15/024 modifying the Penal Procedure Code, available at: [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=49C04B6F6300E1E2C1258043002924E5&action=openDocument&xp\\_countrySelected=C-D&xp\\_topicSelected=GVAL-992BU6&from=state](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=49C04B6F6300E1E2C1258043002924E5&action=openDocument&xp_countrySelected=C-D&xp_topicSelected=GVAL-992BU6&from=state) (Article 2).

285 Ministère De La Promotion De La Femme, De La Famille Et De La Protection De L’enfant (2019) ‘Rapport National De La Mise En Œuvre Du Programme D’action Et La Déclaration De Beijing+25’, available at: [https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/central\\_african\\_republic.pdf?la=en&vs=5122](https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/central_african_republic.pdf?la=en&vs=5122) (pages 42-43).

penalties within their Penal Code<sup>286</sup>, and GBV became a mandatory training module for the Rwandan police, military and peacekeeping missions sent abroad.<sup>287</sup> However, Angola, Chad, Congo, Equatorial Guinea, Gabon and São Tomé and Príncipe have yet to introduce National Action Plans for UNSCR1325.

**Consistent Concerns:** Reports and monitoring from various United Nations agencies, academic researchers, International Organisations and Non-Governmental Organisations have reported similar concerns across the region in combating VAW. Firstly, it seems uniformly agreed that VAW remains under-reported, especially marital and emotional abuse and economic and coercive control, despite their high prevalence.<sup>288</sup> Chad also highlights the challenge of “implementation of a system and an alert mechanism to prevent GBV and protect survivors, as well as the coordination of actions, the centralization and updating of national data on GBV and their accessibility to the public”.<sup>289</sup> When women do report such violence, seeking justice through formal means is often too slow, can put the survivor in further danger, and remedies are difficult to attain.<sup>290</sup> Additionally, customary norms and measures are frequently implemented outside formal judicial systems. These are often disproportionate to the crimes committed or discriminatory against the survivor herself, continually disincentivising women from reporting even to their family members and creating a culture of impunity.

Secondly, despite all the policies, strategies and mechanisms discussed, State funding remains limited. For example, it was reported in 2021 that São Tomé

and Príncipe's project to build an integrated centre and a shelter for victims of gender-based violence had been approved but still lacked funding for its implementation.<sup>291</sup> The DR Congo highlights “the lack of financial resources allocated to the prevention and the holistic care of GBV survivors” as an ongoing challenge.<sup>292</sup> Again, the Central African Republic created the National Commission on Human Rights and Fundamental Freedoms in 2017, but it had no operating budget.<sup>293</sup> This undermines the potential of these infrastructures: their reach, efficiency and efficacy. Furthermore, it demonstrates that many States' commitment to combating VAW remains superficial. Lastly, State monitoring and evaluation of goals and targets, whilst improving, are still weak, and further investment is required in these areas to mobilise change and inform policies<sup>294</sup>, as demonstrated by the successful model of Rwanda's Gender Monitoring Office.

Two significant pieces of effective legislation in ECCAS can be used as models for positive change. Firstly, Burundi's 2016 Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based Violence provides a comprehensive definition of gender-based violence and a comprehensive approach to address the investigation, prosecution and punishment of perpetrators and the protection and support services for victims.<sup>295</sup> Significantly, it includes discriminatory traditional customs within its definition of Violence Against Women, for example, Gukanda, a form of marital rape tolerated by the culture whereby a man forces his wife to have intimate relations with him

286 Burundi (2017) 'Code pénal Loi n°1/27 du 29 décembre 2017', available at: <https://www.droit-afrique.com/uploads/Burundi-Code-2017-penal.pdf>

287 United States Bureau of Democracy, Human Rights and Labor: Rwanda (2016) 'Country Reports on Human Rights Practices for 2015', available at: <https://2009-2017.state.gov/j/drl/rls/hrrpt/human-rightsreport/index.htm?year=2015&dliid=252717>

288 Palermo, T.; Bleck, J.; Peterman, A. (2014) Tip of the iceberg: Reporting and gender-based violence in developing countries. *Am. J. Epidemiology*; 179, 602–612; García-Moreno, C.; Avni, A. The Sustainable Development Goals (2016) Violence and Women's and Children's Health; WHO: Geneva, Switzerland and Muluneh, M.D. Stulz, V., Francis, L. and Agho, K. (2020) 'Gender Based Violence against Women in Sub-Saharan Africa: A Systematic Review and Meta-Analysis of Cross-Sectional Studies', *Int J Environ. Res. Public Health* 17(3), 903.

289 Chad, Response to “Questionnaire pour les États members”, Received September 2021.

290 IDLO (2018) 'Women Judges in Africa Join Forces to Combat GBV', available at: <https://www.idlo.int/news/highlights/women-judges-africa-join-forces-combat-gender-based-violence> and FIDH (2019) 'The Impact of Litigation on Combating Sexual Violence and its Consequences in Africa - Sharing experience and practical advice', available at: <https://reliefweb.int/report/world/impact-litigation-combating-sexual-violence-and-its-consequences-africa-sharing>

291 United Nations Human Rights Council (2021) 'Report of the Working Group on the Universal Periodic Review\* Sao Tome and Principe', available at: <https://uprmeetings.ohchr.org/Sessions/37ses-sion/Sao%20Tome%20and%20Principe/Documents/Sao%20Tome%20and%20Principe%20-%20Advance%20Edited%20Version.docx> (page 3).

292 DR Congo, Response to “Questionnaire pour les États members”, Received September 2021.

293 United Nations Human Rights Council (2018) 'Report of the Independent Expert on the situation of human rights in the Central African Republic', available at: <https://www.right-docs.org/download/70881/> (page 7).

294 World Health Organisation (WHO) (2021) 'Violence against women', available at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

295 République du Burundi, Cabinet du Président (2016) Loi n°1/13 du 22 septembre 2016 Protant prevention, protection des civimtes et repression des violences basees sur le genre, available at: <https://assemblee.bi/IMG/pdf/loi%20du%2022%20sept%202016.pdf> (Article 2)

after childbirth.<sup>296</sup> Secondly, São Tomé and Príncipe's legal definition of rape is grounded in consent, which includes victims who are unconscious or unable to resist (Article 167, 2012). Further, the Penal Code also addresses imbalances of power and the abuse of authority that may also facilitate rape (Art 167, 2012).<sup>297</sup> Lastly, whilst Covid-19 has reduced progress made and exacerbated violence against women, it provides an opportunity for States to re-evaluate their priorities, both legislatively and financially. It is also a chance to rebuild or reform national systems that are survivor-centred and utilise preventative measures to address some of the root issues underlying VAW.

## RECOMMENDATIONS

- Domesticated and implement GEWE treaties and frameworks ratified by Member States such the Maputo Protocol, CEDAW and the ILO Equal Remuneration Convention (No. 100).
- Call on the remaining Member States (Burundi, Central African Republic, and Chad) to ratify the Maputo Protocol.
- Remove discriminatory labour code provisions which prevents women working in certain industries and times of the day.
- Provide financial incentives to encourage efforts toward parity at all levels of governance, as well as penalties for non-compliance with already established quotas. Additionally, earmark specific funding to implement UNSCR1325 NAPs.
- Address gaps in legislation on harmful practices such as for child and forced marriage and consider echoing Rwanda's legislation of increasing the marital age for both sexes to 21.
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices.

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<sup>296</sup> Republique du Burundi, Cabinet du President (2016) Loi n° 1/13 du 22 septembre 2016 Protant prevention, protection des civimtes et repression des violences basees sur le genre, available at: <https://assemblee.bi/IMG/pdf/loi%20du%2022%20sept%202016.pdf> (Article 2w)

<sup>297</sup> Government of Sao Tome and Principe (2012) Código Penal, available at: [https://sherloc.unodc.org/cld/document/stp/2012/codigo\\_penal.html?](https://sherloc.unodc.org/cld/document/stp/2012/codigo_penal.html?)

# ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

## HISTORY/MANDATE AND ENTRY POINT FOR WOMEN'S RIGHTS AND GENDER EQUALITY

The Economic Community of West African States (ECOWAS) was established on 28 May 1975 via the Treaty of Lagos.<sup>298</sup> Its legal purpose is to foster integration and economic cooperation among West African countries, including removing trade barriers and obstacles to the free movement of goods, people and services.<sup>299</sup> It consists of fifteen member states: Benin, Burkina Faso, Cabo Verde, Côte d' Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo.<sup>300</sup> Together they essentially form a sizeable single trading bloc. The activities of ECOWAS are funded by its Member States, through the establishment of a 'Community Levy', which imposes a 0.5 per cent tax on goods coming from outside of the Community.<sup>301</sup>

The ECOWAS Vision 2020 is grounded in the view that regional integration is the best way of achieving and accelerating sustainable development across the West African region.<sup>302</sup> ECOWAS considers gender equality to be vital for the successful integration and development of the region.<sup>303</sup> Early in its creation, it made considerable efforts to promote gender equality and women's empowerment, including work to ensure women are included in all aspects of

development. Most notably, it has a robust gender institutional infrastructure, including a Gender Development Centre (EGDC) and several key legal and policy documents pertaining to the promotion and realisation of women's rights. Through various approaches and interventions, ECOWAS aims to support the Member States in strengthening institutional structures and national machineries and capacity building to implement and promote gender equality and women's empowerment.<sup>304</sup> The experience of political crisis and insecurity in the 1980s confirmed that peace is essential for economic growth. This led to the revision of the original (1975) Treaty. The Revised Treaty of 1993 expanded the scope and powers of ECOWAS to include the maintenance of peace, security, and stability in the region,<sup>305</sup> but it specifically addressed the need for women's active involvement in the region's development (Article 63).<sup>306</sup> This created a comprehensive entry point for promoting gender equality and women's empowerment within ECOWAS and throughout the West African region. As such ECOWAS Policy responses concerning women's rights have included the incorporation of a gender perspective in the areas of: trade,<sup>307</sup> migration,<sup>308</sup> energy,<sup>309</sup> disaster risk reduction,<sup>310</sup> and most recently the COVID-19 Pandemic.<sup>311</sup>

298 Economic Community of West African States (ECOWAS) "History" <https://www.ecowas.int/about-ecowas/basic-information/>

299 ECOWAS Parliament, Parliament CEDEAO (2013) "Gender Strategy-ECOWAS Parliament 2010-2020", p. 16 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020)

300 Mauritania left in 2001 p. 16 <http://www.womencount4peace.org/sites/default/files/sites/default/files/publications/Publication%20-%20ECOWAS%20Parliamentary%20Center%20-%20Gender%20Strategy%20-%20ECOWAS%20Parliament%202010%20-%202020%20-%20en%20-%2020130716.pdf>

301 Economic Community of West African States (ECOWAS) (2016) "VAT & customs" <https://www.ecowas.int/doing-business-in-ecowas/vat-customs/>

302 ECOWAS CEDEAO (2010) "ECOWAS Vision 2020-Towards a Democratic and Prosperous Community" [http://araa.org/sites/default/files/media/ECOWAS-VISION-2020\\_o.pdf](http://araa.org/sites/default/files/media/ECOWAS-VISION-2020_o.pdf)

303 ECOWAS Gender and Development Centre (no date) "History" <https://ccdg.ecowas.int/about-egdc/history/>

304 Economic Community Of West African States (2017) "Roadmap Of Supplementary Act", p. 7 [https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality\\_Final.pdf](https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality_Final.pdf)

305 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 10 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

306 Economic Community Of West African States (ECOWAS) "REVISED TREATY", ECOWAS Commission Abuja, Nigeria, Printed (1993) Reprint (2010), Article 63 Women and Development <https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf>

307 ECOWAS Commission (2015) "ECOWAS Plan Of Action On Gender And Trade 2015-2020" [https://ccdg.ecowas.int/wp-content/uploads/Plan-of-Action\\_Gender-and-Trade.pdf](https://ccdg.ecowas.int/wp-content/uploads/Plan-of-Action_Gender-and-Trade.pdf)

308 ECOWAS Commission (2015) "ECOWAS Gender And Migration Framework And Plan Of Action 2015-2020" [https://ccdg.ecowas.int/wp-content/uploads/Plan-of-Action\\_Gender-and-Migration.pdf](https://ccdg.ecowas.int/wp-content/uploads/Plan-of-Action_Gender-and-Migration.pdf)

309 ECREEE ECOWAS Centre for Renewable Energy And Energy Efficiency <http://www.ecreee.org/page/ecowas-program-gender-mainstreaming-energy-access-ecowgen>

310 CEDEAO ECOWAS (2020) "ECOWAS Disaster Risk Reduction Gender Strategy and Action Plan 2020-2030" [https://www.gfdrr.org/sites/default/files/publication/ECOWAS%20GSAP\\_EN\\_Final.pdf](https://www.gfdrr.org/sites/default/files/publication/ECOWAS%20GSAP_EN_Final.pdf)

311 Development of the ECOWAS Action Plan On Gender-Sensitive Response to the Corona Virus Disease 2019 (2020 – 2021) ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021



However, a notable key entry point for women's rights has been in the interventions of Peace and Security. ECOWAS recognised the vital role women play and should continue to play in promoting peace and security across the region.<sup>312</sup> To this end, ECOWAS has developed a number of important legal and policy frameworks which safeguard women's inclusion in governance and electoral processes and in conflict prevention and peacebuilding.<sup>313</sup> These include the Supplementary Protocol on Democracy and Good Governance (2001), the ECOWAS Gender Policy (2005), the ECOWAS Conflict Prevention Framework (2008), the Gender and Elections Strategic Framework (2016), the Supplementary Act on ECOWAS Policy Framework for Security Sector Reform and Governance (2016) and the newly adopted Guidelines on Women, Peace and Security (2020). Important institutional developments have included the creation of regional networks such as the Network on Peace and Security for Women in the ECOWAS Region (NOPSWECO) (2009), the Working Group on Women, Peace and Security in West Africa (2009) and the Women, Peace and Security Advisory Committee in 2017.

## THE CAPACITY OF ECOWAS ON ADVANCING GEWE

ECOWAS has a notable gender institutional infrastructure and several key legal and policy documents on gender equality and women's empowerment. They provide a solid foundation to influence Member States and advance GEWE across the region. More so, the fact that ECOWAS has a dedicated intuition to gender provides a unique opportunity for influencing Member States on the ratification, domestication, implementation and reporting of the three GEWE Treaties. The ECOWAS

Gender Development Centre (EGDC) is designated as a specialised agency and it is the interface between the REC and the fifteen (15) Member States. It works closely with each Member States national ministry responsible for gender and women's affairs through a dedicated focal point as well as national gender based CSO's.<sup>314</sup> If this is used effectively having a two-way communication channel between the REC and Member State/CSO level should provide an opportunity to assist and guide Member States as well as understand the challenges faced in the implementation of GEWE at the national level. Going even further, ECOWAS has reported that support to Member States and CSO's is provided through "technical and financial support for the formulation and implementation of activities on the promotion of gender equality and women's empowerment."<sup>315</sup> The provision of technical support will go some way to supporting the activities related to domesticating the three GEWE Treaties. As such it can be viewed that ECOWAS does have capacity to influence Member States in this area.

One notable example of influencing Member States has been in the Women, Peace and Security Agenda. ECOWAS views peace and security as crucial to achieving regional integration and at the same time it has also recognised that women play a vital role in building stable and peaceful societies.<sup>316</sup> Several of its policy and legal frameworks in this area have reflected its commitment to GEWE. The Regional Forum on Women, Peace and Security, held in Dakar 2003 urged those member states who had not yet developed a National Action Plan (NAP) to do so before December 2010.<sup>317</sup> The ECOWAS Gender Development Centre (EGDC) is responsible for coordinating the plan of action at the regional level, the network on peace and security for women in the ECOWAS region (NOPSWECO) coordinates its implementation amongst

312 ECOWAS Parliament, Parliament CEDEAO (2013) "Gender Strategy-ECOWAS Parliament 2010-2020", p. 18 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020)

313 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 5 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

314 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

315 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

316 ECOWAS Parliament, Parliament CEDEAO (2013) "Gender Strategy-ECOWAS Parliament 2010-2020", p. 18 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020)

317 1325+10 Women Count for Peace in West Africa (2010) "The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa- Outcome Documents of The Regional Forum on Women, Peace and Security Dakar, September 2010", p. 3 [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

CSO's.<sup>318</sup> Whilst this initial deadline of 2010 was not met, ECOWAS has continued to provide support in the form of technical and financial assistance to Member States as well as capacity building concerning the development of national gender polices and National Action Plans for the implementation of UNSCR 1325 and related resolutions.<sup>319</sup> In fact at the time of writing 13 out of 15 ECOWAS Member States have now adopted at least some form of initial NAP.<sup>320</sup>

Another example of ECOWAS influencing Member State's implementation of regional policies include activities to support the Regional Action Plan on the Women, Peace and Security component of the ECOWAS Conflict Prevention Framework. ECOWAS has engaged civil society and youth and supported the creation of 'peace clubs' in secondary schools in two (2) Member States. These 'clubs' are implemented to serve as a platform for young people to promote peace and become engaged in the fight against violence against women and girls, radicalism and violent extremism.<sup>321</sup> Additionally, sensitisation training session was carried out in (1) one Member State to promote the active involvement of women and the youth in peace initiatives before, during, and after its national presidential elections.<sup>322</sup> This demonstrates ECOWAS actively supporting Member States to maintain peace and security across the region.

Another success of ECOWAS influencing Member States has been through the EGDC using platforms and meetings to mobilise political will of Member States including making public commitments to advancing GEWE at the national level. The EGDC periodically convenes meetings of ministers of gender/women's affairs of ECOWAS Member States to adopt and

validate policies, strategies and other technical texts/ documents related to GEWE, Forums of ECOWAS First Ladies, gender ministers and experts have been held in Abidjan and Niamey.<sup>323</sup> For example, alongside the 33<sup>rd</sup> African Union Summit in 2019, the ECOWAS First Ladies took the opportunity to organise a high-level meeting on "child marriage, girls' schooling and women's empowerment", the First Ladies took this opportunity to appeal to the ECOWAS Heads of State on ending child marriage.<sup>324</sup> Such forums provide opportunities for dialogue and space to build consensus and have resulted in Member States making public commitments on the protection of children, in particular stemming child marriage, the empowerment of women and girls, eliminating violence against women<sup>325</sup> and the inclusion of women's experiences and voices in the future of ECOWAS and its vision for 2050.<sup>326</sup> Such public leadership statements could influence Member States national policies and commitments to GEWE and this is one space where ECOWAS has taken the opportunity to influence Member States.

It is broadly understood that ECOWAS has the capacity to offer support to Member States through technical and financial support which is likely to aid domestication/ implementation of polices and texts such as national action plans. Of course, ECOWAS also faces challenges which affect its capacity. ECOWAS itself has reported that one of the main challenges for the REC Gender infrastructure to monitor and evaluate Member States progress with the three GEWE Treaties is insufficient human resources and insufficient financial resources.<sup>327</sup> If the REC Gender infrastructure which is responsible for advancing and influencing Member States in all matters of GEWE lacks appropriate skilled staff or a low number of staff as well as a lack of financial capacity to carry

318 1325+10 Women Count for Peace in West Africa (2010) "The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa- Outcome Documents of The Regional Forum on Women, Peace and Security Dakar, September 2010", p. 3 [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

319 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

320 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 19 [https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women\\_-Peace-and-Security-ENG1.pdf](https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women_-Peace-and-Security-ENG1.pdf)

321 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

322 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

323 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

324 Adamou Harouna, Ali (2019) "ECOWAS Takes Another Important Step Towards Ending Child Marriage", Save the Children <https://www.savethechildren.net/news/ecowas-takes-another-important-step-towards-ending-child-marriage>

325 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

326 Economic Community of West African States (ECOWAS) (2021) "ECOWAS engages youth and women on its vision 2050" <https://www.ecowas.int/ecowas-engages-youth-and-women-on-its-vision-2050/>

327 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

out its planned activities then this will undermine the capacity of ECOWAS to operate functionally and fully in advancing GEWE across the region.

## GENDER INSTITUTIONAL INFRASTRUCTURE

ECOWAS has established institutional infrastructures for the promotion of gender equality and women's empowerment. These include a Social Affairs and Gender Department, dedicated technical and management bodies for the implementation of gender within the ECOWAS Commission as well as an external specialised agency: the ECOWAS Gender Development Centre (EGDC). There is a dedicated Parliamentary Committee on Social Affairs, Gender and Women Empowerment, an advisory committee to implement the Women, Peace and Security Agenda. In 2007, the Executive Secretariat was reconstituted as the ECOWAS Commission.<sup>328</sup> Additionally, ECOWAS has reported that the Commission does have a budget allocation on gender equality and women's empowerment.<sup>329</sup> Although this budget has not been made publicly available. Challenges also surround the lack of gender budgeting across ECOWAS's own policies.<sup>330</sup>

In terms of support to Member States, it has been reported that ECOWAS has provided support on areas of ratification, domestication, implementation, reports and follow-up.<sup>331</sup>

Specific gender institutional infrastructure guiding ECOWAS, include the following:

### *ECOWAS Technical Commission to Address Issues Relating to Gender Equality*

The ECOWAS Gender Technical Commission was formally established to provide technical assistance

in developing and implementing gender policies, projects, and programmes by the Member States.<sup>332</sup>

### *The ECOWAS Secretariat Gender Management Team (GMT)*

The ECOWAS Secretariat Gender Management Team (GMT) comprises Directors of departments who have the authority to lead, review and push for progress on matters of gender.<sup>333</sup>

### *Gender Division*

The ECOWAS Commission has a dedicated division on gender, which coordinates the Secretariat's gender mainstreaming activities. The ECOWAS Gender Division is made up of the relevant gender focal points across different departments.<sup>334</sup>

### *The ECOWAS Gender Development Centre (EGDC)*

The ECOWAS Gender Development Centre (EGDC) is a specialised agency created for the promotion of gender equality and women's empowerment. It was created by Decision A/DEC.16/01.03 during the 26th Session of the ECOWAS Authority of Heads of State and Government, held in Dakar in 2003.<sup>335</sup> It is based in Dakar, Senegal. Its formal purpose is to work with Member States, to support, coordinate, integrate, strengthen and monitor the effective implementation of gender across policies, strategies and programmes.<sup>336</sup> The EGDC works closely with the gender ministries in ECOWAS Member States and gender based CSOs providing technical and financial support for the formulation and implementation of activities on the promotion of gender equality and women's empowerment. Additionally the EGDC also periodically convenes meetings of Ministers of Gender/ Women's Affairs of ECOWAS member states to adopt/ validate policies, strategies and other technical texts and documents. The EGDC has a focal point in the Ministry

328 Economic Community of West African States (ECOWAS) (2016) "ECOWAS Commission" <https://www.ecowas.int/institutions/ecowas-commission/>

329 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

330 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 29 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

331 Benin Response to "Questionnaire for Member States", Received August 2021

332 ECOWAS - Legal Docs (2003) "DECISION A/DEC.7/12/03" [http://ecowas.akomantoso.com/lang/en/doc\\_iri/akn/ecowas/statement/decision/2003-12-19/A\\_DEC.7\\_12\\_03/eng@/!main](http://ecowas.akomantoso.com/lang/en/doc_iri/akn/ecowas/statement/decision/2003-12-19/A_DEC.7_12_03/eng@/!main)

333 KIT, Royal Tropical Institute (2018) "The State of African Women report", P. 98 <https://rightbyher.org/wp-content/uploads/2018/12/FULL-State-of-African-Women-Report.pdf>

334 KIT, Royal Tropical Institute (2018) "The State of African Women report", P. 98 <https://rightbyher.org/wp-content/uploads/2018/12/FULL-State-of-African-Women-Report.pdf>

335 ECOWAS Gender and Development Centre (no date) "History" <https://ccdg.ecowas.int/about-egdc/history/>

336 ECOWAS Gender and Development Centre "History" <https://ccdg.ecowas.int/about-egdc/history/>



of Gender/Women's Affairs of each ECOWAS Member State.<sup>337</sup> Priority areas include education and health; economy and trade; governance, representation and decision-making; agriculture and environment, peace and security.<sup>338</sup> Since its establishment, the Centre has adopted an Action Plan (2005-2007), a Strategic Plan (2009-2013), and the ECOWAS Regional Action Plan for the implementation of UN Security Council Resolutions 1325 and 1820 (2010).<sup>339</sup> Some of its activities have included: national gender training workshops in all 15 ECOWAS Member states, gender training for judicial officials at the Community Court of Justice, and women's leadership training.<sup>340</sup>

### *ECOWAS Parliament Committee on Social Affairs, Gender and Women Empowerment*

One of the institutions of ECOWAS is the ECOWAS Parliament, formally called The House of Representatives of the Peoples of the Community. Created under the Revised ECOWAS Treaty (1993), it fosters community cooperation and integration by providing a forum for dialogue and consultation. Its objective includes promoting human rights, democracy, accountability, good governance and peace and security.<sup>341</sup> It has an important role in promoting gender equality and women's empowerment across the region. To this end, it has a dedicated parliamentary standing committee, 'The Parliament Committee on Social Affairs, Gender and Women Empowerment'. Amongst others, this Committee is responsible for developing an ECOWAS policy on gender equality, including equality in employment. Another important responsibility includes the elimination of all forms of discrimination against

women, including customary practices.<sup>342</sup>

### *Women, Peace and Security Advisory Committee*

The Women, Peace and Security (WPS) Advisory Committee, created in 2017, is responsible for facilitating and supporting gender mainstreaming efforts across the programmes and the policies of the Department of Political Affairs, Peace and Security Department (PAPS) and the Early Warning Directorate. It serves as a de-facto gender focal point for implementing the WPS Agenda and is supported by the ECOWAS Gender Development Centre (EGDC).<sup>343</sup>

## **FRAMEWORK ON GEWE: OVERVIEW OF KEY LEGAL AND POLICY DOCUMENTS ON WOMEN'S RIGHTS**

ECOWAS has a solid legal and policy framework for the promotion of gender equality and women's empowerment:

### *ECOWAS Treaty - Article 63 of the Revised Treaty (1993) on "Women & Development"*<sup>344</sup>

Article 63 of the revised ECOWAS Treaty in 1993 calls on member states "to formulate, harmonise, co-ordinate and establish appropriate policies and mechanisms for enhancing women's economic, social and cultural conditions."<sup>345</sup> Under this Article, Member States are obligated to take all necessary measures to identify barriers preventing women from fully contributing to development efforts and then provide a framework to address these.<sup>346</sup> Furthermore, Article 63 obligates Member States to integrate women into development processes through policies and programmes and to establish mechanisms of community cooperation

337 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

338 ECOWAS Parliament, Parliament CEDEAO (2013) "Gender Strategy-ECOWAS Parliament 2010-2020", p. 16 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020)

339 ECOWAS Gender and Development Centre (no date) "History" <https://ccdgc.ecowas.int/about-egdc/history/>

340 ECOWAS Gender and Development Centre (no date) "What we have done" <https://ccdgc.ecowas.int/what-we-do/what-we-have-done/>

341 Official website of the ECOWAS Parliament (2020) "Historical Background" <https://parl.ecowas.int/historical-background/>

342 Official website of the ECOWAS Parliament (2020) "Committee on Social Affairs, Gender and Women Empowerment" <https://parl.ecowas.int/committee-social-affairs/>

343 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 10, 27 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

344 Economic Community Of West African States (ECOWAS) "REVISED TREATY", ECOWAS Commission Abuja, Nigeria, Printed (1993) Reprint (2010), Article 63 Women and Development <https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf>

345 Economic Community Of West African States (ECOWAS) "REVISED TREATY", ECOWAS Commission Abuja, Nigeria, Printed (1993) Reprint (2010), Article 63(1) Women and Development <https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf>

346 Economic Community Of West African States (ECOWAS) "REVISED TREATY", ECOWAS Commission Abuja, Nigeria, Printed (1993) Reprint (2010), Article 63(2) Women and Development <https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf>



amongst themselves and with others, including nongovernmental organisations.<sup>347</sup>

### *The Supplementary Protocol on Democracy and Good Governance*<sup>348</sup>

The Supplementary Protocol on Democracy and Good Governance (2001) reinforces the Declaration of Political Principles and outlines the constitutional convergence criteria based on the principles of good governance and the promotion of human rights, including minorities, children, youth and women.<sup>349</sup> The Protocol contains dedicated provisions to the enhancement of women's rights. For example, under Section VIII on Women, Children and the Youth, Member States are obligated to “eliminate all forms of discrimination and harmful and degrading practices against women” (Article 40).<sup>350</sup>

### *ECOWAS Conflict Prevention Framework (ECPF) (2008) and accompanying ECPF Action Plan for WPS (2017-2020)*<sup>351</sup>

The ECOWAS Conflict Prevention Framework (ECPF) (2008) is ECOWAS's conflict prevention and peacebuilding strategy, which includes a dedicated component on women, peace and security. The Framework addresses actions to be taken at the regional and national level for strengthening the Women, Peace and Security Agenda and for the protection and advancement of women. Notably, women's right to be included in conflict prevention is addressed throughout the document. For example,

as part of achieving the objectives of Democracy and Political Governance, the Framework notes that ECOWAS shall facilitate, and the Member States shall adopt and implement, targeted programmes including quota systems, affirmative policies and incentives to increase women's active participation in decision making and electoral processes.<sup>352</sup> It was noted that whilst the ECPF Framework outlines that VAW is to be mainstreamed across all 16 components, ECOWAS still treats it as a singular issue.<sup>353</sup> The Action Plan for the Women Peace and Security Component of the ECOWAS Conflict Prevention Framework (ECPF) 2017–2020 includes strengthening leadership and engagement of women in conflict processes and mechanisms including increasing the number of women in peace operations.<sup>354</sup>

### *The Supplementary Act [A/SA.02/05/15] Relating to Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region (2015) and the subsequent Roadmap for the Implementation of the Supplementary Act 2015 (2017)*<sup>356</sup>

In May 2015, ‘The Supplementary Act Relating to Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region’ or simply ‘The Supplementary Act’ [A/SA.02/05/15] was adopted during the 47th Ordinary Session of the Conference of the Heads of State and Government held in Accra, Ghana. The Supplementary Act was borne out of the slow progress made across the region, especially the need to harmonise national legislative

347 Economic Community Of West African States (ECOWAS) “REVISED TREATY”, ECOWAS Commission Abuja, Nigeria, Printed (1993) Reprint (2010), Article 63(3) Women and Development <https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf>

348 Economic Community of West African States (2001) “Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security” [http://www.internationaldemocracywatch.org/attachments/350\\_ECOWAS%20Protocol%20on%20Democracy%20and%20Good%20Governance.pdf](http://www.internationaldemocracywatch.org/attachments/350_ECOWAS%20Protocol%20on%20Democracy%20and%20Good%20Governance.pdf)

349 ECOWAS Commission (2020) “Guidelines on Women, Peace and Security” ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 21 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

350 Economic Community of West African States (2001) “Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security”, Article 40 [http://www.internationaldemocracywatch.org/attachments/350\\_ECOWAS%20Protocol%20on%20Democracy%20and%20Good%20Governance.pdf](http://www.internationaldemocracywatch.org/attachments/350_ECOWAS%20Protocol%20on%20Democracy%20and%20Good%20Governance.pdf)

351 ECONOMIC COMMUNITY OF WEST AFRICAN STATES (2008) “REGULATION MSC/REG.1/01/08 THE ECOWAS CONFLICT PREVENTION FRAMEWORK”, p. 21, 23 [https://www.right2info.org/resources/publications/instruments-and-standards/africa\\_ecowas-regulation\\_conflict-prevention](https://www.right2info.org/resources/publications/instruments-and-standards/africa_ecowas-regulation_conflict-prevention) ECOWAS Commission (2020) “Guidelines on Women, Peace and Security” ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 21-22 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

352 ECONOMIC COMMUNITY OF WEST AFRICAN STATES (2008) “REGULATION MSC/REG.1/01/08 THE ECOWAS CONFLICT PREVENTION FRAMEWORK”, p. 21, 23 [https://www.right2info.org/resources/publications/instruments-and-standards/africa\\_ecowas-regulation\\_conflict-prevention](https://www.right2info.org/resources/publications/instruments-and-standards/africa_ecowas-regulation_conflict-prevention)

353 Comment from Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

354 ECOWAS Commission (2020) “Guidelines on Women, Peace and Security” ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 21 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

355 Economic Community Of West African States (2015) “Supplementary Act Relating To Equality Of Rights Between Women And Men For Sustainable Development In The ECOWAS Region” <https://ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf>

356 Economic Community Of West African States (2017) “Roadmap Of Supplementary Act” [https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality\\_Final.pdf](https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality_Final.pdf)

frameworks with international and continental commitments. The Supplementary Act lays down an important legal framework as requested under Article 63 of the Revised ECOWAS Treaty (1993). It is binding on all ECOWAS Member States and serves as an important reference document for advancing the goals of sustainability, gender equality and women's empowerment across the region.

The Supplementary Act is substantial, including fourteen chapters. It incorporates a number of international and continental frameworks on gender equality and women's empowerment, including CEDAW, the Maputo Protocol and the ILO Conventions. For example, Article 7 on 'Matrimonial and Family Rights' requires the Member States to set the minimum age for marriage at 18 years and register all marriages, regardless of being customary, religious or civil.<sup>357</sup> Article 9 protects widow rights; amongst others, obligating Member States to take all necessary measures to prevent humiliating or degrading treatment and uphold their right to inherit the deceased's property.<sup>358</sup> Other provisions include; the right to political participation (Article 11, 12),<sup>359</sup> equal access to economic opportunities including entrepreneurship (Article 15),<sup>360</sup> as well as equal access to decent and paid employment, including equal pay for work of equal value (Article 19).<sup>361</sup>

In February 2017, a Roadmap for the Implementation of the Supplementary Act 2015 was developed.<sup>362</sup> The Roadmap was designed to guide and operationalise the implementation of the Supplementary Act, in line with the SDG's, the AU 2063 Agenda, the Common African Position (CAP) on post-2015 development and

the ECOWAS Vision 2020.<sup>363</sup> The Roadmap identified five priority programme areas to guide ECOWAS Member Countries over the next five years; these include: (1) Institutional and organisational capacity-building, including strengthening national gender machinery and procedures and the participation of civil society groups, (2) Gender and economic empowerment, including women's access to work, social security and equal opportunity (3) Gender and integrated management of natural resources, including training in sustainable management of natural resources for the benefit of women and young people, (4) Good governance, women, peace, security and citizen participation, including providing funding to women's civil society actions, and the creation of women mediator's platforms to increase women mediators, and (5) Gender, Population and Migration, including collecting research and data on the causes, impacts and solutions.<sup>364</sup>

### *ECOWAS Gender Policy 2005*

The 2005 ECOWAS Gender Policy aims to lay out a regional approach towards achieving gender equality across West Africa. Its objectives include: to address the social and cultural roles inhibiting the development of women; increase the participation and leadership roles of women; provide equitable access to quality education; improve equal access to economic activities and resources; and improve the legal protection of men and women.<sup>365</sup> Whilst many other ECOWAS policy responses have integrated gender since 2005, there is an understanding that the ECOWAS Gender Policy of 2005 should be updated.<sup>366</sup>

357 Economic Community Of West African States (2015) "Supplementary Act Relating To Equality Of Rights Between Women And Men For Sustainable Development In The ECOWAS Region", Article 7 <https://ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf>

358 Economic Community Of West African States (2015) "Supplementary Act Relating To Equality Of Rights Between Women And Men For Sustainable Development In The ECOWAS Region", Article 9 <https://ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf>

359 Economic Community Of West African States (2015) "Supplementary Act Relating To Equality Of Rights Between Women And Men For Sustainable Development In The ECOWAS Region", Article 11,12 <https://ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf>

360 Economic Community Of West African States (2015) "Supplementary Act Relating To Equality Of Rights Between Women And Men For Sustainable Development In The ECOWAS Region", Article 15 <https://ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf>

361 Economic Community Of West African States (2015) "Supplementary Act Relating To Equality Of Rights Between Women And Men For Sustainable Development In The ECOWAS Region", Article 19 <https://ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf>

362 Economic Community Of West African States (2017) "Roadmap Of Supplementary Act" [https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality\\_Final.pdf](https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality_Final.pdf)

363 Economic Community Of West African States (2017) "Roadmap Of Supplementary Act", p. 4-5 [https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality\\_Final.pdf](https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality_Final.pdf)

364 Economic Community Of West African States (2017) "Roadmap Of Supplementary Act", p. 6-17 [https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality\\_Final.pdf](https://ccdg.ecowas.int/wp-content/uploads/Roadmap-Supplementary-Act-on-Gender-Equality_Final.pdf)

365 CEDEAO ECOWAS (2020) "ECOWAS Disaster Risk Reduction Gender Strategy and Action Plan 2020-2030", p. 5 [https://www.gfdrr.org/sites/default/files/publication/ECOWAS%20GSAP\\_EN\\_Final.pdf](https://www.gfdrr.org/sites/default/files/publication/ECOWAS%20GSAP_EN_Final.pdf)

366 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 10 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

## ECOWAS Parliament Gender Strategy 2010–2020

In 2010, the ECOWAS Parliament published its Gender Strategy, covering the period 2010 to 2020. Here, the Parliament acknowledged its vital role in recognising, enforcing, and popularising gender laws and policies such as CEDAW and UNSCR 1325 and passing new laws that enforce equality between men and women.<sup>367</sup> The Parliament Gender Strategy assessed the challenges to effective implementation and included ten strategic objectives for action.<sup>368</sup> The Parliament acknowledged that “ECOWAS Governments should close the gap between signing and adopting instruments and implementation. There should be more commitment by States to fully domesticate CEDAW, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women, and the ECOWAS Gender Policy.”<sup>369</sup> Objective 3 outlined the goal of strengthening the human, institutional, technical and financial capacity of member states to aid in their ability to operationalise gender laws and policies. It aimed to review national gender machinery and CSO networks, create a regional standard and ensure compliance with gender mainstreaming within ECOWAS and Member States.<sup>370</sup>

## The Dakar Declaration on the implementation of UN Security Council Resolution 1325 (2010)

The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa, was adopted at the Regional Forum on Women, Peace and

Security held in Dakar in September 2010.<sup>371</sup> While the ECOWAS Gender Development Centre (EGDC) is responsible for coordinating the Plan of Action at the regional level, the Network on Peace and Security for Women in the ECOWAS Region (NOPSWECO) coordinates its implementation amongst CSO's.

<sup>372</sup> The Forum urged those member states who had not yet developed a National Action Plan (NAP) to do so before December 2010.<sup>373</sup> It also identified the integration of gender in judicial and security sector reforms as a priority.<sup>374</sup>

The Dakar Declaration lays out ECOWAS’ ten key action points around the pillars of the WPS Agenda; these included: promoting women's participation in mediation through training and appointing women as special envoys; strengthening measures to combat Sexual and Gender-Based Violence (SGBV) during and after conflict, including mechanisms to punish perpetrators; a culture of peace, including women as mediators and educators, and providing adequate access to services post-conflict, including health, counselling for victims, and socio-economic measures to include women in rehabilitation programmes.<sup>375</sup>

## ECOWAS Commission Gender and Elections Strategic Framework (GESF) and 5-year Action Plan (2017–2022)<sup>376</sup>

The ECOWAS Commission Gender and Elections Strategic Framework (GESF) enhances political participation and representation of women in West Africa. Except for Senegal, which has implemented a binding parity law and ranks highly in global rankings,

367 ECOWAS Parliament, Parliament CEDEAO (2013) “Gender Strategy-ECOWAS Parliament 2010-2020”, p. 12 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020)

368 ECOWAS Parliament, Parliament CEDEAO (2013) “Gender Strategy-ECOWAS Parliament 2010-2020”, p. 28-29 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020) p. 3-5

369 ECOWAS Parliament, Parliament CEDEAO (2013) “Gender Strategy-ECOWAS Parliament 2010-2020”, p. 30 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020)

370 ECOWAS Parliament, Parliament CEDEAO (2013) “Gender Strategy-ECOWAS Parliament 2010-2020”, p. 28 [http://www.womencount4peace.org/fr/bibliographies/publications/gender\\_strategy\\_-\\_ecowas\\_parliament\\_2010\\_-\\_2020](http://www.womencount4peace.org/fr/bibliographies/publications/gender_strategy_-_ecowas_parliament_2010_-_2020)

371 1325+10 Women Count for Peace in West Africa (2010) “The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa- Outcome Documents of The Regional Forum on Women, Peace and Security Dakar, September 2010” [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

372 1325+10 Women Count for Peace in West Africa (2010) “The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa- Outcome Documents of The Regional Forum on Women, Peace and Security Dakar, September 2010”, p. 3 [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

373 1325+10 Women Count for Peace in West Africa (2010) “The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa- Outcome Documents of The Regional Forum on Women, Peace and Security Dakar, September 2010”, p. 3 [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

374 1325+10 Women Count for Peace in West Africa (2010) “The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa- Outcome Documents of The Regional Forum on Women, Peace and Security Dakar, September 2010”, p. 3 [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

375 1325+10 Women Count for Peace in West Africa (2010) “The Dakar Declaration and the ECOWAS Plan of Action for the Implementation of United Nations Security Council Resolutions 1325 And 1820 In West Africa- Outcome Documents of The Regional Forum on Women, Peace and Security Dakar, September 2010”, p. 3-5 [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

376 ECOWAS COMMISSION (2017) “ECOWAS Gender And Election Strategic Framework” <https://ecfp.ecowas.int/wp-content/uploads/2016/01/ECOWAS-GENDER-AND-ELECTION-STRATEGIC-FRAMEWORK.pdf>



women's political representation across the ECOWAS region remains low.<sup>377</sup> The Strategic Framework identifies ten strategic pillars to focus on during a 5-year Action Plan covering 2017 – 2022. Responsibility for implementation is through multiple stakeholders, including Member State governments, political parties, ECOWAS Gender Directorate, ECOWAS Electoral Assistance Unit, ECOWAS Monitoring and Evaluation Unit, CSOs and national legislatures.<sup>378</sup> The total budget estimated for the ECOWAS GESF implementation is US\$1,265,000.<sup>379</sup>

### *Guidelines on Women, Peace and Security (2020)*

The Department of Political Affairs, Peace and Security (PAPS) of the ECOWAS Commission officially launched its Guidelines on Women, Peace and Security (WPS) on 23 April 2021.<sup>380</sup> Whilst there have been notable efforts to integrate gender into different aspects of policies concerning WPS, this is not yet systematic across all policy outputs. The Guidelines serve as a comprehensive tool for mainstreaming gender considerations in all policies across different PAPS departments, including the ECOWAS Peace Support Operations. The Guidelines are thus intended for officials of the ECOWAS PAPS departments to support them in gender mainstreaming. The objective of the Guidelines is to ensure that ECOWAS adheres to the pillars under the WPS framework, strengthening gender in all aspects of peace and security.<sup>381</sup>

To inform and guide staff officials, the guidelines cover topics such as the pillars of the WPS Agenda,

how the WPS Agenda relates to the work of ECOWAS, details of ECOWAS gender-relevant frameworks and policies, and the use of case study examples across the region and action points on how staff officials can ensure their work adheres to the WPS Agenda, including peace support operations. A further section is on action points for effective monitoring, evaluation, and learning to measure the progress of the WPS Agenda.<sup>382</sup>

### *ECOWAS Regional Plan of Action for Combating Obstetric Fistula in West Africa (2016 to 2019) 383*

The Social Affairs and Gender Department, within the ECOWAS Commission, is responsible for gender and health; together with the specialised agency, the West African Health Organisation (WAHO), they promote regional cooperation and integration in health matters.<sup>384</sup>

The ECOWAS Regional Plan of Action for Combating Obstetric Fistula in West Africa involved joint leadership of the ECOWAS Gender Development Centre (EGDC) and the UNFPA Regional Office for West and Central Africa (UNFPA-RO). It covers the period 2016 to 2019. This Plan of Action addresses the need to have a comprehensive regional framework for eliminating and preventing Obstetric Fistula.<sup>385</sup>

### *ECOWAS Gender and Migration Framework and Plan of Action 2015-2020 386*

Free movement of persons is one of the fundamental priorities of the integration policy and vision of the

377 ECOWAS COMMISSION (2017) "ECOWAS Gender And Election Strategic Framework" p. 6-7 <https://ecpf.ecowas.int/wp-content/uploads/2016/01/ECOWAS-GENDER-AND-ELECTION-STRATEGIC-FRAMEWORK.pdf>

378 ECOWAS COMMISSION (2017) "ECOWAS Gender And Election Strategic Framework" p. vi <https://ecpf.ecowas.int/wp-content/uploads/2016/01/ECOWAS-GENDER-AND-ELECTION-STRATEGIC-FRAMEWORK.pdf>

379 ECOWAS COMMISSION (2017) "ECOWAS Gender And Election Strategic Framework" p. 22 <https://ecpf.ecowas.int/wp-content/uploads/2016/01/ECOWAS-GENDER-AND-ELECTION-STRATEGIC-FRAMEWORK.pdf>

380 Economic Community of West African States (ECOWAS) (2021) "ECOWAS Commission Launches Guidelines on Women, Peace and Security" 21/04/2021 <https://www.ecowas.int/ecowas-commission-launches-guidelines-on-women-peace-and-security/>

381 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS), p. 10-11 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

382 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS) <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENG1.pdf>

383 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa" <https://ccdgc.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

384 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa, p. 7 <https://ccdgc.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

385 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa, p. 17 <https://ccdgc.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

386 ECOWAS Commission (2015) "ECOWAS Gender And Migration Framework And Plan Of Action 2015-2020" [https://ccdgc.ecowas.int/wp-content/uploads/Plan-of-Action\\_Gender-and-Migration.pdf](https://ccdgc.ecowas.int/wp-content/uploads/Plan-of-Action_Gender-and-Migration.pdf)



ECOWAS community. The ECOWAS Commission recognised the gendered aspects of migration in the Common Approach on Migration Document (2008).<sup>387</sup> The Document serves as a reference framework for national authorities to harmoniously implement the protocol on free movement. Under this Framework, Member States commit to include gender aspects in migration policies including addressing the needs of female migrants, such as entrepreneurship training as well as addressing the exploitation of irregular migrants, particularly women and children.<sup>388</sup>

The second main policy document is the ECOWAS Gender and Migration Framework and Plan of Action 2015-2020. The strategy includes five priority aspects of migration and gender in the region, these are cross border trading and migrant workers, human trafficking, women as victims of displacement caused by conflict, tourism (including sexual tourism), and domestic workers.<sup>389</sup> ECOWAS has reported that it has implemented innovative projects on gender and migration in five Member States.<sup>390</sup> This suggests that technical support has been provided to Member States to support their implementation of this regional plan at the national level.

## MONITORING AND ACCOUNTABILITY MECHANISMS

ECOWAS has a monitoring and accountability mechanism for the Member States on gender equality and women's empowerment.<sup>391</sup> ECOWAS has an established legal framework for holding Member States accountable, this is particularly apparent under regional security and cooperation. Under Article 77 of the Revised Treaty (1993), sanctions

may be placed on the Member States for the non-compliance of obligations.<sup>392</sup> In 2018, ECOWAS imposed sanctions under the Supplementary Act A/SA.13/02/12 of 17 February 2012 on Member States who fail to honour their commitments to ECOWAS and Article 45 of the ECOWAS Protocol on Democracy and Good Governance. Sanctions were placed on those individuals who were preventing a solution to ending the crisis in Guinea Bissau.<sup>393</sup> In response to the Military Coup d'Etat in Mali, and the de-stabilising effects on the region, the ECOWAS Commission held an "Extraordinary Summit on the political situation in Mali" on 30th May 2021. The outcome included the decision to suspend Mali's membership in the community and undertake ongoing monitoring of the situation.<sup>394</sup> Upholding the 2001 ECOWAS Protocol on Democracy and Good Governance is beneficial for protecting and upholding human rights, including those of women and girls who are affected by insecurity, crisis and instability.

The Community Court of Justice ensures that the Member States observe and interpret the law and provisions of the Revised Treaty. It has jurisdiction 'to issue a legal advisory opinion on any matter that requires interpretation of the Community text' including the power to examine cases where the Member States fail to honour their obligations and to ascertain a breach of human rights.<sup>395</sup> The Court of Justice has particular relevance in promoting and protecting the rights of women and girls including ensuring that Member States fulfil their obligations which flow from their ratification and implementation of Treaties. In particular the ECOWAS Court has set important precedence for Member States to uphold

387 BISONG, A. (2019) "Policy Briefing Women, Power & Policymaking-Assessing Gender Inclusion in the Migration Policies of ECOWAS", p. 6 [https://media.africaportal.org/documents/Bisong\\_Assessing\\_gender\\_inclusion\\_in\\_the\\_migration\\_policies\\_of\\_ECOWAS.pdf](https://media.africaportal.org/documents/Bisong_Assessing_gender_inclusion_in_the_migration_policies_of_ECOWAS.pdf)

388 ECOWAS COMMISSION (2008) "ECOWAS Common Approach On Migration-33rd 30rdinary Session of the Head of State and Government Ouagadougou, 18 January 2008", p. 10 <https://www.unhcr.org/49e47c8f11.pdf>

389 ECOWAS Commission (2015) "ECOWAS Gender And Migration Framework And Plan Of Action 2015-2020" [https://ccdg.ecowas.int/wp-content/uploads/Plan-of-Action\\_Gender-and-Migration.pdf](https://ccdg.ecowas.int/wp-content/uploads/Plan-of-Action_Gender-and-Migration.pdf)

390 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

391 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

392 Economic Community Of West African States (ECOWAS) "REVISED TREATY", ECOWAS Commission Abuja, Nigeria, Printed (1993) Reprint (2010), Article 77 <https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf>

393 Economic Community of West African States (ECOWAS) (2018) "ECOWAS imposes individual sanctions for non-implementation of the Conakry agreement in Guinea Bissau" <https://www.ecowas.int/ecowas-imposes-individual-sanctions-for-non-implementation-of-the-conakry-agreement-in-guinea-bissau/>

394 Economic Community of West African States (ECOWAS) (2021) "Communique Extraordinary Summit on the Political Situation In Mali" ACCRA, 30th MAY 2021 ECOWAS Commission <https://www.ecowas.int/communique-extraordinary-summit-on-the-political-situation-in-mali/>

395 Community Court of Justice (2019) "Mandate and Jurisdiction" <http://www.courtecowas.org/mandate-and-jurisdiction-2/>

their obligations under the Maputo Protocol and CEDAW. On 12 October 2017, the ECOWAS Court ruled in favour of four female plaintiffs against the Federal Republic of Nigeria [JUDGMENT N°: ECW/CCJ/JUD/08/17]. The case involved the violation of the plaintiffs' human rights following physical, sexual and psychological violence perpetrated by law enforcement agents in Abuja state, Nigeria. These constituted violations against obligations under various Human Rights treaties most notably those held under the Maputo Protocol and the CEDAW Convention.<sup>396</sup> The case is considered significant as it is the first time a regional justice institution has ruled in breach of the Maputo Protocol.<sup>397</sup> It also demonstrates that the Court as an institution of ECOWAS has the capacity to influence Member States to uphold their obligations under the GEWE treaties to which it has ratified and/or domesticated.

Coalition of CSOs have also petitioned the Court in favour of protecting women's rights. In 2016 a coalition of CSOs lodged a petition with the Court against the government of Sierra Leone after pregnancy girls were banned from attending school. The Court ruled that the government of Sierra Leone's approach of prohibiting pregnant schoolgirls from accessing school was discriminatory and violated a girls' right to education, thus in breach of Articles 2 and 12 of the Maputo Protocol. In 2020 Sierra Leone reversed its policy with girls being granted access to education.<sup>398</sup> Additionally, in 2021 leading women's rights organisations jointly filed a case at the ECOWAS Court of Justice against Mali for failing to adopt legal and policy framework that would criminalize FGM This contravenes Mali's obligations under CEDAW and The Maputo Protocol for which is has ratified.<sup>399</sup>

In terms of policies, most of the ECOWAS policies reviewed assign responsibility for implementation and/or incorporate mechanisms for monitoring and evaluation. One example is the ECOWAS Regional Plan of Action for Combating Obstetric Fistula in West Africa (2016-2019), where Strategic Priority 4: provides for the coordination, monitoring and evaluation of the Plan.<sup>400</sup> This includes addressing the shortfalls of the ECOWAS Gender Development Centre (EGDC) Obstetric Fistula programmes/campaigns.

The ECOWAS Gender Development Centre (EGDC) has created institutional measures to implement its Obstetric Fistula programmes/campaigns, including establishing a national coordinating committee in all ECOWAS Member countries. However, challenges in implementation have been experienced by some Member States.<sup>401</sup> As part of its monitoring and accountability strategy, the ECOWAS Regional Plan of Action for Combating Obstetric Fistula (2016-2019) aims to resolve this by creating, in the short-term, committees in Member States that do not have their own national committees operationalised.<sup>402</sup> It also seeks to implement a regional monitoring and evaluation system, systematically collecting data across the ECOWAS region.<sup>403</sup>

The ECOWAS Commission stands out in the areas of gender and migration. It has two comprehensive policies; the Common Approach Document (2008) and the Gender and Migration Framework and Plan of Action (2015-2020), both addressing issues explicitly relating to female migrants across the region. Whilst the policy framework sets the blueprint for the region, there have been challenges and varied forms of implementation across the ECOWAS Member

396 Community Court Of Justice, ECOWAS (2017) "In The Community Court Of Justice Of The Economic Community Of West African States (ECOWAS) Holden In Abuja, Nigeria- SUIT NO: ECW/CCJ/APP/17/14 JUDGMENT N°: ECW/CCJ/JUD/08/17" [http://www.courtecowas.org/wp-content/uploads/2019/01/ECW\\_CCJ\\_JUD\\_08\\_17-1.pdf](http://www.courtecowas.org/wp-content/uploads/2019/01/ECW_CCJ_JUD_08_17-1.pdf)

397 Institute for African Women in Law (no date) "A First for Women under the Maputo Protocol" <https://www.africanwomeninlaw.com/posts/A-First-for-Women-under-the-Maputo-Protocol>

398 Equality Now (2021) "9 Ways The Maputo Protocol Has Protected And Promoted The Rights Of Women And Girls Across Africa" [https://www.equalitynow.org/news\\_and\\_insights/9\\_ways\\_maputo\\_protocol/](https://www.equalitynow.org/news_and_insights/9_ways_maputo_protocol/)

399 Equality Now (2021) "Women's Rights Organizations Challenge Mali's Lack Of Anti FGM Law At The ECOWAS Court Of Justice" [https://www.equalitynow.org/press\\_release/mali\\_fgm\\_ecowas\\_2021/](https://www.equalitynow.org/press_release/mali_fgm_ecowas_2021/)

400 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa, p. 5" <https://ccdg.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

401 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa", p. 14" <https://ccdg.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

402 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa", p. 21" <https://ccdg.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

403 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa", p. 21" <https://ccdg.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

States. One explanation for this has been the lack of implementation and monitoring structures put in place.<sup>404</sup>

Overall, the capacity for ECOWAS to monitor domestication of Treaties, but more specifically the three GEWE Treaties, has proven effective. It has an established monitoring mechanism in place for this and through the Court and using sanctions. In terms of monitoring policy implementation there have been some difficulties and notably these arise due to institutional factors related to insufficient human and financial resources.<sup>405</sup>

## INITIATIVES, REGIONAL LEVEL ADVOCACY NETWORKS & REGIONAL CSO ENGAGEMENT

The ECOWAS Gender Development Centre (EGDC) carries out activities exclusively aimed at promoting gender equality and women's empowerment throughout the ECOWAS region, specifically initiatives and campaigns that need to be delivered and coordinated amongst a large network of 15 individual Member States. A number of campaigns have been driven by ECOWAS across a wide range of issues. Three examples include:

- **The Campaign to support women and girls suffering from Obstetric Fistula**, in 2010 the ECOWAS Gender Development Centre (EGDC) launched a programme in 2010 to provide medical and financial support for girls and women sufferers across the ECOWAS countries. The programme aimed to improve women and girls' sexual and reproductive health and support their

social and economic reintegration through skills development and financial support to start their businesses. In 2015, twelve out of fifteen ECOWAS Member States (except Cabo Verde, Liberia and Sierra Leone) were covered by the EGDC Obstetric Fistula Initiative.<sup>406</sup> Indeed, this success can be seen by some ECOWAS countries launching their own Obstetric Fistula elimination campaigns and addressing Obstetric Fistula in their roadmaps to end maternal mortality.<sup>407</sup>

- **Common Position Against Child Marriage**, in January 2019, Ministers of ECOWAS Member States made a political declaration and took a common position against child marriage by adopting the ECOWAS Child Policy and its Strategic Action Plan (2019-2023).<sup>408</sup> The ECOWAS community has identified child marriage as one of the five key priorities for immediate action in the Strategic Framework.<sup>409</sup>
- **50 Million African Women Speak Platform (50MAWS)**, provides an informational and networking digital platform for women entrepreneurs across the African continent. Its objective is to contribute to the economic empowerment of women through knowledge and sharing experiences. ECOWAS is one of three partners of this innovative initiative.<sup>410</sup> Through this, ECOWAS has provided technical and financial support to the ECOWAS Member States to aid in creating networks of women entrepreneurs to facilitate their access to credit and markets.<sup>411</sup>

Within ECOWAS there is evidence of spaces for CSO engagement with ECOWAS itself viewing civil society

404 BISONG, A. (2019) "Policy Briefing Women, Power & Policymaking-Assessing Gender Inclusion in the Migration Policies of ECOWAS", p. 6 [https://media.africaportal.org/documents/Bisong\\_Assessing\\_gender\\_inclusion\\_in\\_the\\_migration\\_policies\\_of\\_ECOWAS.pdf](https://media.africaportal.org/documents/Bisong_Assessing_gender_inclusion_in_the_migration_policies_of_ECOWAS.pdf)

405 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

406 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa", p. 6 <https://ccdg.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

407 Economic Community Of West African States (ECOWAS) (2015) "ECOWAS Regional Plan Of Action For Combating Obstetric Fistula In West Africa", p. 8-9 <https://ccdg.ecowas.int/wp-content/uploads/ECOWAS-regional-plan-of-action-for-combating-obstetric-fistula-in-West-Africa.pdf>

408 Economic Community of West African States (ECOWAS) (2019) "ECOWAS moves to protect Child rights and prevent Child marriage in the region" 28/01/2019 <https://www.ecowas.int/ecowas-moves-to-protect-child-rights-and-prevent-child-marriage-in-the-region/>

409 Economic Community of West African States (ECOWAS) (2019) "ECOWAS reviews child Policy, Plan of action and Road map towards the prevention of Child marriage" 23/01/2019 <https://www.ecowas.int/ecowas-reviews-child-policy-plan-of-action-and-road-map-towards-the-prevention-of-child-marriage/>

410 50 Million African Women Speak (50MAWS) (no date) "About us" "Partners" <https://www.womenconnect.org/home>

411 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

as partners.<sup>412</sup> CSO coalitions have directly influenced the extent to which Member States have domesticated the CEDAW Treaty and the Maputo Protocol setting important legal precedence. This is evident in the successful decision of the ECOWAS Community Court of Justice against the government of Sierra Leone in 2019 for its discriminatory ban on pregnant girls attending school but also its reversion of said policy in 2020.<sup>413</sup>

Aside from interaction with the Court, it has been reported that alongside national gender ministries the ECOWAS Gender Development Centre (EGDC) works with gender CSO's.<sup>414</sup> This would suggest that CSO gender networks working within each Member State have some sort of opportunity to engage with the REC concerning important policy advancements related to GEWE and the three GEWE Treaties. For example, in 2019 ECOWAS's Human Security and Civil Society Division of the Humanitarian and Social Affairs Directorate ran a two-day Annual Policy Dialogue on Women Participation in Peace and Political Processes. The meeting comprised of representatives of CSO's and regional institutions responsible for women rights and welfare. The outcome of which resulted in a methodology for the collection and reporting of gender disaggregated data, parameters for implementing gender mainstreaming and a checklist on women participation in ECOWAS political processes and interventions.<sup>415</sup> This event demonstrates that CSOs have been included in policy dialogues with the REC to achieve outcomes favourable to advancing the three GEWE Treaties.

What is notable is that within the ECOWAS region, some regional advocacy networks are reported to be influencing the Member States on domestication,

ratification and implementation of the normative frameworks related to gender equality and women's empowerment.<sup>416</sup> Strong regional advocacy networks represent a strength of ECOWAS and an opportunity for ECOWAS and CSOs to influence Member States in the activities related to the three GEWE Treaties. ECOWAS collaborates relationship with the regional advocacy networks, providing technical and financial support. It engages the Member States and CSOs through multiple activities, including meetings, seminars, capacity building activities, and strategic partnerships.<sup>417</sup> Noting that ECOWAS' extensive GEWE frameworks serve to protect CSOs from harassment, CSO representatives reported that they desired even further support from ECOWAS to bridge communication gaps between themselves and their respective governments.<sup>418</sup>

ECOWAS also acknowledges the crucial input from CSO's in its policies and texts. Under the ECOWAS Conflict Prevention Framework (ECPF) (2008) civil society is viewed as holding joint responsibility with the State for the maintenance of peace and security across the region. As such they are to be included as valued partners at the regional, national and community level.<sup>419</sup> To facilitate civil society's inclusions as part of preventative diplomacy, the Conflict Prevention Framework document includes the need to provide capacity-building workshops for actors and CSO's including women's groups.<sup>420</sup>

Additionally, in creating The Supplementary Act (2015) [A/SA.02/05/15], the Commissioner for Social Affairs and Gender of the ECOWAS Commission at the time, noted the crucial role that West African Civil Society Organisations (CSO's) will play in achieving the successful implementation and realisation of

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412 Economic Community Of West African States (ECOWAS) (no date) "Civil Society" <https://www.ecowas.int/ecowas-sectors/civil-society/>

413 Equality Now (2021) "9 Ways The Maputo Protocol Has Protected And Promoted The Rights Of Women And Girls Across Africa" [https://www.equalitynow.org/news\\_and\\_insights/9\\_ways\\_maputo\\_protocol/](https://www.equalitynow.org/news_and_insights/9_ways_maputo_protocol/)

414 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

415 Economic Community Of West African States (ECOWAS) (2019) "ECOWAS moves to increase Women participation in Peace and Political processes in the region" <https://www.ecowas.int/ecowas-as-moves-to-increase-women-participation-in-peace-and-political-processes-in-the-region/>

416 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

417 ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

418 Comments made by Nigerian NGO representatives at the Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

419 ECONOMIC COMMUNITY OF WEST AFRICAN STATES (2008) "REGULATION MSC/REG.1/01/08 THE ECOWAS CONFLICT PREVENTION FRAMEWORK", p. 56 [https://www.right2info.org/resources/publications/instruments-and-standards/africa\\_ecowas-regulation\\_conflict-prevention](https://www.right2info.org/resources/publications/instruments-and-standards/africa_ecowas-regulation_conflict-prevention)

420 ECONOMIC COMMUNITY OF WEST AFRICAN STATES (2008) "REGULATION MSC/REG.1/01/08 THE ECOWAS CONFLICT PREVENTION FRAMEWORK", p. 20 [https://www.right2info.org/resources/publications/instruments-and-standards/africa\\_ecowas-regulation\\_conflict-prevention](https://www.right2info.org/resources/publications/instruments-and-standards/africa_ecowas-regulation_conflict-prevention)



the obligations and goals contained in this critical reference framework.<sup>421</sup> In order to support, strengthen and integrate gender equality and women's empowerment commitments across the region, the ECOWAS Gender Development Centre (EGDC) has created and provided leadership to several regional level advocacy networks related to women inclusion in governance, peace and security:

### *The Network on Peace and Security for Women in the ECOWAS Region (NOPSWECO)*

The Network on Peace and Security for Women in the ECOWAS Region (NOPSWECO) was launched in July 2009 in Côte d'Ivoire to strengthen the mainstreaming of gender in all security and peace processes in the West African region.<sup>422</sup> Its mandate includes: to conduct prevention programmes for peace and security, violence and sexual exploitation against women; and to strengthen the capacity of women in leadership and lobbying and promote Resolutions 1325 and 1820.<sup>423</sup>

### *The West African Network of Young Women Leaders (ROAJELF – Réseau Ouest Africain des Jeunes Femmes Leaders)*

This network was created in 2009. It initiates and leads programmes intending to empower young female leaders.<sup>424</sup>

### *The Association of ECOWAS Female Parliamentarians (ECOFEPA)*

This Association is a network of women parliamentarians from the West African region which aims to 'create a greater collaboration of female

parliamentarians and foster regional integration within the sub-region.<sup>425</sup> Women still face barriers to meaningful political participation across the region. The Network notes that both empowerment and legislation are crucial to ensuring women's participation in politics in West Africa.<sup>426</sup>

### *The Mano River Women's Peace Network (MARWOPNET)*

MARWOPNET is a network of diverse high-level and grassroots women's organisations. ECOWAS facilitated it in response to the intensifying conflicts across the region and a dire need to access peace actors who could facilitate the end of the atrocities. When women were excluded from the official Liberian peace talks in 2003, MARWOPNET's advocacy efforts were instrumental in mobilising peace efforts at the community level. Their vital efforts were recognised, with MARWOPNET being officially invited to official peace talks<sup>427</sup> And notably was a signatory to the 2003 Liberian peace negotiation.<sup>428</sup>

Whilst noting the positive impacts of these various CSO and advocacy infrastructures, it was reported that there is "limited funding for CSO chapters in the 16 countries" and that there is a need for ECOWAS to clarify the funding commitments and infrastructure for these organisations.<sup>429</sup>

421 Economic Community Of West African States (2015) "Supplementary Act Relating To Equality Of Rights Between Women And Men For Sustainable Development In The ECOWAS Region", Preface, p. 7 <https://ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf>

422 KIT, Royal Tropical Institute (2018) "The State of African Women report", P. 99 <https://rightbyher.org/wp-content/uploads/2018/12/FULL-State-of-African-Women-Report.pdf>

423 WomenCount4Peace (no date) "Base de données «Genre, Femmes, Paix et Sécurité en Afrique de l'Ouest" [http://www.womencount4peace.org/en/repertoire/institutions/organisation\\_sous-r%C3%A9gionale/nopsweco](http://www.womencount4peace.org/en/repertoire/institutions/organisation_sous-r%C3%A9gionale/nopsweco)

424 KIT, Royal Tropical Institute (2018) "The State of African Women report", P. 99 <https://rightbyher.org/wp-content/uploads/2018/12/FULL-State-of-African-Women-Report.pdf>

425 KIT, Royal Tropical Institute (2018) "The State of African Women report", P. 99 <https://rightbyher.org/wp-content/uploads/2018/12/FULL-State-of-African-Women-Report.pdf>

426 Economic Community of West African States (ECOWAS) (2018) "Empowerment and Legislation: keys to gender inclusion in politics" 22/05/2018 <https://www.ecowas.int/empowerment-and-legislation-keys-to-gender-inclusion-in-politics/>

427 ECOWAS Commission (2020) "Guidelines on Women, Peace and Security" ECOWAS Department of Political Affairs, Peace and Security (PAPS, p. 30 <https://www.ecowas.int/wp-content/uploads/2021/04/PAPS-Guidelines-on-Women-Peace-and-Security-ENC1.pdf>

428 United Nations Security Council (2003) S/2003/850 "Letter dated 27 August 2003 from the Permanent Representative of Ghana to the United Nations addressed to the President of the Security Council", p. 26 [https://peacemaker.un.org/sites/peacemaker.un.org/files/LR\\_030818\\_Peace%20Agreement%20btwn%20GovLiberia%20CLURD%20MODEL%20and%20the%20Political%20Parties.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/LR_030818_Peace%20Agreement%20btwn%20GovLiberia%20CLURD%20MODEL%20and%20the%20Political%20Parties.pdf)

429 Comment and recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

## STRENGTHS, CHALLENGES & OPPORTUNITIES

STRENGTHS	CHALLENGES	OPPORTUNITIES
<ul style="list-style-type: none"> <li>● Existence of expansive normative legal frameworks, including the Supplementary Protocol on Democracy and Good Governance (2001) and the Supplementary Act (2015) plus robust gender institutional infrastructure, including the ECOWAS Gender Development Centre (EGDC) and the ECOWAS Court of Justice.</li> <li>● Support/mobilisation of the WPS Agenda, including UNSCR1325 National Action Plans</li> <li>● Strong Regional Advocacy Networks</li> <li>● The inclusion of gender across important issues concerning regional integration, including gender and migration.</li> <li>● Mobilisation of Member States on issues of gender and women's empowerment through forums and high-level meetings.</li> </ul>	<ul style="list-style-type: none"> <li>● Persistence of institutional and operational challenges, notably insufficient human and financial resources</li> <li>● Slow response by Member States<sup>430</sup></li> <li>● COVID-19 pandemic</li> </ul>	<ul style="list-style-type: none"> <li>● Strengthen regional policy monitoring and accountability mechanisms for advancing progress on GEWE across the ECOWAS region.</li> <li>● Strengthen and develop a common advocacy position concerning child marriage.</li> <li>● Capitalise and strengthen regional advocacy networks and continue to leverage other ECOWAS institutions.</li> <li>● Continue with the meaningful inclusion of civil society, including women and youth, for the ECOWAS Vision 2050.</li> <li>● Continue to strengthen successful regional campaigns and initiatives, including the 50 Million African Women Speak Platform (50MAWS) and the Obstetric Fistula National Action Plan and link this to the continental efforts to eliminate child marriage and FGM.</li> <li>● Develop strategies for advancing GEWE in the ECOWAS region, including updating the Gender Policy of 2005 and strengthening Gender-Budgeting.</li> <li>● Provide increased support to Member States on GEWE<sup>431</sup></li> </ul>

<sup>430</sup> ECOWAS Response to "Questionnaire for Regional Economic Communities (RECs)", Received July 2021

<sup>431</sup> Out of the six Member State survey responses received, limited ECOWAS support on GEWE could be identified. (Cabo Verde Response to "Questionnaire for Member States", Received August 2021, Côte d'Ivoire Response to "Questionnaire for Member States", Received August 2021, Ghana Response to "Questionnaire for Member States", Received August 2021, Sierra Leone Response to "Questionnaire for Member States", Received September 2021, Togo Response to "Questionnaire for Member States", Received July 2021

## RECOMMENDATIONS

- Assess the need of Member States in terms of ratification, domestication and implementation of CEDAW, Maputo Protocol and the ILO Equal Remuneration Convention (No. 100).
- Mobilise the requisite technical and financial resources to support Member States with the ratification, domestication and implementation of CEDAW, the Maputo Protocol and the ILO Equal Remuneration Convention (No. 100).
- Improve regional policy monitoring and accountability mechanisms for advancing progress on GEWE across the ECOWAS region.
- Develop strategic partnerships with regional advocacy networks and involve these networks in the ECOWAS' activities.
- Strengthen ECOWAS Gender infrastructure by investing in skilled staff and providing sufficient financial resources.
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices.
- Simplify reporting template and procedures for reporting on implementation; reduce the multiplicity of reporting obligations, strengthen linkages, and increase transaction linkages between RECs and states.<sup>432</sup>
- Increase women's involvement in ECOWAS' peace management processes, and involve existing relevant women-led CSOs whilst encouraging their Member States to do the same.<sup>433</sup>
- Add more stringent measures to enforce ECOWAS Court rulings.<sup>434</sup>
- Avoid a one-size-fits-all approach to eliminating harmful practices across the region and instead, employ a contextualised, "targeted ECOWAS-led strategy for hot-spot countries".<sup>435</sup>
- Coordinate and conduct advocacy missions to Niger to ratify the Maputo Protocol and Liberia to ratify the ILO Convention.<sup>436</sup>
- Update lapsed policies and strategies and use them to assist Member States and CSOs to advocate for development of national action plans and implementation of GEWE Treaties.<sup>437</sup>
- Engage religious, cultural and grass-roots leaders in GEWE rights issues, such as the Council of Traditional Leaders of Africa (COTLA).<sup>438</sup>

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432 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

433 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

434 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

435 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

436 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

437 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

438 Recommendation from Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

# The Status of Ratification, Domestication and Implementation of the three GEWE within ECOWAs' Member States

This section of the Baseline Study presents an overview of the ratification, domestication, and implementation of the three GEWE treaties. The table below shows the status of ratification of CEDAW, the Maputo Protocol and the ILO Convention on Equal Remuneration (No. 100) within ECOWAS's Member States. It also gives examples of domestication, implementation/enforcement and best practices relevant to each of the four themes in the ECOWAS Member States.

The table is followed by an analysis of some of the Member States' challenges in domestication and implementation. The analysis is divided by theme starting with economic rights, then harmful practices, political rights and sexual and gender-based violence (violence against women).

TREATY	STATUS OF RATIFICATION		
CEDAW	Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo. *All 15 countries have ratified CEDAW		
MAPUTO Protocol	Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Nigeria, Senegal, Sierra Leone, Togo. *All countries have ratified the Maputo Protocol except Niger		
ILO Convention	Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo. *All countries have ratified the ILO Convention except Liberia		
Thematic Area	Domestication	Implementation/Enforcement	Best Practices
<b>Economic Rights</b>	<ol style="list-style-type: none"> <li><b>Ghana's</b> Land Act 1036 adopted in 2020, gives effect to article 22 of the constitution on 'Property Rights of Spouses]</li> <li><b>Senegal's</b> Law No. 2016-32 on the Mining Code provides for equal opportunity between men and women in the sector, including equal pay was adopted in 2016.</li> <li><b>Côte d'Ivoire's</b> Law n ° 2016-886 of November 8, 2016 reforming constitution, (Article 37 promoting equality in the labour market and women in decision making posts).</li> </ol>	<ol style="list-style-type: none"> <li><b>Burkina Faso</b>, established in 2015 of the Informal Sector Support Fund (FASI) granted support to persons with disabilities including women.</li> <li><b>Liberia</b> adopted in 2019 the Gender Responsive Planning and Budget Policy (GRP) (2019-2023).</li> <li><b>Ghana:</b> In 2016, the Central Bank of Nigeria launched the 'Anchor Borrowers Programme' (ABP) to facilitate interaction between small-holder farmers (mostly women) and agro processors.</li> </ol>	<ol style="list-style-type: none"> <li><b>Liberia's</b> 2015 Decent Work Act<sup>439</sup> introduced a range of new rights for women, such as ensuring equal pay for men and women for work of equal value (Art.2.5). It also prohibits sexual harassment in the workplace (Art. 2.8). In addition to providing 14 weeks minimum maternity leave (Art. 20.1) with the possibility of extension (Art.20.5), it also grants five days paternity leave (Art. 20.3).<sup>440</sup></li> </ol>

439 Liberia Decent Work Act, 2015. Available at ILO NATLEX [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=100329&p\\_country=LBR&p\\_count=60&p\\_classification=01&p\\_class-count=27](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=60&p_classification=01&p_class-count=27)

440 The Government of Liberia (2019) "Beijing+25 National Review Report", p. 22 <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Liberia.pdf>



			<p>2. <b>Cabo Verde</b> established Inter-ministry Group for the Design and Monitoring of the Access to Income, Education, Care and Health Program (PGA in 2016, which includes Income Support, through direct transfers to vulnerable families (including a large number of females headed households).</p> <p>3. <b>Guinea</b>, organization of a capacity building for women in the fishing sector, including provisions of equipment, training, construction and rehabilitation of infrastructure in 2017.</p>
<p><b>Harmful Practices</b></p>	<p>1. <b>Côte d'Ivoire's</b> Law n° 2016-886 of November 8, 2016 reforming constitution, (Article 5 specific reference to FGM, and Article 35 eliminate all forms of violence against women and girls).</p> <p>2. <b>Guinea's</b> Penal code amended to criminalise FGM Law No. 2016/059/AN (the Criminal Code 2016), Article 259 plus Section II: Forced Marriage and Early Marriage.</p> <p>3. <b>Burkina Faso:</b> Law No. 061-2015 / on Prevention, Repression and Reparation of Violence against Women and Girls and Support for Victims]. It criminalises 'cultural violence' described as harmful and degrading practices deriving from customs, traditions and religions. It includes a provision stating that tradition or culture cannot be used to justify violence.</p>	<p>1. <b>Senegal:</b> Establishment in 2017 of a citizen action platform 'watch and alert committee' to help advocate and fight against FGM in the community.</p> <p>2. <b>Gambia's</b> National Development Plan (2018-2021), Critical Enabler 2: Decrease the proportion of girls and women aged 15-49 who have undergone FGM/C from 76.3% to 50%.</p> <p>3. <b>Nigeria:</b> Creation in 2017 of a Child Protection Information Management System- prevent and respond to different forms of abuse, neglect, violence and exploitation.</p>	<p>1. In 2016, <b>Burkina Faso</b> integrated modules on FGM, sexual and reproductive health and child marriage into primary and secondary level education classes and organized training sessions for 335 teachers and experimenters on the integrating FGM modules in education.</p> <p>2. In 2019, <b>The Gambia</b> developed a Training Manual on Female Genital Mutilation (FGM) for integration in nursing and midwifery school curriculum and use by other stakeholders – and established the Children Unit under the Ministry of Women Children and Social Welfare with the responsibility to coordinate child protection interventions.</p> <p>3. In 2018, <b>Liberia</b> trained 180 traditional leaders, female zoes (traditional leaders) and religious leaders to address SGBV and HTPs and foster change at the community level. Followed by a Presidential executive order, (1 year) banning female genital mutilation of girls under 18 years of age or of nonconsenting adults.</p>

<p><b>Political Participation</b></p>	<p>1. <b>Liberia's</b> constitution states that political membership or association is open to every citizen of Liberia regardless of sex (Article 79(b).</p> <p>2. <b>Mali's</b> Law no. 2015-052 instituting measures to promote gender in access to nominative and elective positions] Article 1 minimum female representation 30%.</p> <p>3. <b>Côte d'Ivoire's</b> Law n° 2016-886 of November 8, 2016 reforming constitution (Article 36 political rights of women and equal representation of women) (Article 37 promotion of women to decision-making positions public and private sphere).</p>	<p>1. <b>Benin:</b> Creation of electronic compendium of women's skills platform to increase identification and promotion of skilled women in decision making (2018).</p> <p>2. <b>Burkina Faso:</b> Creation in 2015 of a regional coordination of the Women's Platform., within the larger program for the G5 program strengthening participation and security in the G5 Sahel countries.</p> <p>3. <b>Liberia:</b> Establishment in 2015 of the National Rural Women Headquarters in creating opportunities for rural women to be involved in decision making both at the national and local level.</p>	<p>1. <b>Senegal</b> has maintained over 40% women in the National Assembly since the introduction of its quota in 2012. The quota system employs the principle of parity using an alternate name system. (The Zebra system). The notable success of this type of quota system has been recognised by other Member States.</p> <p>2. In 2019, <b>Togo</b> created a political academy of women leaders, trained 132 females in leadership, personal development, political project development, political communication.</p> <p>3. <b>Sierra Leone:</b> creation of Women's Situation Room to eliminate obstacles to women's participation in the 2018 electoral process.</p>
<p><b>Sexual and Gender-Based Violence (Violence Against Women)</b></p>	<p>1. <b>Benin:</b> Law n° 2017-20 of April 2018 on Digital Code Protection from online violence, Article 552, Section II Sexual Offences and Prostitution].</p> <p>2. <b>Côte d'Ivoire:</b> Law n° 2016-886 of November 8, 2016 reforming constitution, (Article 35 eliminate all forms of violence against women and girls).</p> <p>3. <b>Burkina Faso:</b> Law N° 080-2015 /CNT On Advertising Regulations in Burkina Faso], Article 47,48,131 (combatting harmful images of women in media).</p>	<p>1. In 2015, the <b>Nigeria</b> Independent National Electoral Commission adopted a Gender Policy [clarification of what GBV means within the context of the electoral process and steps to prevent].</p> <p>2. <b>Sierra Leone</b> National Male Involvement Strategy for the Prevention of Sexual and Gender-Based Violence (2020).</p> <p>3. <b>Mali:</b> Establishment in 2018 of a one-stop center providing holistic care for women victims of gender-based violence.</p>	<p>1. In 2019, the President of <b>Sierra Leone</b> proclaimed rape and sexual violence as a national emergency. The government also updated the Sexual Offences Act of 2012 and enacted the Sexual Offences (Amendment) Act 2019. This amendment increased the punishment for rape and sexual penetration of a child to a minimum of 15 years imprisonment. It also introduced the offence of aggravated sexual assault.</p> <p>2. <b>Burkina Faso</b> established in 2015 an integrated care center (psychosocial, health and legal) for victims of gender-based violence (GBV) in Burkinabè State. Second integrated care center in process of being operationalised in the city of Bobo Dioulasso.</p> <p>3. <b>Liberia</b> put in place in 2017 a Gender and Security Sector National Taskforce (GSSNT) to mainstream gender into security sector reform and promote women's participation in the security sector.</p>

## CHALLENGES & GAPS

### ECONOMIC RIGHTS

***Inheritance and Land Ownership:*** Land ownership is a large part of women's economic rights; however, it is common for discrepancies to exist between domestic legal provisions and the application of customary law. This presents a gap in women realising their economic rights. For example, in Benin, the United Nations Committee on Economic, Social and Cultural Rights noted that despite laws establishing equal rights in inheritance and land ownership, customs of certain communities and rural areas deprive women of their inheritance and property rights.<sup>441</sup> In Côte d'Ivoire, rural land is governed mainly by customary law. As such, rules and norms differ across communities, according to patrilineal or matrilineal lines. In both communities, women have less access to land ownership than men.<sup>442</sup> In Liberia, women make up 75% of the workforce in agriculture. Traditionally they are given ownership of the crops they cultivate but not title to the land.<sup>443</sup>

In Guinea-Bissau, regardless of equality in the law, women are restricted to secondary land rights where rights to use land are gained through their husbands or other male family members.<sup>444</sup> As such single, widowed or abandoned women have less access to land and economic opportunities, which further entrenches their low financial status.<sup>445</sup> Because of this, individual land certification in

women's names and civil marriage registration may offer increased protection.<sup>446</sup> In customary law land ownership is directly related to marriage. The lack of protection concerning the disinheritance of women once widowed also presents a challenge. In Niger, the application of customary law in matters of succession often results in unequal land inheritance and land grabbing from widows.<sup>447</sup> An attempt to reform the constitution in The Gambia was rejected in 2020.<sup>448</sup> This new draft document would have strengthened women's property rights by enshrining the commitment to eliminate “discrimination in law, customs and practices related to land and property in land based on gender.”<sup>449</sup>

***Women in the informal sector and access to credit:*** Most women are working in the informal sector with no access to social protection. In Niger, many women are concentrated in low-paid domestic work, often exposed to precarious working conditions.<sup>450</sup> In 2016, around 83% of women in Senegal were concentrated in the informal sector, for example the large number of domestic workers who have limited access to social protection.<sup>451</sup> Access to credit remains a challenge for many women. In Nigeria, microfinance banks will often charge high interest rates to those women who lack other credit options.<sup>452</sup>

***Sexual Harassment in the Workplace:*** In Cabo Verde, the CEDAW committee noted the lack of information on sexual harassment in the workplace and the complaint

441 Committee on Economic, Social and Cultural Rights (2020) “Concluding observations on the third periodic report of Benin”, p. 3 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/BEN/CO/3&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/BEN/CO/3&Lang=En)

442 The World Bank (2020) “What's Mine Is Yours: Pilot Evidence From A Randomized Impact Evaluation On Property Rights And Women's Empowerment In Côte D'Ivoire”, p. 2-3 <http://documents1.worldbank.org/curated/en/798511593667868430/pdf/What-s-Mine-is-Yours-Pilot-Evidence-from-a-Randomized-Impact-Evaluation-on-Property-Rights-and-Women-s-Empowerment-in-Cote-d-Ivoire.pdf>

443 Republic Of Liberia (2018) “Pro-Poor Agenda for Prosperity and Development (PAPD)”, p. 8 <https://www.imf.org/en/Publications/CR/Issues/2021/01/07/Liberia-Poverty-Reduction-and-Growth-Strategy-49996> (Available from IMF)

444 Human Rights Council (2015) “Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona Addendum Mission to Guinea-Bissau (23 February–1 March 2014)”, p. 12 [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/29/31/Add.1](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/31/Add.1)

445 Human Rights Council (2015) “Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona Addendum Mission to Guinea-Bissau (23 February–1 March 2014)”, p. 12 [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/29/31/Add.1](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/31/Add.1)

446 The World Bank (2020) “What's Mine Is Yours: Pilot Evidence From A Randomized Impact Evaluation On Property Rights And Women's Empowerment In Côte D'Ivoire”, p. 2-3 <http://documents1.worldbank.org/curated/en/798511593667868430/pdf/What-s-Mine-is-Yours-Pilot-Evidence-from-a-Randomized-Impact-Evaluation-on-Property-Rights-and-Women-s-Empowerment-in-Cote-d-Ivoire.pdf>

447 Committee on the Elimination of Discrimination against Women (2017) “Concluding observations on the combined third and fourth periodic reports of the Niger”, p.12 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En)

448 Jaw, S.M (2020) “The Gambia: Why MPs just shot down the popular new draft constitution”, African Arguments <https://africanarguments.org/2020/09/the-gambia-why-mps-just-shot-down-the-popular-new-draft-constitution/>

449 Constitute Project “Gambia (The)'s Draft Constitution of 2019”, Article 252 (k) [https://www.constituteproject.org/constitution/Gambia\\_2019D.pdf?lang=en](https://www.constituteproject.org/constitution/Gambia_2019D.pdf?lang=en) see also ILO NATLEX Database [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=110050&p\\_country=GMB&p\\_count=50&p\\_classification=01.01&p\\_classcount=4](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=110050&p_country=GMB&p_count=50&p_classification=01.01&p_classcount=4)

450 Committee on the Elimination of Discrimination against Women (2017) “Concluding observations on the combined third and fourth periodic reports of the Niger”, p.10-11 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En)

451 Committee on Economic, Social and Cultural Rights (2019) “Concluding observations on the third periodic report of Senegal”, p. 5 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/SEN/CO/3&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/SEN/CO/3&Lang=En)

452 Federal Republic Of Nigeria (2019) “National Beijing + 25 Review”, p. 27-28 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/nigeria.pdf?la=en&svs=3101>

mechanisms available to women.<sup>453</sup>

**Varying Labour Code Provisions:** For example, some countries lack provisions such as equal pay (Cabo Verde). Some countries still maintain restrictions on women's right to work. While these are generally intended as protective measures, women and girls may be prohibited from employment in certain sectors such as mining and working night hours. They can also act as barriers to women fully realising their economic rights. There is also a discrepancy between legal provisions and real-life applications. Despite legal provisions on equal pay in Mali, a stark gender gap between men and women's income persists.<sup>454</sup> In addition, there has been resistance when countries attempt to revise legal texts to create more favourable conditions for women in the fields of economic empowerment and to increase incentives for female leadership.<sup>455</sup>

**The Effect of Stereotypes and Sex Division of Labour:** Stereotypes and sex-based division of labour also limits women's economic potential. In Nigeria, whilst men and women both work in livestock production, women are mainly in charge of tasks that bring a lower monetary value, such as small (goats and sheep) livestock management, compared to men who manage large livestock (cattle and donkeys).<sup>456</sup>

External factors such as conflict, the Ebola pandemic, and COVID-19 have all severely impacted women's economic opportunities. For example, it has been noted that the conflict in Mali has disrupted women's

ability to trade, severely affecting their livelihoods.<sup>457</sup> In Niger, rural women who are already socio-economically disadvantaged are disproportionately impacted by climate change, desertification and extractive industries.<sup>458</sup>

## HARMFUL PRACTICES

**Child Marriage:** Although legal frameworks exist, the prevalence of child marriage across several ECOWAS countries remains high. Also, some countries lack legal provision setting a minimum age for marriage Niger is of particular concern as there is no legal provision setting the minimum age at 18.<sup>459</sup> Instead, the Personal Code sets the minimum age at 15 for girls and 18 for boys.<sup>460</sup> Likewise, in Senegal, the minimum age is 16 for girls and 18 for boys.<sup>461</sup>

In Mali the Persons and Family Code sets the age of marriage at 16 for girls and 18 for boys; although girls can marry at 15 with permission from a judge and parental consent.<sup>462</sup> In 2018, the African Court Human and Peoples' Rights (AfCHPR) [APDF and IHRDA vs Republic of Mali]<sup>463</sup> held that Mali's Persons and Family Code violates its obligations under international human rights standards (including the African Children's Charter, the Maputo Protocol and CEDAW) by failing to establish a minimum age for marriage [18]. This is a significant decision for the rights of girls but also for Member States who fail to domesticate their international obligations. This is the first case

453 Committee on the Elimination of Discrimination against Women (2019) "Concluding observations on the ninth periodic report of Cabo Verde", p. 9-10 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CPV/CO/9&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CPV/CO/9&Lang=En)

454 Committee on Economic, Social and Cultural Rights (2018) "Concluding observations on the initial report of Mali", p.4 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MLI/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MLI/CO/1&Lang=En)

455 Benin Response to "Questionnaire for Member States", Received August 2021

456 FAO (2018) "National gender profile of agriculture and rural livelihoods-Nigeria", p.1, 37-38 <https://fscluster.org/sites/default/files/documents/cao818en1.pdf>

457 Committee on the Elimination of Discrimination against Women (2016) "Concluding observations on the combined sixth and seventh periodic reports of Mali", p. 11 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MLI/CO/6-7&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MLI/CO/6-7&Lang=En)

458 Committee on the Elimination of Discrimination against Women (2017) "Concluding observations on the combined third and fourth periodic reports of the Niger", p. 13 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En)

459 Committee on the Elimination of Discrimination against Women (2017) "Concluding observations on the combined third and fourth periodic reports of the Niger", p. 14 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En)

460 Committee on the Elimination of Discrimination against Women (2017) "Concluding observations on the combined third and fourth periodic reports of the Niger", p. 14 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NER/CO/3-4&Lang=En)

461 Committee on the Elimination of Discrimination against Women (2015) "Concluding observations on the combined third to seventh periodic reports of Senegal", p. 13 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SEN/CO/3-7&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SEN/CO/3-7&Lang=En)

462 Republique du Mali (2011) "Loi n° 2011-087 du 30 décembre 2011 portant Code des personnes et de la famille", Article 280 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=96981&p\\_country=MLI&p\\_count=19](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=96981&p_country=MLI&p_count=19)

463 African Union (2018) The Matter Ofassociation Pour Le Progres Et La Defense Des Droitsdes Femmes Maltennes (Apdf)Andthe Institute For Human Rights And Development Inafrtca (Ihrda) Vrepublic Of Mali" Application No. 046/2016, Judgment11 May 2018 <https://ihrda.uwazi.io/en/entity/xzvp9hhehgwtq523ayvi?page=1>



before the African Court applying the provisions of Maputo Protocol.<sup>464</sup> In its decision the Court urged Mali to revise its Code of Persons and the Family to reflect international standards for the minimum age of 18 for marriage. Additionally, it called for Mali to sensitise and educate the population to reflect this new standard.

The discrepancy between civil and traditional marriage law also presents a barrier to changing the behaviour and attitudes of child marriage. While Niger attempted to reform the discriminatory provisions in its Personal Code in 2011, the country still has faced challenges adopting it due to the strong beliefs held in certain communities.<sup>465</sup> In Côte d'Ivoire, traditional customs present a challenge to combatting child marriage. Even with awareness and training sessions, there is a strong influence of tradition, which promotes child marriage.<sup>466</sup> In Mali, a baseline study found that justifications for early marriage stemmed around religion, the fear of family dishonour due to early pregnancy and to honour traditions of arranged marriages between families.<sup>467</sup>

Notably, Côte d'Ivoire is making progress with reforming its personal and family code. In 2019, it approved a bill to amend the law concerning marriage. Firstly, this reform would harmonise the age of consent to 18 for both males and females. Secondly, it would remove the ability of the Public Prosecutor to grant a dispensation for under-age marriage, a common exception. It

also obligates the civil registrar to confirm that both participants are of the required age.<sup>468</sup>

The discrepancies between laws present loopholes. There is a conflict between criminal or children's laws and the Personal and Family Code in some countries, with the latter commonly offering exceptions to underage marriage. For example, in Benin, the Code of Persons and the Family set marriage at 18 with exceptions; notably with parental consent or judicial authorisation.<sup>469</sup> The 2015 Children Code in Benin<sup>470</sup> is welcome progress as it prohibits child and forced marriage; however, the exceptions in the Code of Persons and the Family can still apply.<sup>471</sup> Similarly, in Guinea, whilst it is welcomed that the revised 2016 Penal Code criminalises early and forced marriage and sets the age at 18, it must be noted that the reference to marriages performed under custom for children aged 16 creates ambiguity.<sup>472</sup>

**FGM:** The eradication of FGM presents similar challenges, mainly the lack of legal provisions in some countries and the strong influence of traditional beliefs and practices which hamper policy implementation. In Sierra Leone, there is no specific legal provision criminalising FGM.<sup>473</sup> In Liberia, because of serious opposition, FGM was removed from the 2017 Domestic Violence Bill.<sup>474</sup> Whilst in Mali, there have been many attempts to introduce specific legislation criminalising FGM. However, opposition from high-profile religious leaders has made this difficult.<sup>475</sup> As

464 Brice Martial Djeugoue (2018) "IHRDA, APDF obtain favourable judgment against Mali in first case before the African Court applying provisions of Maputo Protocol" <https://www.ihrda.org/2018/05/press-release-ihrda-apdf-obtain-favourable-judgment-against-mali-in-first-case-before-the-african-court-applying-provisions-of-maputo-protocol/>

465 Human Rights Council (2021) "National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\* The Niger", p.17 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NEindex.aspx>

466 Save the Children (no date) "CHILD MARRIAGE IN COTE D'IVOIRE", p. 3 <https://www.savethechildren.org.uk/content/dam/global/reports/advocacy/child-marriage-cote-d-ivoire.pdf>

467 Université des Lettres et Des Sciences Humaines de Bamako, Women in Law And Development in Africa (2017) "Lutter contre les mariages précoces par l'autonomisation des filles au Mali", p. 7-8 <https://www.girlsnotbrides.org/documents/865/Repport-MALI.pdf>

468 Library of Congress Law (2019) "Côte d'Ivoire: Bill to Amend Marriage Law Approved" <https://www.loc.gov/law/foreign-news/article/cte-divoire-bill-to-amend-marriage-law-approved/> [http://www.famille.gouv.ci/public/documents/doc\\_drcc/loi\\_2019-570\\_sur\\_le\\_mariage.pdf](http://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019-570_sur_le_mariage.pdf)

469 UNICEF (2021) "Benin" <https://data.unicef.org/crvs/benin/>

470 République du Bénin (2015) "Loi n° 2015-08 du 8 décembre 2015 portant Code de l'enfant en République du Bénin", Article 375 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=&p\\_isn=99941&p\\_classification=04](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=99941&p_classification=04)

471 République du Bénin (2015) "Loi n° 2015-08 du 8 décembre 2015 portant Code de l'enfant en République du Bénin", Article 375 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=&p\\_isn=99941&p\\_classification=04](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=99941&p_classification=04)

472 Amnesty International (2017) "Guinea: Submission To The Human Rights Committee, List Of Issues", p. 2 [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GIN/INT\\_CCPR\\_ICO\\_GIN\\_29712\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GIN/INT_CCPR_ICO_GIN_29712_E.pdf)

473 Government Of Sierra Leone (2019) "Country Report By Sierra Leone On Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)", p. 65 [https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/sierra\\_leone.pdf?la=en&vs=2354](https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/sierra_leone.pdf?la=en&vs=2354)

474 Republic of Liberia (2019) "Beijing+25 National Review Report", p. 24 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/liberia.pdf?la=en&vs=710>

475 28 too many (2018) "Mali: The Law And FGM", p. 2-3 [https://www.28toomany.org/static/media/uploads/Law%20Reports/mali\\_law\\_report\\_v1\\_\(september\\_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/mali_law_report_v1_(september_2018).pdf)

such, FGM is dealt with under the Penal Code, which criminalises ‘wilful assault’.<sup>476</sup> In Nigeria, the 2015 Violence Against Persons (Prohibition) Act criminally sanctions anyone who commits or assists FGM with imprisonment. However, some Nigerian states have adopted their own FGM laws with varying sanctions.<sup>477</sup>

**The Persistence of Harmful Practices:** The existence of harmful practices beyond child and forced marriage and FGM is still prevalent amongst ECOWAS countries. In Ghana, the practice of polygamy is permitted under religious and customary norms and, as such, is widely practised.<sup>478</sup> The protection of older women is also needed. In many countries, accusations of witchcraft have been reported. In Ghana, this has led to the creation of ‘witch camps’,<sup>479</sup> where accusations of witchcraft force older women and girls to seek refuge in such spaces where living conditions are inadequate with poor sanitation, lack of housing, food and water.<sup>480</sup> Witchcraft also affects the rights of children. In 2020, there was concern over reports of killings of so-called “witch children” in Benin. Despite the criminalisation of ritual infanticide, these killings have been reported to go unpunished.<sup>481</sup> In 2018, the Human Rights Committee noted the concern over ‘secret societies’ in Liberia that continue to perpetuate female genital mutilation through their initiation rites; in addition, practices such as trial by ordeal and ritual killings continue to be prevalent.<sup>482</sup> Emerging concerning practices were noted in Nigeria due to the increasing security challenges, namely banditry, kidnapping and “ritualist” practices which include the belief that having intercourse with a virgin girl or woman will cure someone of HIV.<sup>483</sup>

There is a need to overcome the socio-cultural barriers that hinder the effectiveness of the fight against harmful practices as well as proofreading legal texts to make them more effective against combatting harmful practices.<sup>484</sup> Key setbacks can include the persistence of these deeply rooted cultural beliefs, which prevent countries from moving forward with laws and policies. Such policies, to be successful require; a multi-level approach; funds to strengthen and intensify multi-layered prevention strategies and the engagement of all relevant stakeholders.<sup>485</sup> An additional challenge to overall progress on women's rights includes a lack of knowledge on behalf of national officials on how to incorporate a gender perspective, as well as the lack of gender-sensitive budgeting.<sup>486</sup>

## POLITICAL PARTICIPATION

**The Existence of Quotas and Temporary Measures:** Some ECOWAS countries lack any temporary measures to improve women's political participation. First, the majority of countries lack constitutional quotas. Whilst the constitutions of Burkina Faso and Niger refer to the numbers of women in the composition of decision-making bodies (minimum of one woman and the ‘consideration’ of women respectively), none of the ECOWAS Member States’ national constitutions enshrine *minimum quotas* for women's participation in the executive, legislature or judicial organs. Currently, three countries (Gambia, Mali, and Guinea) are undergoing constitutional reform. It is noted that The Gambia's constitution states that “women shall be

476 Republique du Mali “Code penal Loi n°01-79 du 20 août 2001”, Article 207 <http://www.droit-afrique.com/uploads/Mali-Code-2001-penal-MAJ-2016.pdf>

477 28 too Many (2018) “Nigeria: The Law And FGM June 2018”, p. 5 [https://www.28toomany.org/static/media/uploads/Law%20Reports/nigeria\\_law\\_report\\_v1\\_\(june\\_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/nigeria_law_report_v1_(june_2018).pdf)

478 Human Rights Committee (2016) “Concluding observations on the initial reports of Ghana”, P.4 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=C-CP/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=C-CP/CO/1&Lang=En)

479 Human Rights Committee (2016) “Concluding observations on the initial reports of Ghana”, P.4 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/1&Lang=En)

480 Committee on the Elimination of Discrimination against Women (2014) “Concluding observations on the combined sixth and seventh periodic reports of Ghana”, p. 6 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2f6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2f6-7&Lang=en)

481 Committee on Economic, Social and Cultural Rights (2020) “Concluding observations on the third periodic report of Benin”, p. 6 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/BEN/CO/3&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/BEN/CO/3&Lang=En)

482 Human Rights Committee (2018) “Concluding observations on the initial report of Liberia”, p. 5 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/1&Lang=En)

483 Comment from the Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June 2022.

484 Benin Response to “Questionnaire for Member States”, Received August 2021

485 Ghana Response to “Questionnaire for Member States”, Received August 2021

486 Cote d'Ivoire Response to “Questionnaire for Member States”, Received August 2021

fairly represented” in the government.<sup>487</sup> An attempt to reform The Gambia’s Constitution was rejected in 2020. This would have significantly strengthened women’s political participation by enshrining a quota for women’s election to the National Assembly.<sup>488</sup>

While most ECOWAS countries impose legislative quotas with a 30% minimum of female candidates, few countries have reached this target; over the period, women’s political representation has remained low. Only two countries (Senegal and Cabo Verde) have achieved over 30% women in the National Assembly. Some countries have also been slow to enact legal reforms which seek to strengthen women’s political participation. In 2016, Liberia passed The Equal Representation and Participation Act of 2016: ‘Affirmative Action Bill’. This Act established seven ‘Special Constituencies’ with five seats reserved for women, one for youth and one for the disabled.<sup>489</sup> However, in 2020, this bill has not yet been passed.<sup>490</sup> Ghana, which began the process for an Affirmative Action Law in 1998,<sup>491</sup> has a final draft, which at the time of writing has been submitted and is waiting for cabinet approval.<sup>492</sup> The Affirmative Action Bill would also realise the constitutional provision requiring the state to achieve a gender balance in public office.<sup>493</sup> In Nigeria, ‘The Gender and Equal Opportunity Bill’ was reintroduced in 2019, after being initially rejected

in 2016. Part of the Bill’s provisions include tackling gender discrimination in political and public life.<sup>494</sup>

Even when countries have quotas, there is a danger of non-compliance. In Côte d’Ivoire, despite there being an incentive for parties to increase the percentage of women candidates under the recent reform of the Promotion of Women’s Representation in Elected Assemblies Act 2019 (Act No. 2019-870 of 14 October 2019),<sup>495</sup> media reports of the most recent elections have suggested that political parties have not respected the quota. This has been attributed to a lack of enforcement mechanisms.<sup>496</sup> The available data demonstrates that women’s representation in the National Assembly, where candidates are indirectly elected, remains low, with women representing 12.85% as of March 2021.<sup>497</sup> Increases have been marginal compared to 10.98% in December 2018.<sup>498</sup>

Burkina Faso removed its sanctions for non-compliance in 2020.<sup>499</sup> Article 5 of the 2009 Law on Quotas stipulated that political parties who do not fulfil the 30% quota will be penalised by losing 50 per cent of public funding for campaigns.<sup>500</sup> Whilst the 2009 law still contains incentives for political parties who reach the 30% quota (Article 6),<sup>501</sup> it is of concern that sanctions have been removed. Prior to the election at the end of December 2020, women represented just

487 Constitute Project “Gambia (The)’s Constitution of 1996 with Amendments through 2018”, Article 214 [https://www.constituteproject.org/constitution/Gambia\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Gambia_2018.pdf?lang=en)

488 Jaw, S.M (2020) “The Gambia: Why MPs just shot down the popular new draft constitution”, African Arguments <https://africanarguments.org/2020/09/the-gambia-why-mps-just-shot-down-the-popular-new-draft-constitution/>

489 UN Women (2016) “Signaling a boost for gender equality, Liberia passes the ‘Affirmative Action Bill’” <https://www.unwomen.org/en/news/stories/2016/10/liberia-passes-the-affirmative-action-bill>

490 Liberia News Agency LINA (2020) “Human Rights Official Calls For Speedy Passage Of Affirmative Action Bill” <https://liberianewsagency.com/2020/03/12/human-rights-official-calls-for-speedy-passage-of-affirmative-action-bill/>

491 Ghana Center for Democratic Development (2021) “IWD 2021: Prioritize the Laying of Affirmative Action Bill Before Parliament – CDD-Ghana” <https://cddgh.org/iwd-2021-prioritize-the-laying-of-affirmative-action-bill-before-parliament-cdd-ghana/>

492 Ghana Response to “Questionnaire for Member States”, Received August 2021

493 Ghana Center for Democratic Development (2021) “IWD 2021: Prioritize the Laying of Affirmative Action Bill Before Parliament – CDD-Ghana” <https://cddgh.org/iwd-2021-prioritize-the-laying-of-affirmative-action-bill-before-parliament-cdd-ghana/>

494 Ezezi, D. (2019) “Senator Olujimi reintroduces gender equality bill” The Guardian <https://guardian.ng/news/senator-olujimi-reintroduces-gender-equality-bill/>

495 Assemblée Nationale République Côte d’Ivoire (no date) “Loi Favorisant La Representation De La Femme Dans Les Assemblies Elues”, Article 4 <http://www.assnat.ci/assembleenationale/?loi-favorisant-la-representation-de-la-femme-dans-les-assemblies-elues#>

496 The Africa Report (2021) “Côte d’Ivoire: Women underrepresented in parliament despite 2019 law” <https://www.theafricareport.com/65880/cote-divoire-women-underrepresented-in-parliament-despite-2019-law/>

497 IPU (2021) “Côte d’Ivoire- National Assembly” [https://data.ipu.org/node/41/data-on-women?chamber\\_id=13372](https://data.ipu.org/node/41/data-on-women?chamber_id=13372)

498 IPU (2021) “Côte d’Ivoire- National Assembly” [https://data.ipu.org/node/41/data-on-women?chamber\\_id=13372](https://data.ipu.org/node/41/data-on-women?chamber_id=13372)

499 IDEA (2021) “Gender Quotas Database-Burkina Faso” <https://www.idea.int/data-tools/data/gender-quotas/country-view/61/35>

500 République du Burkina Faso (2009) “Loi no 010-2009/AN du 16 avril 2009 portant fixation de quotas aux élections législatives et aux élections municipales au Burkina Faso”, Article 5 <https://www.ndi.org/sites/default/files/Quota-Law-BF-FRE.pdf>

501 République du Burkina Faso (2009) “Loi no 010-2009/AN du 16 avril 2009 portant fixation de quotas aux élections législatives et aux élections municipales au Burkina Faso”, Article 6 <https://www.ndi.org/sites/default/files/Quota-Law-BF-FRE.pdf>

6.3% in the National Assembly.<sup>502</sup> It is yet to be seen how the removal of sanctions will impact women's representation.

The type of quota that countries have implemented needs to be assessed for strength. Senegal stands out due to its notable success in this area. Whilst other factors may contribute, the type of quota Senegal uses could offer some guidance for ECOWAS countries. Senegal employs the principle of parity and uses an alternate name system (The Zebra system). Burkina Faso has implemented similar reforms by utilising this same system in the hope of improving women's participation and representation in politics.

### *The Impact of Gendered Stereotypes on Women's Involvement with Political Parties and Political Life:*

Gendered stereotypes within societies can prevent women from participating fully in the political sphere. In Benin, traditional attitudes mean that women are often excluded during large family or community gatherings; in addition, sessions discussing political matters often occur late at night. Such factors limit the ability of women to partake in political and public life.<sup>503</sup> Stereotypes also affect the types of positions that women can achieve within political parties. In Burkina Faso, women within political parties are often appointed to minor positions where they have less involvement and say in the activities of the party.<sup>504</sup> Women lack economic independence, which also acts as a barrier to women's meaningful participation. In 2020 to register as a candidate in Ghana, a filing fee

was reported to cost US\$1700.<sup>505</sup> Such requirements impose hurdles to women who often lack independent finances. In Niger, women face a lack of education and access to training; this impacts women and their ability to get involved with politics.<sup>506</sup>

The impact of violence represents a barrier to women's participation. In Ghana, women politicians face sexism, harassment, and threats of violence.<sup>507</sup> Women's inclusion in peace processes continues to be low. The UN Independent Expert Report (2019) notes that the Peace Agreement Monitoring Committee failed to include any women amongst its 39 members.<sup>508</sup> Traditional views of women being responsible for household responsibilities also restricts women's involvement in peace processes. In Liberia, women's participation in peace decisions is restricted due to traditional views which cast security as a 'male issue' to be handled by men.<sup>509</sup>

## **SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)**

**Legal Framework:** While many ECOWAS countries have taken steps to address violence against women, such incidences remain issues of concern. This can partly be explained by gaps in the legal framework due to the lack of laws or weak legal provisions.

**Protection and Enforcement of Domestic Violence:** Across the ECOWAS region, eight out of fifteen countries have enacted legislation that specifically addresses domestic violence (Liberia<sup>510</sup> Benin<sup>511</sup> Cabo Verde<sup>512</sup>

502 IPU (2021) "Burkina Faso-National Assembly" [https://data.ipu.org/node/27/data-on-women?chamber\\_id=13352](https://data.ipu.org/node/27/data-on-women?chamber_id=13352)

503 Republique du Bénin (2019) "Examen National Approfondi Sur La Mise En Oeuvre Du Programme d'action De Beijing Au Benin", p. 29 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/benin.pdf?la=en&vs=812>

504 College of Liberal Arts (no date) "Gender Quotas And Representation- Burkina Faso" <https://tsep.africa.ufl.edu/gender-quotas-and-representation/burkina-faso/>

505 RFI (2021) "International Women's Day: Combatting Ghana's patriarchal political system" <https://www.rfi.fr/en/africa/20210308-international-women-s-day-combatting-ghana-s-patriarchal-political-system>

506 Zakari Aboubacar (2017) "Participation Politique Des Femmes Au Niger: Analyse De La Contribution Du Genre Féminin Dans Le Développement Politique", P.102-103 European Scientific Journal June 2017 edition Vol.13, No.16 ISSN: 1857-7881 (Print) e - ISSN 1857-7431

507 Republic of Ghana (2019) "Twenty-Fifth Anniversary Of The Fourth World Conference On Women And Adoption Of The Beijing Declaration And Platform For Action (Beijing +25)", p. 20 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/ghana-en.pdf?la=en&vs=1046>

508 Human Rights Council (2019) "Situation of human rights in Mali Report of the Independent Expert on the situation of human rights in Mali", p. 11 [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/40/77](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/77)

509 Government of Liberia (2019) "Liberia's Second Phase National Action Plan", p. 11 [https://www2.unwomen.org/-/media/field%20office%20africa/images/publications/2020/Inap%20wps\\_web.pdf?la=en&vs=2232](https://www2.unwomen.org/-/media/field%20office%20africa/images/publications/2020/Inap%20wps_web.pdf?la=en&vs=2232)

510 Republic of Liberia Executive Mansion (2019) "President Weah Signs Domestic Violence Bill into Law" [https://www.emansion.gov.lr/2press.php?news\\_id=4977&related=7&pg=sp](https://www.emansion.gov.lr/2press.php?news_id=4977&related=7&pg=sp)

511 REPUBLIQUE DU BENIN (2012) "loi n°2011-26 du 09 janvier 2012 Portant prévention et repression des violences faites aux femmes", Article 3 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99947/119610/F517199896/BEN-99947.pdf>

512 UN Women (2016) Global Database on Violence against Women "Cabo Verde Law no. 84/VI/2011" <https://evaw-global-database.unwomen.org/en/countries/africa/cabo-verde/2011/law-no-84-vii-2011-on-gender-based-violence-2011> Decreto Legislativo núm. 4/2015, de 11 de noviembre, por el que se modifica el Código Penal, aprobado por el Decreto Legislativo núm. 4/2003, de 18 de noviembre, Article 134 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&isn=105340&p\\_country=CPV&p\\_count=159&p\\_classification=01\\_04&p\\_classcount=6](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&isn=105340&p_country=CPV&p_count=159&p_classification=01_04&p_classcount=6)



Gambia<sup>513</sup> Ghana<sup>514</sup> Guinea-Bissau,<sup>515</sup> Sierra Leone,<sup>516</sup> and Nigeria<sup>517</sup>). Most of these consist of individual domestic violence laws or individual GBV laws. Three countries (Burkina Faso<sup>518</sup> Côte d'Ivoire,<sup>519</sup> Guinea<sup>520</sup>) have clauses in their penal codes criminalising violence between spouses.

The remaining countries (Mali, Niger, Togo, Senegal) have generalised terminology in their penal codes, which *could* be applied to incidences of domestic violence. In Mali, for instance, the offences of physical assault and battery are punishable with imprisonment of one to five years.<sup>521</sup> In Niger, anyone who wilfully causes injury or beatings is sanctioned by imprisonment for three months to two years and a fine. However, those who commit such acts, including murder, are excused if spouse is caught in the act of adultery.<sup>522</sup> Similarly, Togo's Penal Code addresses assault<sup>523</sup> and intimidation of physical and moral violence<sup>524</sup> in general terms and economic violence under offences against women.<sup>525</sup> However, when language in Penal Codes provides immunity for a murder committed by a spouse in the act of adultery

(for example, Niger<sup>526</sup> and Togo<sup>527</sup>), such cases identify considerable gaps in the legal framework concerning protection and enforcement of domestic violence.

Even when countries have legislation in place, another challenge is the lack of resources to enforce it effectively. Even though The Gambia has a Domestic Violence (2013) Act, the country noted in 2019 that the GBV Secretariat and Advisory Committee are yet to be established due to a lack of resources.<sup>528</sup> This also extends to the support offered to victims of violence, which is also lacking in shelters and rehabilitation services.<sup>529</sup> In Mali, the capacity to train staff and the necessary resources are severely lacking. In 2019, Mali reported that 48% of health centres in the most affected areas lacked rape kits.<sup>530</sup>

Custom and tradition can be one challenge to effective enforcement. As in many societies, instances of domestic violence and marital rape may be viewed as private matters rather than officially reported. In Benin, underreporting of such acts could be due to domestic violence being viewed as socially acceptable.<sup>531</sup> In Ghana, family interference in domestic violence cases poses a

513 The Gambia (2013) Domestic Violence Act 2013 <https://statiqi.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5fc9b799e262c015946064fz/h607055286669/Domestic+Violence+Act+2013.pdf>

514 Republic of Ghana (2007) "Domestic Violence Act, 2007 (Act No. 732)" [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=88525&p\\_classification=01.04](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=88525&p_classification=01.04)

515 Domestic Violence Act No.6/2014. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101\\_COMMENT\\_ID:2304214](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:2304214)

516 "The Sexual Offences (Amendment) Act 2019" <https://sierralii.org/sl/legislation/act/2019/8>

517 Federal Republic of Nigeria (2015) "Violence Against Persons (Prohibition) Act" Part 1 Offences [https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104156/126946/F-1224509384/NGA104156.pdf%20\(VAPP%20law\)](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104156/126946/F-1224509384/NGA104156.pdf%20(VAPP%20law))

518 *Burkina Faso: Loi N° 025-2018/AN, Portant Code Pénal* [Burkina Faso], 13 December 1996, for example Section 2 : Des violences familiales Article 531-8 available at: <https://www.refworld.org/docid/3ae6b5cco.html> The official transcript of the text as amended in 2018

519 REPUBLIQUE DE COTE D'IVOIRE Journal Officiel (2019) "LOI n° 2019-574 portant Code pénal", Article 400-402 [http://www.famille.gouv.ci/public/documents/doc\\_drcc/loi\\_2019-574\\_portant\\_code\\_p%C3%A9nal.pdf](http://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019-574_portant_code_p%C3%A9nal.pdf)

520 Guinée." Code penal 26 October 2016" Section II : Des Coups, Blessures Et Violences Volontaires, Article 248 <https://www.refworld.org/docid/44a3eb9a4.html>

521 Mali "Code penal Loi n°01-79 du 20 août 2001", Section 3 - Des coups et blessures - violences – tortures, Art.207 [https://www.droit-afrique.com/uploads/Mali-Code-2001-penal-MA\]-2016.pdf](https://www.droit-afrique.com/uploads/Mali-Code-2001-penal-MA]-2016.pdf)

522 REPUBLIQUE DU NIGER (2004) "Loi N° 2003-025 du 13 juin 2003 modifiant la loi N° 61-27 du 15 juillet 1961, portant institution du Code Pénal, Journal Officiel spécial N° 4 du 7 avril 2004", Chapitre IV. – CRIMES ET DELITS EXCUSABLES, Art. 245 <http://www.droit-afrique.com/upload/doc/niger/Niger-Code-2003-penal.pdf>

523 Republique Togolaise (2015) "Loi n° 2015-010 du 24 novembre 2015 portant nouveau Code penal", Article. 242-244 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=104616&p\\_count=2&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104616&p_count=2&p_classification=01)

524 Republique Togolaise (2015) "Loi n° 2015-010 du 24 novembre 2015 portant nouveau Code penal", Article. 245-247 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=104616&p\\_count=2&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104616&p_count=2&p_classification=01)

525 Republique Togolaise (2015) "Loi n° 2015-010 du 24 novembre 2015 portant nouveau Code penal", Article. 232-237 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=104616&p\\_count=2&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104616&p_count=2&p_classification=01)

526 REPUBLIQUE DU NIGER (2004) "Loi N° 2003-025 du 13 juin 2003 modifiant la loi N° 61-27 du 15 juillet 1961, portant institution du Code Pénal, Journal Officiel spécial N° 4 du 7 avril 2004", Chapitre IV. – CRIMES ET DELITS EXCUSABLES, Art. 245 <http://www.droit-afrique.com/upload/doc/niger/Niger-Code-2003-penal.pdf>

527 Republique Togolaise (2015) "Loi n° 2015-010 du 24 novembre 2015 portant nouveau Code penal", Article 333 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=104616&p\\_count=2&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104616&p_count=2&p_classification=01)

528 The Republic Of The Gambia (2019) "National Review Report On Implementation Of The Beijing Declaration And Platform For Action (BPFA) +25", p. 24 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/gambia.pdf?a=en&vs=121>

529 Human Rights Committee (2018) "Concluding observations on the Gambia in the absence of its second periodic report", P. 3 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GMB/CO/2&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GMB/CO/2&Lang=En)

530 REPUBLIQUE DU MALI (2019) "Cinquième Rapport National du Mali de Suivi de la mise en œuvre de la Déclaration et du Programme d'Action de Beijing de 1995 RAPPORT BEIJING+25", p. 27 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/mali.pdf?a=en&vs=2345>

531 Committee on the Elimination of Discrimination against Women (2017) "Concluding observations on the seventh periodic report of Burkina Faso", p. 6 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BFA/CO/7&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BFA/CO/7&Lang=En)

challenge.<sup>532</sup> There has been concern over out-of-court settlements concerning such cases in The Gambia, often unfavourable to the woman.<sup>533</sup>

**Protection and Enforcement of Marital Rape:** Although all countries criminalise rape in their penal code, few countries contain specific provisions specifically criminalising spousal rape. Benin's 2012 GVB law provides that "being married to the person penetrated is not an excuse for the crime of rape".<sup>534</sup> Sierra Leone's Sexual Offences Act (2012) provides that marriage is not defence concerning offences prohibited under the act.<sup>535</sup>

Burkina Faso expressly criminalises marital rape when it is *repeatedly* committed, or the intimate partner is physically incapacitated. It can be seen that the offence is criminalised but under illegal circumstances. It has been noted that the sanction is limited to a relatively small fine of 250,00 to 600,00 Francs<sup>536</sup> (US\$464-US\$1,115).<sup>537</sup> Togo's revised Penal Code of 2015 criminalises marital rape, noting that a "sexual relationship imposed by violence, coercion or threat by one spouse to another" is subject to a fine or a period of forced labour.<sup>538</sup> Côte d'Ivoire's revised Penal Code of 2019 criminalises rape, although where the perpetrator and victim are married, the presumption of consent is implied until proof to the contrary.<sup>539</sup>

A potential gap for the protection of women arises when VAW laws do not use express language pertaining to specific acts of violence against women. For example,

whilst individual VAW legislation tends to include the act of 'sexual abuse', many do not make express provisions for domestic violence or marital rape. For example, The Gambia's Domestic Violence Act (2013) includes sexual abuse in its meaning of domestic violence. Still, it does not refer to marital rape, and it also excludes explicitly married couples from accusations of sexual harassment.<sup>540</sup> Additionally, The Gambia's Sexual Offences Act (2013) excludes marital rape.<sup>541</sup>

Another gap in the protection and enforcement of marital rape may result from limitations of the circumstances in which the law is to be applied. Burkina Faso only criminalises marital rape when it is *repeatedly* committed, or the intimate partner is physically incapacitated. It can be seen that the offence is criminalised but limited to defined circumstances. Additionally, it has been noted that the sanction is limited to a fine of two hundred and fifty thousand to six hundred thousand Francs<sup>542</sup> (US\$464-US\$1,115).<sup>543</sup>

Some of the challenges arise due to the pluralistic nature of some countries' legal systems, which may prevent a harmonious application of the law. This can be seen in the application of Nigeria's 2015 Violence Against Persons (Prohibition) Act. The CEDAW Committee (2017) noted the limited application of the Act is only applicable at the Federal level.<sup>544</sup> Whilst some Nigerian states already have laws in place addressing VAW and harmful practices, the

532 Republic of Ghana (2019) "Twenty-Fifth Anniversary Of The Fourth World Conference On Women And Adoption Of The Beijing Declaration And Platform For Action (BEIJING +25)", p. 17 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/ghana-en.pdf?la=en&vs=1046>

533 Committee on the Elimination of Discrimination against Women (2015) "Concluding observations on the combined fourth and fifth periodic reports of the Gambia", p. 5 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GMB/CO/4-5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GMB/CO/4-5&Lang=En)

534 Republique Du Benin (2012) "loi n°2011-26 du 09 janvier 2012 Portant prévention et repression des violences faites aux femmes", Article 3 <https://www.ilo.org/dyn/natlex/docs/ELECTRON-IC/99947/119610/F517199896/BEN-99947.pdf>

535 Sierra Leone (2012) "The Sexual Offences Act, 2012", section 5 "marriage not defence to offence" <http://www.sierra-leone.org/Laws/2012-12.pdf>

536 Burkina Faso: Loi N° 025-2018/AN, Portant Code Pénal [Burkina Faso], 13 December 1996, Article 533-12 : available at: <https://www.refworld.org/docid/3ae6b5cco.html> The official transcript of the text as amended in 2018 See also Burkina Faso (2015) "Loi N° 061-2015/Cnt Portant Prevention, Repression Et Reparation Des Violences A L'égard Des Femmes Et Des Filles Et Prise En Charge Des Victimes", Article 14 <https://www.refworld.org/docid/5d42bdf4.html>

537 OANDA Currency Converter, May 28<sup>th</sup> 2021 <https://www.oanda.com/currency/converter/>

538 Republique Togolaise (2015) "Loi n° 2015-010 du 24 novembre 2015 portant nouveau Code penal", Article. 212 [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=104616&p\\_count=2&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104616&p_count=2&p_classification=01)

539 REPUBLIQUE DE COTE D'IVOIRE Journal Officiel (2019) "LOI n° 2019-574 portant Code penal", Article 403-404 [http://www.famille.gouv.ci/public/documents/doc\\_drcc/loi\\_2019-574\\_portant\\_code\\_p%C3%A9nal.pdf](http://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019-574_portant_code_p%C3%A9nal.pdf)

540 The Gambia (2013) "Domestic Violence Act 2013", Section 2 Interpretation <https://static1.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5f9b799e262c015946064f2/1607055286669/Domestic+Violence+Act+2013.pdf>

541 The Gambia (2013) "Sexual Offences Act, 2013" No. 15 Of 2013 Assented To By The President, Section 3 Rape (3) <https://static1.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5d1d654749d9a70001826156/1562207562046/Sexual+Offences+Act+2013.pdf>

542 Burkina Faso: Loi N° 025-2018/AN, Portant Code Pénal [Burkina Faso], 13 December 1996, Article 533-12 : available at: <https://www.refworld.org/docid/3ae6b5cco.html> The official transcript of the text as amended in 2018

543 OANDA Currency Converter, May 28<sup>th</sup> 2021 <https://www.oanda.com/currency/converter/>

544 Committee on the Elimination of Discrimination against Women (2017) "Concluding observations on the combined seventh and eighth periodic reports of Nigeria", p. 8 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NGA/CO/7-8&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NGA/CO/7-8&Lang=En)

plural nature of domestication may create an ad-hoc application of the law creating gaps in protection of women across Nigeria.<sup>545</sup>

**Protection and enforcement of Trafficking in Persons:** All fifteen ECOWAS countries have enacted legislation prohibiting various forms of human trafficking. However, challenges have been identified concerning the enforcement of such legislation. According to the annual review of global anti-trafficking legislation by the United States Department,<sup>546</sup> 14 ECOWAS countries (Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo) are classified as making significant efforts to meet minimum standards for the elimination of trafficking as of 2021. However, one country (Guinea-Bissau) is classified as falling under these standards. The lack of data concerning trafficking is a challenge for most countries. Guinea Bissau was reported to lack formal mechanisms for the identification and participation of victims.<sup>547</sup> Resource constraints are another challenge. In Benin, the 2020-2024 Anti-Trafficking National Action Plan has experienced a lack of funding exacerbated by the Covid-19 pandemic.<sup>548</sup> In Guinea, the committee responsible for anti-trafficking, the Office for the Protection of Gender, Children, and Morals (OPROGEM), has not had a dedicated budget since 2016.<sup>549</sup> The lack of knowledge of legal anti-trafficking provisions [2016 Penal Code] from key officials has also been identified as a gap.<sup>550</sup> Whilst Togo finalised a five-year national action plan on

child labour in 2020, it lacks an overarching and comprehensive anti-trafficking action plan.<sup>551</sup>

**Protection and Enforcement of WPS and NAPs:** The ECOWAS Regional Plan of Action to implement UNSCR 1325 and 1820 in West Africa urged all member states to develop a NAP on UNSCR 1325 by December 2010.<sup>552</sup> As of June 2021, all countries apart from Benin and Cabo Verde have published their NAP's. Whilst most countries have signalled the revision of their NAP, some countries stand out as they have published up to date second generation NAP's; these include Ghana (2020-2025),<sup>553</sup> Liberia (2019-2023),<sup>554</sup> Mali (2019-2023),<sup>555</sup> and Nigeria (2017-2020).<sup>556</sup>

**Reporting, Knowledge and Prosecution of Offences of Violence Against Women:** Despite incidences of VAW continuing to be high amongst many countries, the lack of reporting by victims and prosecution continues to be of concern. In The Gambia, the lack of disaggregated official data concerning VAW offences was highlighted by the CEDAW committee in 2015.<sup>557</sup> In Ghana, the stigma faced by victims prevents victims from reporting, meaning that 'official' figures do not reflect the reality.<sup>558</sup> In 2018 the UN Human Rights Committee noted that in Liberia "the rates of prosecution and conviction remain low even though rape is the second most commonly reported serious crime in Liberia."<sup>559</sup> Mali reported in 2019 that effective enforcement of GBV laws had been affected by a lack of political will. Mali is facing challenges in attempts to reform its constitutional and legal framework to

545 28 too many (2018) "NIGERIA: THE LAW AND FGM" [https://www.28toomany.org/static/media/uploads/Law%20Reports/nigeria\\_law\\_report\\_v1\\_\(june\\_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/nigeria_law_report_v1_(june_2018).pdf)

546 U.S State Department (2021) "2021 Trafficking in Persons Report" [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf)

547 U.S State Department (2021) "2021 Trafficking in Persons Report", p. 265 [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf)

548 U.S State Department (2021) "2021 Trafficking in Persons Report", p. 125 [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf)

549 U.S State Department (2021) "2021 Trafficking in Persons Report", p. 262 [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf)

550 U.S State Department (2021) "2021 Trafficking in Persons Report", p. 262 [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf)

551 U.S State Department (2021) "2021 Trafficking in Persons Report", p. 554 [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf)

552 The Dakar Declaration & ECOWAS Plan Of Action For The Implementation Of United Nations Security Council Resolutions 1325 And 1820 In West Africa - Outcome Documents Of The Regional Forum On Women, peace and security Dakar, September 2010, p. 3 [http://www.peacewomen.org/sites/default/files/dakar\\_declaration\\_o.pdf](http://www.peacewomen.org/sites/default/files/dakar_declaration_o.pdf)

553 Peacewomen (2021) "Ghana" <http://1325naps.peacewomen.org/index.php/ghana/>

554 Peacewomen (2021) "Liberia" <http://1325naps.peacewomen.org/index.php/liberia/>

555 Peacewomen (2021) "Mali" <http://1325naps.peacewomen.org/index.php/mali/>

556 Peacewomen (2021) "Nigeria" <http://1325naps.peacewomen.org/index.php/nigeria/>

557 Committee on the Elimination of Discrimination against Women (2015) "Concluding observations on the combined fourth and fifth periodic reports of the Gambia\*", p. 5 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GMB/CO/4-5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GMB/CO/4-5&Lang=En)

558 Republic of Ghana (2019) "Twenty-Fifth Anniversary Of The Fourth World Conference On Women And Adoption Of The Beijing Declaration And Platform For Action (BEIJING +25)", p. 16 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/ghana-en.pdf?la=en&vs=1046>

559 Human Rights Committee (2018) "Concluding observations on the initial report of Liberia\*", P.6 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/LBR/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/LBR/CO/1&Lang=En)

address VAW.<sup>560</sup>

**Harassment of Women Rights Defenders:** Some countries (Burkina Faso,<sup>561</sup> Côte d'Ivoire,<sup>562</sup> and Mali<sup>563</sup>) have adopted legislation to protect human rights defenders. Not all countries have legislation protecting women's rights defenders. In The Gambia, the CEDAW Committee in 2015 noted reports of women's rights defenders facing harassment, attacks, threats and intimidation.<sup>564</sup>

## RECOMMENDATIONS

- Domestic and implement GEWE treaties and frameworks ratified by Member States such as the Maputo Protocol, CEDAW and the ILO Equal Remuneration Convention (No. 100).
- Call on remaining Member States (Niger) to ratify the Maputo Protocol and (Liberia) the ILO Equal Remuneration Convention (No. 100).
- Implement measures, such as quotas, to strengthen women's political participation. Where such procedures exist, enforce them to increase

women's representation in all spheres of political and public life.

- Repeal laws that enable harmful practices such as child marriage and FGM to persist and remove exceptions and ambiguities in legislation. This also applies to sexual and gender-based violence (violence against women).
- Invest resources in enforcement mechanisms. For example, while several countries in the region have laws explicitly addressing domestic violence, they lack resources to enforce the legislation and protect and provide services to survivors.
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices.
- Engage religious, cultural and grass-roots leaders in GEWE rights issues, such as the Council of Traditional Leaders of Africa (COTLA).<sup>565</sup>

<sup>560</sup> République Du Mali (2019) "Cinquième Rapport National du Mali de Suivi de la mise en œuvre de la Déclaration et du Programme d'Action de Beijing de 1995 Rapport Beijing+25", p. 13 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/mali.pdf?la=en&vs=2345>

<sup>561</sup> Burkina Faso "Burkina Faso: Loi N° 039-2017/AN, Portant Protection des Défenseurs des Droits Humains au Burkina Faso" <https://www.refworld.org/docid/5d42bc664.html>

<sup>562</sup> Committee on the Elimination of Discrimination against Women (2019) "Concluding observations on the fourth periodic report of Côte d'Ivoire\*", p. 10 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CIV/CO/4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CIV/CO/4&Lang=En)

<sup>563</sup> République du Mali (2018) "Loi n° 2018-003 du 12 janvier 2018 relative aux défenseurs des droits de l'homme" [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=106528&p\\_country=MLI&p\\_count=5](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=106528&p_country=MLI&p_count=5)

<sup>564</sup> Committee on the Elimination of Discrimination against Women (2015) "Concluding observations on the combined fourth and fifth periodic reports of the Gambia\*", p. 7 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GMB/CO/4-5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GMB/CO/4-5&Lang=En)

<sup>565</sup> Recommendation from Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.



# INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

## HISTORY/MANDATE AND ENTRY POINT FOR WOMEN'S RIGHTS AND GENDER EQUALITY

The Intergovernmental Authority on Development (IGAD), established in 1996, has eight Member States: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan (since 2011) and Uganda. Eritrea's membership has been suspended since 2007, and attempts to re-join have been rejected.<sup>566</sup>

The Agreement Establishing the Inter-Governmental Authority on Development (IGAD Agreement) expands the mandate of the IGAD, which was to address the effects of recurrent droughts and other natural disasters and their threats to food security common to the region. Its mandate centres around three priority areas: agricultural/environmental protection; economic cooperation, and social development (among which are also establishing freedom of movement of goods, services, and people); as well as peace, security, and humanitarian affairs.<sup>567</sup>

While the IGAD Agreement does not address women's rights specifically, the REC recognises promoting gender equality as a cross-cutting and underpinning priority next to food security and climate change.

## THE CAPACITY OF IGAD ON ADVANCING GEWE

From the review of existing gender institutional structure and GEWE frameworks, it is possible to observe some entry points for IGAD's capacity to influence its members in the ratification, domestication, and implementation of the three GEWE Treaties.

There are two primary entry points for IGAD to positively influence its members on advancing GEWE frameworks and commitments: The Gender

institutional infrastructure, primarily the Gender Affairs Programme, and the GEWE Frameworks. The various IGAD institutions, such as the Gender Affairs Programme, IGAD Women's Forum and Gender Management Team, advance the organization's gender agenda and monitor ratification and implementation of GEWE commitments. Together with IGAD's GEWE frameworks, they also allow for the monitoring of Member States ratification of continental and international obligations, such as the Maputo Protocol and CEDAW.

IGAD has had some success in advancing the regional gender agenda and in influencing Member States by working with national ministries, notably the Ministries for Gender/ Women's Affairs. IGAD convenes annual meetings of Ministers of Gender/Women's Affairs of IGAD Member States. These meetings have resulted in commitments to support initiatives that enable women to enter and effectively participate in politics, commit political parties adopting affirmative political action to have at least 50% of legislative seats, executive and judiciary positions at all levels; and that will empower women to influence national policies.<sup>568</sup> These commitments are reflected in the Regional Strategy for Higher Representation of Women in Decision Making Positions and the IGAD 2004 Gender Policy and Strategy. IGAD also convened a Women Parliamentary Conference in 2009 and undertook a Situational Assessment on the Participation and Representation of women in decision-making positions in IGAD Member States that presented the status of female representation at the legislative and judiciary levels.<sup>569</sup>

Another entry point is through the IGAD Women's Fora. These meetings advance the IGAD Gender Agenda through policy dialogues and engagement with established policy organs and mechanisms. An entry

<sup>566</sup> Government of Eritrea (2007), "Eritrea suspends membership in IGAD", <https://reliefweb.int/report/eritrea/eritrea-suspends-membership-igad>.

<sup>567</sup> IGAD (2015), "IGAD Gender Strategy and Implementation Plan 2016–2020 Volume 1: The Framework", p. 1, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Strategy-Vol-1-Framework-2016.pdf>.

<sup>568</sup> [http://igad.int/attachments/201\\_TOR-Strategy.pdf](http://igad.int/attachments/201_TOR-Strategy.pdf) p. 2

<sup>569</sup> [http://igad.int/attachments/201\\_TOR-Strategy.pdf](http://igad.int/attachments/201_TOR-Strategy.pdf) p. 3

point for the IGAD Secretariat to influence and work with various ministries within each Member States, such as that responsible for Gender/ Women's Affairs.

The IGAD Secretariat also promotes GEWE in the Member States in line with mandates from the Maputo Protocol, CEDAW, UN Security Council Resolutions (UNSCRs) 1325 and 1820 and IGAD's gender frameworks. For example, in line with the 2013 IGAD Regional Post-conflict Reconstruction and Development (PCRD), the REC held the Post Conflict Reconstruction and Development Training intending to contribute to Member States' post-conflict efforts and strengthening peacebuilding capacities.<sup>570</sup> It was attended by, among others, representatives of parliaments and women's associations.<sup>571</sup>

Additionally, in 2014, IGAD undertook a region-wide analysis of the state of gender affairs. The analysis identified core gender issues, including the state of violence against women (sexual and gender-based violence), power and decision-making, women's rights, peace and security.<sup>572</sup> The analysis formed a basis for IGAD's gender agenda going forward.

The IGAD Gender Strategy provides an entry point for IGAD to mobilise its Member States, CSOs, and other partners to promote GEWE at the national and regional levels. It allows IGAD to influence its Member States concerning ratification, domestication and implementation, and monitoring and holding Member States accountable. Another opportunity to advance the establishment of IGAD National committee in each Member State to follow up and assess the relevance of IGAD and monitor countries compliance with IGAD policy decisions and directives.<sup>573</sup>

Finally, working with other RECs and organizations

to advance GEWE commitments offers another opportunity for IGAD to influence and assist its Members in ratifying, implementing and domestication GEWE commitments. IGAD has signed memoranda of understandings (MOU) with other RECs to address the diversity of membership and interlinkages of issues, such as gender affairs and particular cross-border issues.<sup>574</sup>

## GENDER INSTITUTIONAL INFRASTRUCTURE

IGAD's Assembly of Heads of State and Governments of the Member States – the highest policy-making body (Art. 9 IGAD Agreement) – and the Council of Ministers – composed of the Ministers of Foreign Affairs (Art. 10) – are both tasked with providing high-level policy directives on gender matters. The Committee of Ambassadors (Art. 11) advises the Secretariat (Art. 13) – the executive body of the REC. The Secretariat is responsible for developing IGAD's programmes and projects, and coordinates support services for the REC.<sup>575</sup> The Secretariat also supports the elaboration, adoption and follow-up of the implementation of gender-related activities.<sup>576</sup> The Chief Executive Officer of the Secretariat is the Executive Secretary (Art. 13).<sup>577</sup>

### *IGAD Women's Desk*

The 2000 Khartoum Declaration approved, with the endorsement of IGAD Ministers in charge of Gender Affairs, the establishment within the Secretariat of a Women's Desk (IWD), proposed during the 18<sup>th</sup> ordinary session of the IGAD Council of Ministers in February 1999.<sup>578</sup> The IWD collaborates with the Member States' ministries for gender affairs to promote women's participation and rights. The main

570 IGAD, "Post-Conflict Reconstruction and Development Training for Women from three IGAD Member States conducted", 2013, [https://igad.int/index.php?option=com\\_content&view=article&id=705:post-conflict-reconstruction-and-development-training-for-women-from-three-igad-member-states-conducted&catid=45:peace-and-security&Itemid=128](https://igad.int/index.php?option=com_content&view=article&id=705:post-conflict-reconstruction-and-development-training-for-women-from-three-igad-member-states-conducted&catid=45:peace-and-security&Itemid=128)

571 IGAD (2017), "The IGAD Gender Management System Handbook", p. 11, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Management-System-Handbook-2017.pdf>

572 IGAD (2015), "IGAD Gender Strategy and Implementation Plan 2016–2020 Volume 1: The Framework", p. 8, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Strategy-Vol-1-Framework-2016.pdf>

573 IGAD" (2016), "State of the Region Report: A Popular version", p. 58, at <https://igad.int/documents/7-igad-state-of-the-region-v9/file>.

574 IGAD" (2016), "State of the Region Report: A Popular version", p. 58, at <https://igad.int/documents/7-igad-state-of-the-region-v9/file>.

575 IGAD" (2016), "State of the Region Report: A Popular version", p. 4, at <https://igad.int/documents/7-igad-state-of-the-region-v9/file>.

576 IGAD (2016), "IGAD Regional Strategy, Vol. 1 - The Framework", p. 32, at <https://igad.int/documents/8-igad-rs-framework-final-v11/file>.

577 Assembly of Heads of State and Government of Djibouti, Eritrea, Ethiopia, Kenya, Sudan, Somalia, South Sudan, and Uganda (1995), "Agreement Establishing the Inter-Governmental Authority on Development (IGAD)", IGAD/SUM-96/AGRE-Doc", <https://www3.nd.edu/~ggoertz/rei/rei475/rei475.01tt.pdf>.

578 Governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda (2000), "Khartoum Declaration of the Eighth Summit of Heads of State and Government, Khartoum, 23 Nov 2000 (A/55/726-S/2001/3)", <https://reliefweb.int/report/djibouti/khartoum-declaration-eighth-summit-heads-state-and-government-khartoum-23-nov-2000>.

role of the IWD is to schedule meetings between the Ministers of Gender/Women Affairs of Member States, secure funding for projects, and network/attend workshops on gender issues.<sup>579</sup>

### *Gender Affairs Programme*

The Gender Affairs Programme, established in 2005, is mandated to mainstream gender within the IGAD Secretariat.<sup>580</sup> Among the activities carried out by the Programme such as mainstreaming gender into IGAD's programmes and projects, popularise policy objectives, convening Annual Meetings of Ministers of Women/Gender Affairs, and conducting technical workshops and forums on gender mainstreaming issues.<sup>581</sup>

In 2009, the Gender Affairs Programme put together the first conference of women parliamentarians. The conference also invited members of civil society alongside the politicians. The participants discussed hindrances for women to go into politics and difficulties with gender mainstreaming.<sup>582</sup> This has led to the decision to raise the participation and representation of women to at least 50%.<sup>583</sup> The programme also conducted a workshop on mainstreaming gender in the national budgeting process in 2004 and on the implications of new aid modalities on promoting gender equality in 2006.<sup>584</sup>

### *Gender Management Team*

Under the IGAD Gender Management System Handbook (2017), the REC commits itself to establish the Gender Management Team (GMT). GMT, comprised of IGAD's Committee of Directors (ICOD), provides leadership on GEWE issues within the Secretariat and Specialised Offices.<sup>585</sup> It will also

strengthen the work of the Gender Affairs Programme by ensuring the “full and effective implementation of IGAD gender policies, strategies and action plans.”<sup>586</sup>

### *Other Institutions*

Other institutions within the organisation have also been engendered. The Conflict Early Warning and Response Mechanism (CEWARN) and the National Coordinators of the Conflict Early Warning and Response Mechanism Units (CEWERU) in the Member States have been engendered through training workshops on gender mainstreaming issues and consultations.<sup>587</sup>

Institutional frameworks have been created which are not engendered but rather deal directly with issues affecting women in particular. The Intergovernmental Authority on Development Regional Consultative Process on Migration or IGAD-RCP, established in 2008, is responsible for homogenising the migration policy within the region and establishing a cooperation in matters of trafficking and smuggling—a widespread issue in the IGAD region which impacts women in particular which often have a cross-border component.

## **FRAMEWORK ON GEWE: OVERVIEW OF KEY LEGAL AND POLICY DOCUMENTS RELATING TO WOMEN'S RIGHTS**

IGAD has put in place various legal and policy frameworks for the promotion of gender equality and women's empowerment:

### *Gender Policy*

The first Gender Policy was launched in 2004 (2004-

579 IGAD (2011), “Terms of Reference for Consultant Gender Mainstreaming Capacity Enhancement at IGAD Secretariat and Specialized Offices”, [https://igad.int/attachments/210\\_TOR-Gender%20Baseline-Audit.pdf](https://igad.int/attachments/210_TOR-Gender%20Baseline-Audit.pdf).

580 IGAD (2011), “Terms of Reference for Consultant Gender Mainstreaming Capacity Enhancement at IGAD Secretariat and Specialized Offices”, [https://igad.int/attachments/210\\_TOR-Gender%20Baseline-Audit.pdf](https://igad.int/attachments/210_TOR-Gender%20Baseline-Audit.pdf).

581 IGAD (2015), “IGAD Gender Strategy and Implementation Plan 2016–2020 Volume 1: The Framework”, p. 54, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Strategy-Vol-1-Framework-2016.pdf>.

582 IGAD (2009), “Annual Report”, p. 43 sq., [https://igad.int/attachments/257\\_IGAD%20AR%202009-Final+covers.pdf](https://igad.int/attachments/257_IGAD%20AR%202009-Final+covers.pdf).

583 UNECA (2010), “A Fifteen-Year Review of the Implementation of the Beijing Platform for Action in Africa (BPfA) +15 Main Report From 1995–2009”, p. 112, <https://archive.uneca.org/sites/default/files/PublicationFiles/15yearreviewofbpfa.pdf>

584 UNECA (2010), “A Fifteen-Year Review of the Implementation of the Beijing Platform for Action in Africa (BPfA) +15 Main Report From 1995–2009”, p. 111, <https://archive.uneca.org/sites/default/files/PublicationFiles/15yearreviewofbpfa.pdf>.

585 IGAD (2017), “The IGAD Gender Management System Handbook”, p.11. <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Management-System-Handbook-2017.pdf>.

586 IGAD (2017), “The IGAD Gender Management System Handbook”, p.11. <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Management-System-Handbook-2017.pdf>.

587

2008) to harmonise national gender policies and ensure gender mainstreaming into all IGAD activities. The Policy was updated in 2012 (IGAD Gender Policy Framework (2012 – 2020), IGAD also launched the Gender Strategy 2016-2020. The 2012 Policy identifies gender inequality as a cross-cutting challenge in all of IGAD's priority areas.<sup>588</sup> To that end, the Policy takes a two-fold approach that focuses on targeted interventions on women's empowerment and actions removing barriers to equitable participation in the development processes.<sup>589</sup>

The 2016 -2020 Gender Strategy covers seven critical areas of focus:<sup>590</sup>

- Gender, Agriculture, Livestock and Fisheries Development
- Gender, Environment and Natural Resources and Environmental Protection
- Gender, Regional Cooperation and Economic Integration
- Gender and Social Development
- Gender, Peace and Security
- Women's Human rights
- Gender and Corporate Development Services

The Gender Strategy identifies eight core activities to implement within these seven areas:<sup>591</sup>

- Approving and operationalising a Gender Management System for IGAD
- Monitoring and providing technical and mentorship support for the implementation of the IGAD Gender Policy Framework, Guidelines, and tools for gender mainstreaming programmes for the Secretariat and Specialised Offices
- Instruct and coach professional staff and experts

in gender mainstreaming at the sectoral level

- Conduct, publish and disseminate gender-oriented research focusing on IGAD sectors and relevant thematic issues
- Undertake periodic Participatory Gender Audits
- Develop the capacities of National Gender Machineries on IGAD's focus areas at the national level
- Establish mechanisms to apply and distribute the gender- and sex-disaggregated data in collaboration with relevant actors in the Member States
- Strengthening the Gender Affairs Unit with additional human resource

### *Regional Strategy for Higher Representation of Women in Decision Making Positions*

IGAD Women Parliamentary Conference led to Declarations on the Enhancement of Women's Participation and Declaration Representation in Decision Making Positions in 2009 and 2010, which resulted in a Regional Strategy for Higher Representation of Women in Decision Making Positions in 2013.<sup>592</sup> The Strategy stipulates a target of 50% for women in decision-making positions by 2015 at all levels. The Strategy emphasises the role of academia and CSOs as well. However, it was noted by IGAD staff that these targets have not yet been achieved.<sup>593</sup>

### *Regional Action Plan for Implementation of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008)*

In 2011, IGAD organised the Women and Peace Conference. The IGAD Regional Action Plan for Implementation of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008) in 2013 was

588 IGAD (2016), "State of the Region Report: A Popular version", p. 50, at <https://igad.int/documents/7-igad-state-of-the-region-v9/file>.

589 IGAD (2016), "State of the Region Report: A Popular version", p. 50, at <https://igad.int/documents/7-igad-state-of-the-region-v9/file>.

590 IGAD (2015), "IGAD Gender Strategy and Implementation Plan 2016– 2020 Volume 1: The Framework", p. viii, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Strategy-Vol-1-Framework-2016.pdf>.

591 IGAD (2015), "IGAD Gender Strategy and Implementation Plan 2016– 2020 Volume 1: The Framework", p. 32, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Strategy-Vol-1-Framework-2016.pdf>.

592 IGAD (2019), "Attaining the Fifty Percent Target! Regional Strategy for Higher Representation of Women in Decision Making Positions", <https://resilience.igad.int/wp-content/uploads/2019/10/Regional-Strategy-for-Higher-Representation-of-Women-in-Decision-Making-Positions-ENGLISH.pdf>.

593 Comment by IGAD staff member at Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.



one of the main outcomes of the Conference, attended by representatives from women/gender ministries, female parliamentarians and CSO.<sup>594</sup> The IGAD-RAP focuses on the importance of preventing and dealing with sexual and gender-based violence, both during and after conflict, and the inclusion of women in the decision-making processes aimed at promoting peace and post-conflict development.<sup>595</sup> The IGAD-RAP serves as a tool for Member States to benchmark their National Action Plans (NAP) and includes practical proposals for national responses.

### Internal Institutional Gender Documents

IGAD has developed several documents for mainstreaming gender internally. These are:

- IGAD Gender Management System Handbook (2017)<sup>596</sup>
- IGAD Customised Gender Mainstreaming Guidelines and Tools for IGAD Pillars/ Programme Areas (2017)<sup>597</sup>
- IGAD Workplace Gender Policy (2018)
- IGAD Institutional Gender Policy (2018)

### Policies and strategic frameworks for gender mainstreaming

IGAD has adopted a Regional Strategy and Action Plan for Mainstreaming Gender in Disaster Risk Management and Climate Change Adaptation in 2020.<sup>598</sup>

IGAD's sectoral divisions and Gender Affairs Programme have ensured gender-mainstreaming in several key policy frameworks such as:

- Disaster Risk Management Programme in the IGAD Region (2002)
- IGAD Food Security Strategy 2005-2008, developed by the IGAD Agriculture and Environment Division in collaboration with the Gender Affairs Programme<sup>599</sup>
- The 2005 Health and Social Development Program and the subsequent IGAD Sexual and Reproductive Health and Rights Strategic Policy Framework, compatible with the Maputo Plan of Action<sup>600</sup>
- IGAD Environmental and Natural Resources Strategy (2007)<sup>601</sup>
- IGAD Regional Post-conflict Reconstruction and Development Policy Framework (2013), which includes capacity building exercises as one of the core focus areas of post-conflicts reconstruction and development<sup>602</sup>
- IGAD Regional Climate Change Strategy 2016-2030 (IRCCS), which emphasises gender as a cross-cutting issue<sup>603</sup>
- IGAD-Migration Action Plan (MAP) to operationalize the IGAD Regional Migration Policy Framework (IGAD-RMPF) 2015-2020<sup>604</sup>

594 IGAD (2013), "Running with the Baton! Regional Action Plan for Implementation of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008)", <https://www.lse.ac.uk/women-peace-security/assets/documents/NAPS-Website/6.Policy/2013-IGAD-Regional-Action-Plan-for-Implementation-of-UN-Security-Council-Resolutions-1325-and-1820-IGAD-2013.pdf>.

595 IGAD (2013), "Running with the Baton! Regional Action Plan for Implementation of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008)", <https://www.lse.ac.uk/women-peace-security/assets/documents/NAPS-Website/6.Policy/2013-IGAD-Regional-Action-Plan-for-Implementation-of-UN-Security-Council-Resolutions-1325-and-1820-IGAD-2013.pdf>. P.v.

596 IGAD (2017), "The IGAD Gender Management System Handbook", <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Management-System-Handbook-2017.pdf>.

597 IGAD (2017), "IGAD Customized Gender Mainstreaming Guidelines and Tools for IGAD Pillars / Programme Areas", <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Mainstreaming-Tools-Guideline-2017.pdf>.

598 IGAD (2020), "Regional Strategy and Action Plan for Mainstreaming Gender in Disaster Risk Management and Climate Change Adaptation", [https://www.gfdrr.org/sites/default/files/publication/Regional%20Strategy%20and%20Action%20Plan%20for%20Mainstreaming%20Gender%20in%20DRM%20and%20CCA-Final\\_EN.pdf](https://www.gfdrr.org/sites/default/files/publication/Regional%20Strategy%20and%20Action%20Plan%20for%20Mainstreaming%20Gender%20in%20DRM%20and%20CCA-Final_EN.pdf).

599 UNECA (2010), "A Fifteen-Year Review of the Implementation of the Beijing Platform for Action in Africa (BPfA) +15 Main Report From 1995-2009", p. 109 sq., <https://archive.uneca.org/sites/default/files/PublicationFiles/15yearreviewofbpfa.pdf>.

600 UNECA (2010), "A Fifteen-Year Review of the Implementation of the Beijing Platform for Action in Africa (BPfA) +15 Main Report From 1995-2009", p. 110, <https://archive.uneca.org/sites/default/files/PublicationFiles/15yearreviewofbpfa.pdf>.

601 IGAD (2007), "IGAD Environment and Natural Resources Strategy", [https://igad.int/attachments/159\\_IGAD\\_ENR\\_Strategy.pdf](https://igad.int/attachments/159_IGAD_ENR_Strategy.pdf).

602 IGAD, "Post-Conflict Reconstruction and Development Training for Women from three IGAD Member States conducted", 2013, [https://igad.int/index.php?option=com\\_content&view=article&id=705:post-conflict-reconstruction-and-development-training-for-women-from-three-igad-member-states-conducted&catid=45:peace-and-security&Itemid=128](https://igad.int/index.php?option=com_content&view=article&id=705:post-conflict-reconstruction-and-development-training-for-women-from-three-igad-member-states-conducted&catid=45:peace-and-security&Itemid=128)

603 Cowater International (2020), "Regional Strategy and Action Plan for Mainstreaming Gender in Disaster Risk Management and Climate Change Adaptation", p.10, [https://www.gfdrr.org/sites/default/files/publication/Regional%20Strategy%20and%20Action%20Plan%20for%20Mainstreaming%20Gender%20in%20DRM%20and%20CCA-Final\\_EN.pdf](https://www.gfdrr.org/sites/default/files/publication/Regional%20Strategy%20and%20Action%20Plan%20for%20Mainstreaming%20Gender%20in%20DRM%20and%20CCA-Final_EN.pdf).

604 IGAD (2015), "IGAD-Migration Action Plan (MAP) to operationalize The IGAD Regional Migration Policy Framework (IGAD-RMPF) 2015-2020", [https://www.iom.int/sites/default/files/our\\_work/ICP/RCP/2018/igad/igadmigrationactionplan2015-2020.pdf](https://www.iom.int/sites/default/files/our_work/ICP/RCP/2018/igad/igadmigrationactionplan2015-2020.pdf).

- IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) Strategy (2019-2024)<sup>605</sup>
- Regional Strategy and Action Plan for Mainstreaming Gender in Disaster Risk Management and Climate Change Adaptation<sup>606</sup>

## MONITORING AND ACCOUNTABILITY MECHANISMS

Through its Gender Institutional Infrastructure and its GEWE Frameworks, IGAD has set up Monitoring and Evaluation Systems. In 2006, the Ministers in Charge of Women/ Gender Affairs endorsed the establishment of a mechanism for monitoring the implementation of IGAD's Gender Policy and operationalising an annual peer review mechanism.<sup>607</sup> Subsequent GEWE frameworks also included monitoring and accountability mechanism. The Gender Strategy and Implementation Plan 2016-2020 calls on IGAD to invest in supporting the Member States to domesticate and implement regional, continental, and international GEWE normative standards, such as the Maputo Protocol and CEDAW, monitor the implement these commitments and engage in policy dialogue with the Member States to achieve GEWE in the region.<sup>608</sup> The 2016 -2020 Strategy states that IGAD will also develop specific monitoring and evaluation indicators and implement and disseminate a mid-term review in 2018.<sup>609</sup>

Over the years, the REC has organised various IGAD Women's Fora on specific issues. These forums play an important role in monitoring and ensuring

accountability for gender equality results about specific priority areas of focus.<sup>610</sup> For example, it was decided at the 2011 Women and Peace Conference that the IGAD Women Peace Forum will monitor the execution of the IGAD- RAP.<sup>611</sup> The mandate of IGAD allows for the REC to assume the responsibility to organize opportunities for various actors to engage, find solutions and adopt plans of action to operationalize the goals and strategies to positively affect change in this area as it did when it organised the Women and Peace Conference in 2011.

Furthermore, the IGAD Committee of Directors/ Gender Management Team shall have as a standing agenda item on GEWE for tracking of commitments and progress.<sup>612</sup> As part of their bi-annual special meetings/ sessions, ICOD/GMT shall review the promotion of “GEWE by all divisions, programs and offices” and provide an “assessment of activities carried out, results delivered, good practices, lessons learned, challenges and recommendations for further improvement”.<sup>613</sup>

## INITIATIVES, REGIONAL LEVEL ADVOCACY NETWORKS & REGIONAL CSO ENGAGEMENT

IGAD occasionally organises campaigns and workshops, both at the regional and national level. Examples are:

- **The workshop on Women in Business**, conducted in Kenya in 1998, which proposed the creation of IGAD's Women's Desk.<sup>614</sup>

605 IGAD Secretariat (2019), "IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) - the IDDRSI Strategy (2019-2024)" <https://aicpald.org/wp-content/uploads/2019/10/IDDRSI-STRATEGY.pdf>.

606 IGAD (2020), "Regional Strategy and Action Plan for Mainstreaming Gender in Disaster Risk Management and Climate Change Adaptation", [https://www.gfdrr.org/sites/default/files/publication/Regional%20Strategy%20and%20Action%20Plan%20for%20Mainstreaming%20Gender%20in%20DRM%20and%20CCA-Final\\_EN.pdf](https://www.gfdrr.org/sites/default/files/publication/Regional%20Strategy%20and%20Action%20Plan%20for%20Mainstreaming%20Gender%20in%20DRM%20and%20CCA-Final_EN.pdf).

607 K. Isaac Weldesellassie (2011), "IGAD as an International Organization, Its Institutional Development and Shortcomings", 55 Journal of African Law, p. 4.

608 IGAD (2015), "IGAD Gender Strategy and Implementation Plan 2016– 2020 Volume 1: The Framework", p. 46, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Strategy-Vol-1-Framework-2016.pdf>

609 IGAD (2015), "IGAD Gender Strategy and Implementation Plan 2016– 2020 Volume 1: The Framework", p. 46, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Strategy-Vol-1-Framework-2016.pdf>

610 IGAD (2017), "The IGAD Gender Management System Handbook", p. 11, <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Management-System-Handbook-2017.pdf>.

611 IGAD (2013), "Running with the Baton! Regional Action Plan for Implementation of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008)", <https://www.lse.ac.uk/women-peace-security/assets/documents/NAPS-Website/6.Policy/2013-IGAD-Regional-Action-Plan-for-Implementation-of-UN-Security-Council-Resolutions-1325-and-1820-IGAD-2013.pdf>. P.1.

612 IGAD (2017), "The IGAD Gender Management System Handbook", p.11. <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Management-System-Handbook-2017.pdf>.

613 IGAD (2017), "The IGAD Gender Management System Handbook", p.11. <https://resilience.igad.int/wp-content/uploads/2020/06/Gender-IGAD-Gender-Management-System-Handbook-2017.pdf>.

614 IGAD (2011), "Terms of Reference for Consultant Gender Mainstreaming Capacity Enhancement at IGAD Secretariat and Specialized Offices", [https://igad.int/attachments/210\\_TOR-Gender%20Baseline-Audit.pdf](https://igad.int/attachments/210_TOR-Gender%20Baseline-Audit.pdf).

- In 2007, IGAD participated in the **UN-led UNiTE Campaign to End Violence against Women and Girls**.
- In 2010, IGAD launched a **Campaign against Human Trafficking** jointly with the Department of Social Affairs African Union Commission, the International Organisation for Migration Special Liaison Mission Addis Ababa, and the East Africa Community.

IGAD established the Forum for Non-Governmental and Civil Society Organizations in 2002 to “provide a framework for civil society consultation and cooperation with IGAD”.<sup>615</sup> The Forum was envisioned to serve as an important intermediary IGAD and local communities in particular concerning IGAD priority areas such as peace and security and economic cooperation.<sup>616</sup>

There were talks of establishing the IGAD Women in Business Forum for women entrepreneurs to build their capacities and have exchanges and create a women micro-finance institution at the regional level.<sup>617</sup> But as of 2021, no further information on the establishment of either has been found.

In 2013, the IGAD Women, Peace and Security Forum (IWPSF) was launched to coordinate women, peace and security activities and implement NAPs on the UNSCR 1325.<sup>618</sup> The IWPSF Board was also established in 2013, which comprises three members from each IGAD Member State. One member is chosen from the Executive, one from the Legislature, and one member representing the Civil Society.<sup>619</sup> In 2021, the IWPSF met to discuss the involvement of women in the peace process, in particular in conflict prevention, early warning and response activities.

<sup>615</sup> PAX (2017), “Shrinking Civil Society Space in the Horn of Africa”, p. 18, [https://www.kacesudan.org/wp-content/uploads/2017/09/PAX\\_REPORT\\_KACE\\_FINAL\\_digi\\_single\\_page.pdf](https://www.kacesudan.org/wp-content/uploads/2017/09/PAX_REPORT_KACE_FINAL_digi_single_page.pdf).

<sup>616</sup> PAX (2017), “Shrinking Civil Society Space in the Horn of Africa”, p. 18, [https://www.kacesudan.org/wp-content/uploads/2017/09/PAX\\_REPORT\\_KACE\\_FINAL\\_digi\\_single\\_page.pdf](https://www.kacesudan.org/wp-content/uploads/2017/09/PAX_REPORT_KACE_FINAL_digi_single_page.pdf).

<sup>617</sup> UNECA (2010), “A Fifteen-Year Review of the Implementation of the Beijing Platform for Action in Africa (BPfA) +15 Main Report From 1995–2009”, p. 113, <https://archive.uneca.org/sites/default/files/PublicationFiles/15yearreviewofbpfa.pdf>.

<sup>618</sup> KIT, Royal Tropical Institute (2018), “State of African Women Report”, p. 107, [https://www.kit.nl/wp-content/uploads/2018/11/State-of-African-Women-report\\_final.pdf](https://www.kit.nl/wp-content/uploads/2018/11/State-of-African-Women-report_final.pdf).

<sup>619</sup> IGAD (2021), “IGAD Women, Peace and Security Forum Discusses Priorities to Promote Sustainable Peace in the Region”, <https://igad.int/divisions/peace-and-security/2610-igad-women-peace-and-security-forum-discusses-priorities-to-promote-sustainable-peace-in-the-region>.

## STRENGTHS, CHALLENGES & OPPORTUNITIES

STRENGTHS	CHALLENGES	OPPORTUNITIES
<ul style="list-style-type: none"> <li>● <b>Acknowledgement of the promotion of gender equality</b> as a cross-cutting issue.</li> <li>● <b>Establishment of the IGAD Women's Desk</b> to promote gender equality and women's empowerment.</li> <li>● <b>Establishment</b> of a Forum for Non-Governmental and CSOs.</li> <li>● <b>Presence of a Gender Policy</b> launched in 2004 (2004-2008) and updated in 2012 together with a Gender Strategy (2016-2020).</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Internal political situation:</b> Mistrust between the Member States and internal undemocratic practices complicate the relationship.<sup>620</sup></li> <li>● <b>Membership in other international organisations</b> with overlapping mandates.</li> <li>● <b>Weak engagement with civil society.</b></li> <li>● <b>Limited budget allocation</b> dedicated to gender mainstreaming.</li> <li>● <b>IGAD's gender institutional infrastructure has been understaffed or even vacant.</b> For example, the Gender Affairs Programmes was out of commission for a year and a half between 2007 and 2009.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Strengthening the monitoring and accountability mechanisms</b> to ensure the effective implementation of gender policies and GEWE commitments.</li> <li>● <b>Enhancing the gender presence</b> in IGAD by strengthening women's participation and representation within the organisation.</li> <li>● <b>Increasing budget allocation to gender mainstreaming.</b> The 2017 Gender Management Handbook proposes that Gender Focal Points be created employing skilled gender experts to engage in the budgeting processes.<sup>621</sup></li> <li>● <b>Strengthening the IGAD NGO/CSO Forum</b> with the establishment of an NGO/CSO Desk in the Secretariat to coordinate and facilitate activities of the Forum.<sup>622</sup></li> <li>● <b>Endorsing of a Regional Action Plan for Implementation of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008).</b></li> </ul>

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621 UN Women (2020) 'SDG 5: Achieve gender equality and empower all women and girls', available at: <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality> (accessed 08/08/2021).

622 IGAD, "Regional Steering Committee of the IGAD NGO/CSO Forum Convenes in Addis Ababa", 2009, <https://igad.int/divisions/peace-and-security/167-regional-steering-committee-of-the-igad-ngocso-forum-convenes-in-addis-ababa>



## RECOMMENDATIONS

- Strengthen the IGAD gender institutional infrastructure by ensuring sufficient staff and financial resources.
- Establish IGAD National committee in each Member State to facilitate monitoring of compliance with GEWE treaties, such as CEDAW, the Maputo Protocol and the ILO Equal Remuneration Convention (No. 100).
- Increase budget allocated to gender mainstreaming and programmes aimed at supporting Member States in meeting their GEWE commitments and provide technical assistance. Additionally, to increase the prioritisation of GEWE commitments, IGAD should encourage its Member States to also allocate relevant budgets.<sup>623</sup>
- Improve engagement with civil society organisations and provide opportunities for collaboration between CSOs and IGAD on questions related to gender.
- Collaborate and coordinate with other RECs to assist IGAD in influencing and assisting its Members in ratifying, implementing and domesticating GEWE agreements, such as CEDAW, the Maputo Protocol and the ILO Equal Remuneration Convention (No. 100).
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices. As part of this, IGAD could use Rwanda's Gender Monitoring Office as a model of best practice and encourage its Member States to replicate this to promote gender balance, gender-responsive budgeting, capacity-building etc.<sup>624</sup>
- Simplify reporting template and procedures for reporting on implementation; reduce the multiplicity of reporting obligations, strengthen linkages, and increase transaction linkages between RECs and states.<sup>625</sup>
- IGAD could support Member States to ratify the Maputo Protocol by coordinating advocacy missions, holding discussions with gender and justice ministries and MPs in order to apply pressure for the purpose of ratification.<sup>626</sup>
- Noting that there are many draft GEWE bills in its Member States' parliaments, IGAD should "push heads of state to prioritise pending laws".<sup>627</sup>
- Update lapsed policies and strategies and use them to assist Member States and CSOs to advocate for development of national action plans and implementation of GEWE Treaties.<sup>628</sup>
- Engage religious, cultural and grass-roots leaders in GEWE rights issues, such as the Council of Traditional Leaders of Africa (COTLA).<sup>629</sup>

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623 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

624 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

625 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

626 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

627 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

628 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

629 Recommendation from Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

# The Status of Ratification, Domestication, and Implementation of the three GEWE Within IGAD Member States

In this section, the Baseline Study presents an overview of the status of the ratification, domestication, and implementation of the three GEWE treaties within IGAD's Member States as shown in the table below. The table shows the status of ratification of the CEDAW, the Maputo Protocol and the ILO Convention on Equal Remuneration (No. 100) in IGAD. It also gives examples of domestication, implementation/enforcement, and best practices relevant to each of the four themes in the

IGAD Member States.

The second part analyses IGAD Member States' challenges in domestication and implementation. The challenges are presented by theme starting with economic rights, followed by harmful practices, political rights and sexual and gender-based violence (violence against women).

TREATY	STATUS OF RATIFICATION		
<b>CEDAW</b>	Djibouti, Eritrea, Ethiopia, Kenya, South Sudan, and Uganda. *All countries have ratified to CEDAW except Somalia and Sudan.		
<b>MAPUTO Protocol</b>	Djibouti, Ethiopia, Kenya, and Uganda. * Four countries have ratified the Maputo Protocol. Eritrea, Somalia, South Sudan, and Sudan have yet to ratify the Protocol.		
<b>ILO Convention</b>	Djibouti, Eritrea, Ethiopia, Kenya, South Sudan, Sudan, and Uganda. *All countries have ratified the ILO Convention except Somalia.		
Thematic Area	Domestication	Implementation/Enforcement	Best Practices
<b>Economic Rights</b>	<p><b>1. South Sudan:</b> Labour Act, 2017<sup>630</sup> ensures equal remuneration for work of equal value and provides for maternity leave (90 days) and paternity leave (two weeks).</p> <p><b>2. Djibouti:</b> Penal Code explicitly prohibits discrimination in women's access to credit.<sup>631</sup></p> <p><b>3. Uganda:</b> Public Finance Management Act of 2015<sup>632</sup> obligates the Minister to certify that the budget framework paper is gender and equity responsive; and specify measures taken to equalize opportunities for women, men, persons with disabilities and other marginalized groups.</p>	<p><b>1. Kenya:</b> Women Economic Empowerment Strategy 2020-2025 seeks to enhance women's economic status and gender equality by 2030.<sup>633</sup></p> <p><b>2. Ethiopia:</b> Food Security Program (2015–2020) introduced specific gender and social development provisions to address the severe impacts of food insecurity on vulnerable women and children.<sup>634</sup></p> <p><b>3. Uganda:</b> The Women Entrepreneurship Programme (UWEP) was launched in 2019.<sup>635</sup> The Programme seeks to enhance women's economic inclusion by improving access to financial services and enhancing skills through training and capacity development.</p>	<p><b>1. Somalia:</b> ratified the ILO Violence and Harassment Convention (No. 190) in 2021.<sup>636</sup></p> <p><b>2. Djibouti:</b> In 2016, the Ministry for Women and the Family launched the "Economic Empowerment and Strengthening of Women's Communities" initiative targeting vulnerable women.<sup>637</sup></p> <p><b>3. South Sudan:</b> In 2016, the Government in collaboration with international development partners trained more than 400 women in Wau on how to start Savings and Loans Associations.<sup>638</sup></p>

630 South Sudan (2017), "Labour Act, 2017 (Act No. 64 of 2017)", <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108606/134332/F-995378113/SSD108606.pdf>.

631 World Bank (2021), "Women, Business, and the Law - Economy Data: Djibouti", <https://wbl.worldbank.org/en/data/exploreconomies/djibouti/2021>.

632 Uganda (2015), "The Public Finance Management Act, Act No. 3 of 2015", [https://www.ugandainvest.go.ug/wp-content/uploads/2016/02/Uganda\\_Public\\_Finance\\_Management\\_Act\\_2015\\_3.pdf](https://www.ugandainvest.go.ug/wp-content/uploads/2016/02/Uganda_Public_Finance_Management_Act_2015_3.pdf).

633 Kenya's Ministry Of Public Service and Gender State Department for Gender (2021), "Women Economic Empowerment Strategy 2020-2025", <https://gender.go.ke/wp-content/uploads/2021/04/Women-Economic-Empowerment-Strategy-2020-2025-REVISED-10th-march.pdf>.

634 Ethiopia (2019), "Fifth National Report on Progress made in the Implementation of the Beijing Declaration and Platform for Action National Report on the Implementation of the Beijing Platform for Action (Beijing +25)", p. 32, [https://www.uneca.org/sites/default/files/uploaded-documents/Beijing25/ethiopia-beijing25\\_national\\_report.pdf](https://www.uneca.org/sites/default/files/uploaded-documents/Beijing25/ethiopia-beijing25_national_report.pdf)

635 Uganda Ministry of Gender, Labour and Social Development (2019), "Uganda Women Entrepreneurship Programme (UWEP)", [https://en.unesco.org/creativity/sites/creativity/files/qpr/uganda\\_women\\_entrepreneurship\\_programme.pdf](https://en.unesco.org/creativity/sites/creativity/files/qpr/uganda_women_entrepreneurship_programme.pdf).

636 ILO, "Ratifications for Somalia", 2021, [https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103244](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103244)

637 CEDAW (2021), "Combined fourth and fifth periodic reports submitted by Djibouti under article 18 of the Convention, due in 2015", p. 21.

638 CEDAW (2020), "Initial report submitted by South Sudan under article 18 of the Convention, due in 2016\*", p.33.

Harmful Practices	<p><b>1. South Sudan:</b> The Civil Registry Act, 2018 aims to prevent early and forced marriages by registering every birth and confirming the age of brides.<sup>639</sup></p> <p><b>2. Sudan:</b> In 2020, the Criminal Law of 1991 was amended to include Article 141 A prohibiting FGM and imposes punishment on anyone found guilty.</p> <p><b>3. Uganda:</b> The Children (Amendment) Act, 2016. Protects children from all forms of violence such as FGM, child marriage, and child trafficking.<sup>640</sup></p>	<p><b>1. Eritrea:</b> National Steering Committee (NSC), established in 2017, coordinates activities that relate to harmful practices, such as FGM and underage marriage. It also coordinates FGM and underage marriage committees at regional, subregional, and administrative villages.<sup>641</sup></p> <p><b>2. Djibouti:</b> The National Strategy to End FGM/C (2018-2022).<sup>642</sup> The Strategy takes a multi-sectoral approach to reducing FGM/C in the country.</p> <p><b>3. Uganda:</b> The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015-2019/2020<sup>643</sup> provides a holistic, comprehensive framework to attain the goals of the Strategies.</p>	<p><b>1. Ethiopia:</b> The National Strategy and Action Plan on Harmful Traditional Practices focuses on addressing FGM/C, and child marriage and abduction. The government has included a dedicated budget line on ending HTPs, including FGM/C. As part of its goal to end FGM/C and child marriage by 2025, Ethiopia has committed to increase the budget allocation by 10%.<sup>644</sup></p> <p><b>2. South Sudan:</b> National Action Plan 2015-2020 on UNSCR 1325 on Women, Peace and Security and Related Resolutions includes strategic goals to eliminate child and forced marriage.<sup>645</sup></p> <p><b>3. Kenya:</b> In 2019, President Uhuru Kenyatta made a commitment to end FGM by 2022.<sup>646</sup></p>
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639 IOM South Sudan (2020), "Trafficking in persons in South Sudan: Prevalence, Challenges and Responses", p.53, <https://southsudan.iom.int/sites/southsudan/files/TRAFFICKING%20IN%20PERSONS%20IN%20SOUTH%20SUDAN.pdf>.

640 Uganda (2016), "The Children (Amendment) Act, 2016", [www.ugandanlawyer.com/wp-content/uploads/2019/03/Children-Amendment-Act-of-2016.pdf](http://www.ugandanlawyer.com/wp-content/uploads/2019/03/Children-Amendment-Act-of-2016.pdf).

641 CEDAW (2019), "Sixth periodic report submitted by Eritrea under article 18 of the Convention, due in 2019", p.8.

642 Djibouti's Ministry for Women and the Family (2018), "La stratégie nationale pour l'accélération de l'abandon total des MGF/E (2018 – 2022)", <https://famille.gouv.dj/uploads/publications/607bc8f2774aad9f47d9484fdaeb902d.pdf>.

643 Ugandan Ministry of Gender, Labour and Social Development (2015), "The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015-2019/2020", [http://www.africanchildforum.org/clr/policy%20per%20country/2018%20Update/Uganda/uganda\\_nationalstrategyonchildmarriage\\_2015\\_en.pdf](http://www.africanchildforum.org/clr/policy%20per%20country/2018%20Update/Uganda/uganda_nationalstrategyonchildmarriage_2015_en.pdf).

644 UNFPA and UNICEF (2016) "Accelerating Change by the Numbers - 2016 Annual Report of the UNFPA–UNICEF Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change", p. 35, [https://reliefweb.int/sites/reliefweb.int/files/resources/UNFPA\\_UNICEF\\_FGM\\_16\\_Report\\_web.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/UNFPA_UNICEF_FGM_16_Report_web.pdf).

645 South Sudan (2015), "South Sudan National Action Plan 2015-2020 on UNSCR 1325 on Women, Peace and Security and Related Resolutions", <http://1325snaps.peacewomen.org/wp-content/uploads/2020/12/SS-NAP-1325.pdf>

646 UNFPA Kenya (2020), "Presidential Commitment To End Female Genital Mutilation By 2022", <https://kenya.unfpa.org/en/news/presidential-commitment-end-female-genital-mutilation-2022>.

<p><b>Political Participation</b></p>	<p><b>1. Djibouti:</b> Law n°192/AN/02/4th L institues a quota system for women in elective offices and in the State administration. It is set at least 25% for he National Assembly. 25% of the candidates on the list provided by political parties must be women under penalty of inadmissibility.<sup>647</sup></p> <p><b>2. South Sudan:</b> Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), 2018<sup>648</sup>. It states that Provisions of the Transitional Constitution of the Republic of South Sudan and ARCSS on participation of women (35%) in the Executive shall be observed.</p> <p><b>3. Sudan:</b> Under the 2019 Constitution<sup>649</sup>, the State commits to applying UNSR1325 and the relevant AU resolutions on participation of women at all levels in the peace process and applying regional and international charters regarding women's rights. It also commits to guarantee women's rights, by repealing all laws that discriminate against women, and protecting the rights granted to them by this Constitutional Charter.</p>	<p><b>1. South Sudan:</b> National Women's Strategy<sup>650</sup> aims to enhance women's participation in various decision-making structures during and after the transitional period.</p> <p><b>2. Somalia:</b> The Women's Caucus of the Upper house (2017) works across party lines to get legally reserved seats or quotas for women, or both. They also seek to increase women's impact on political decision making and work collaboratively on gender issues.<sup>651</sup></p> <p><b>3. Ethiopia:</b> Women Development and Change Strategy of 2017, a strategic focus on ensuring women's participation and benefit in the political sphere.<sup>652</sup></p>	<p><b>1. Ethiopia:</b> appointment of a 50/50 cabinet in 2018, with women holding positions such as Minister of Peace, Minister of Defense, Minister of Transport and Communications and Minister of Trade and Industry.<sup>653</sup></p> <p><b>2. Somalia:</b> During the 2016 and 2020 elections, female candidate registration fee was 50% of that of male candidates.<sup>654</sup></p> <p><b>3. Kenya:</b> The Kenya Women Parliamentary Association introduced its Strategic Plan 2019-2023.<sup>655</sup> Among its goals is to retain and augment the number of women in parliament.</p>
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647 Act No. 219/AN/18/7th L (Loi N° 219/AN/18/7ème L modifiant la Loi n°192/AN/02/4ème L instituant le système de quota dans les fonctions électives et dans l'administration de l'Etat), at: <https://www.presidence.dj/texte.php?ID=219&ID2=2018-01-11&ID3=Loi&ID4=1&ID5=2018-01-15&ID6=n>; implemented by: Decree No. 2018-032/PR/MI (Décret N° 2018-032/PR/MI portant modalités d'application de la Loi n°219/AN/18/7ème L modifiant la Loi n°192/AN/02/4ème L instituant le système de quota dans les fonctions électives et dans l'administration de l'Etat), [presidence.dj/texte.php?ID=2018-032&ID2=2018-01-16&ID3=D%E9cret&ID4=2&ID5=2018-01-31&ID6=n](https://www.presidence.dj/texte.php?ID=2018-032&ID2=2018-01-16&ID3=D%E9cret&ID4=2&ID5=2018-01-31&ID6=n).

648 IGAD (2018), "Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), 2018.", <https://www.peaceagreements.org/viewmasterdocument/2112>.

649 Sudan (2019) "Constitution of Sudan", [https://www.constituteproject.org/constitution/Sudan\\_2019?lang=en](https://www.constituteproject.org/constitution/Sudan_2019?lang=en).

650 South Sudan (2016), "South Sudan National Women's Strategy", [https://www.kas.de/c/document\\_library/get\\_file?uuid=78fdebb6-65c1-4185-1a24-c02d25ba5bdb&groupId=252038](https://www.kas.de/c/document_library/get_file?uuid=78fdebb6-65c1-4185-1a24-c02d25ba5bdb&groupId=252038).

651 IPU (2021), "Specialized body - Women's caucus: Somalia", [https://data.ipu.org/node/158/parliamentary-bodies/specialized-bodies/womens\\_caucus?chamber\\_id=13572](https://data.ipu.org/node/158/parliamentary-bodies/specialized-bodies/womens_caucus?chamber_id=13572).

652 Ethiopia (2019), "Fifth National Report on Progress made in the Implementation of the Beijing Declaration and Platform for Action National Report on the Implementation of the Beijing Platform for Action (Beijing +25)", p.52, <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/ethiopia.pdf?la=en&vs=3305>.

653 Addis Standard (2018), "News Update: PM Abiy Ahmed's Downsized Cabinet Sees 50 Per Cent Women ministers Assume Key Positions", <https://addisstandard.com/news-update-pm-abiy-ahmeds-downsized-cabinet-sees-50-per-cent-women-ministers-assume-key-positions/>; Addis Standard (2020), "News: Parliament to Swear in New Attorney General, Ministers of Health; Women & Children; and Revenue", <https://addisstandard.com/news-parliament-to-swear-in-new-attorney-general-ministers-of-health-women-and-revenue/>.

654 AllAfrica (2021), "Somalia: Half Fees for All Somalia Women Vying in Coming October Elections", <https://allafrica.com/stories/202107050761.html>.

655 KEWOPA (2018), "Strategic Plan 2019-2023", [www.kewopa.org/wp-content/uploads/2018/12/KEWOPAStrategic-Plan.pdf](http://www.kewopa.org/wp-content/uploads/2018/12/KEWOPAStrategic-Plan.pdf).



<p><b>Sexual and Gender-Based Violence (Violence Against Women)</b></p>	<p><b>1. Kenya:</b> Protection Against Domestic Violence Act<sup>656</sup> includes in its definition of violence: emotional or psychological abuse; harassment; physical abuse; sexual abuse; verbal abuse: stalking; economic abuse (s.3). It also includes a list of duties for the police.</p> <p><b>2. Somaliland:</b> Northern Region of Somaliland Rape and Sexual Offences Law (Law No. 78/2018<sup>657</sup> passed a law that allows prison sentences of up to 30 years for convicted rapists.<sup>658</sup></p> <p><b>3. Djibouti:</b> Act No. 66/AN/719/8 L (Protection Law) put in place legal protections for victims of GBV. It also introduced a support fund for victims of violence and created integrated care centres that provide medical care and psychosocial support.<sup>659</sup></p>	<p><b>1. South Sudan:</b> People's Defence Forces Action Plan on addressing conflict-related sexual violence, 2019.<sup>660</sup></p> <p><b>2. Ethiopia:</b> Established an Anti-human trafficking and smuggling of migrants Task Force led by the Minister of Ministry of Justice. Works to raise awareness of human trafficking and designs policies, strategies and other measures.</p> <p><b>3. Uganda:</b> National Policy on Elimination of Gender Based Violence in Uganda, 2015.<sup>661</sup></p>	<p><b>1. Somalia:</b> launched a hotline for victims of sexual abuse in 2015. The hotline was initiated by the Somali Women's Development Centre, and the Somali Police. Nurses, social workers, investigators, and lawyers will handle all cases reported to the hotline.<sup>662</sup></p> <p><b>2. Uganda:</b> Police Force Strategic Policing Plan 2015/16- 2019/20 establishes gender desks in 26 Regions and 129 Police Districts and inducts 157 Gender desk officers.<sup>663</sup></p> <p><b>3. Kenya:</b> The President ordered an investigation into rising reports of violence against women and girls – including rape and domestic violence – as a result of COVID-19 restrictions.<sup>664</sup></p>
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656 Kenya (2015), "Protection Against Domestic Violence Act No. 2 of 2015", <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101063/121597/F1978815707/KEN101063.pdf>.

657 Somalia, Republic of Somaliland (2018), "Rape and Sexual Offences Law (Law No. 78/2018)", <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108744/134585/F1258172387/SOM108744%20Som.pdf>.

658 VOA (2020), "UN Urges End to Sexual Violence in Conflict Areas", <https://www.voanews.com/africa/un-urges-end-sexual-violence-conflict-areas>.

659 US Department of State, "Djibouti 2020 Human Rights Report", p. 17, <https://www.state.gov/wp-content/uploads/2021/03/DJIBOUTI-2020-HUMAN-RIGHTS-REPORT.pdf>

660 United Nations Peacekeeping (2019), "South Sudan army commanders unveil blueprint to curb conflict-related sexual violence", <https://peacekeeping.un.org/en/south-sudan-army-commanders-unveil-blueprint-to-curb-conflict-related-sexual-violence>.

661 Uganda Ministry of Gender, Labour and Social Development (2016), "The National Policy on Elimination of Gender Based Violence in Uganda - Revised Edition", [www.ngbvd.mglsd.go.ug/docs/2838GBV%20POLICY%2031st%2007%202019%20Final..pdf](http://www.ngbvd.mglsd.go.ug/docs/2838GBV%20POLICY%2031st%2007%202019%20Final..pdf).

662 AU Mission in Somalia (2015), "Un numéro vert de secours, 5555, lancé pour les victimes d'abus sexuels à Mogadiscio", <https://amisom-au.org/fr/2015/10/crisis-hotline-5555-launched-for-victims-of-sexual-abuse-in-mogadishu/>.

663 Uganda Police Force (2015), "Uganda Police Force Strategic Policing Plan 2015/16- 2019/20", <https://www.upf.go.ug/wp-content/uploads/2018/07/UPF-Strategic-Plan-2015-2020.doc.pdf?x74136>

664 UNDP (2020), "COVID-19 Global Gender Response Tracker - Factsheet: Sub-Saharan Africa", <https://www.undp.org/sites/g/files/zskgke326/files/publications/UNDP-UNWwom-en-COVID19-SSA-Regional-Factsheet-2020.pdf>.

## CHALLENGES & GAPS

### ECONOMIC RIGHTS

According to the ADFB's 2015 Gender Equality Index, (assessing gender equality through economic empowerment, human development, and laws and institutions,<sup>665</sup>) out of the 52 African States studied (South Sudan was omitted), Somalia and Sudan had the lowest overall scores (15.8 and 31.9 respectively); Djibouti ranked 57 (with a score of 41.1). Uganda had the highest overall score of all the IGAD Member States (63.4), followed by Kenya (63.3), Eritrea (52.8), and Ethiopia (51). Eritrea had the lowest share of firms with female participation in ownership out of all the countries (4%).

**Access to Employment:** High illiteracy rates complicate women's empowerment in all sectors, including the economy. Limited awareness of their rights also hinder women from enforcing them.<sup>666</sup> In Ethiopia, for instance, the literacy rate for women aged 15–24-years, is 68.6%, while only a fifth of women are literate aged 45-49.<sup>667</sup> In Uganda, literacy rates are higher among men (81%) than women (72%), which is also reflected in the gender gap in unemployment (13% for women compared to 6% for men).<sup>668</sup> Due to the early militarisation of girls in Eritrea, their education is reportedly cut short.<sup>669</sup> Women labour participation, therefore, often trails behind that of men.<sup>670</sup>

Similarly, women have more difficulty getting a better paying job or access to more valued positions within their profession. In Kenya, for instance, women

represent almost half of all lawyers. However, Kenyan women lawyers cited numerous issues they have encountered when trying to apply for a job. They cited that the untransparent hiring process favoured male candidates. The cases assigned to female lawyers are usually the less lucrative ones, and often legal matters are handed to them because the matter is typically associated with women such as family matters or sexual violence cases.<sup>671</sup>

Women-owned enterprises tend to be SMEs. Thus, while the SME project has given women access to credit institutions and jobs in Ethiopia, the SMEs created were smaller, less technologically advanced, and generated less revenue.<sup>672</sup> As SMEs are less likely to have big cash reserves, they were more impacted by the pandemic.<sup>673</sup> In Kenya, a third, in Uganda, a fourth, and in Ethiopia, a fifth of SMEs reported to be unable to continue their business.<sup>674</sup>

**Protection in Employment - Sexual Harassment:** Challenges persist because, while women have made strides in certain fields, they still face harassment or are paid less than their male counterparts. While sexual harassment laws exist in six of the eight countries, sexual harassment is still widespread, and the enforcement of laws is wanting. This is partly due to societal norms where sexual harassment is accepted as standard in workplace interactions between male and female colleagues.<sup>675</sup> However, there are also gaps in the legislation. In Uganda, the Employment (Sexual Harassment) Regulations 2012 only applies to workplaces with more than 25 employees, thereby excluding smaller enterprises.<sup>676</sup> In Kenya, the

665 African Development Bank Group (2015), "Empowering African Women: An Agenda for Action - Africa Gender Equality Index 2015", [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/African\\_Gender\\_Equality\\_Index\\_2015-EN.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/African_Gender_Equality_Index_2015-EN.pdf).

666 Reuters (2018), "Mistreated women turn 'lawyers' to win divorce, child custody in Kenya's courts", <https://www.reuters.com/article/us-kenya-women-rights/mistreated-women-turn-lawyers-to-win-divorce-child-custody-in-kenyas-courts-idUSKBN1KK1G5>.

667 Ethiopian Public Health Institute and Ethiopia Ministry of Health, And DHS Program (2019), "Ethiopia - Mini Demographic and Health Survey", p. 28, <https://dhsprogram.com/pubs/pdf/FR363/FR363.pdf>.

668 Uganda (2020), "Uganda National Household Survey 2019/20".

669 Human Rights Concern-Eritrea (HRCE) (2020), "Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea (HRCE)", p. 4.

670 UNFPA (2019), "Gender Equity: hit or miss in the Somali population", p. 49, <https://somalia.unfpa.org/sites/default/files/pub-pdf/Gender%20Report.pdf>.

671 IDLO (2020), "Women's Professional Participation in Kenya's Justice Sector: Barriers and Pathways", [https://www.idlo.int/sites/default/files/pdfs/publications/idlo-kenya-womens-professional-participation-low-res\\_march2020.pdf](https://www.idlo.int/sites/default/files/pdfs/publications/idlo-kenya-womens-professional-participation-low-res_march2020.pdf)

672 Ethiopia (2019), "Fifth National Report on Progress made in the Implementation of the Beijing Declaration and Platform for Action National Report on the Implementation of the Beijing Platform for Action (Beijing +25)", pp.9-10, <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/ethiopia.pdf?la=en&vs=3305>.

673 World Bank International Finance Corporation (2021), "COVID-19 and Women-Led MSMEs in sub-Saharan Africa", [https://www.ifc.org/wps/wcm/connect/industry\\_ext\\_content/ifc\\_external\\_corporate\\_site/financial+institutions/resources/covid19-and-women-led-firms-in-africa](https://www.ifc.org/wps/wcm/connect/industry_ext_content/ifc_external_corporate_site/financial+institutions/resources/covid19-and-women-led-firms-in-africa).

674 World Bank International Finance Corporation (2021), "COVID-19 and Women-Led MSMEs in sub-Saharan Africa", p.16, <https://www.ifc.org/wps/wcm/connect/b03405d3-5082-497e-9027-6b4d559bbf0/202103-COVID-19-and-Women-Led+MSMEs-Sub-Saharan-Africa.pdf?MOD=AJPERES&CVID=nxGKX6C>.

675 Kelly Nyaga (2020), "Examining the Reporting Mechanism for Sexual Harassment at the Workplace: A Focus on Section 6 of the Kenyan Employment Act", p. 27 sq., [https://press.strathmore.edu/uploads/journals/strathmore-law-review/SLR5/5th%20Volume%20\(SLR\)-35-52.pdf](https://press.strathmore.edu/uploads/journals/strathmore-law-review/SLR5/5th%20Volume%20(SLR)-35-52.pdf).

676 Human Rights Watch (2021), "Human Rights Watch Submission to the Universal Periodic Review of Uganda", <https://www.hrw.org/news/2021/07/21/human-rights-watch-submission-universal-periodic-review-uganda>.

enforcement mechanism proposed by the Employment Act 2006 puts the onus on the employer to enforce the policy. It, therefore, does not consider the possibility of the employer being the perpetrator of the harassment.<sup>677</sup>

#### **Access to Credit and Economic Empowerment:**

Only Djibouti's Penal Code explicitly prohibits discrimination in women's access to credit.<sup>678</sup> The other seven countries do not have a law which specifically allows or prohibits discrimination. Nonetheless, other factors impact women's free access to credit in the region. The financial infrastructure, physical access, or the high cost of credit institutions constitute such factors. In Uganda, a checking account costs a quarter of the GDP per capita annually.<sup>679</sup>

In Ethiopia, where account ownership has risen between 2014 and 2017 by 18% for men, the increase among women represented only half that figure.<sup>680</sup> In Kenya, women are more likely than men to have a mobile money account by 11%.<sup>681</sup> The owners of mobile accounts tend to be poorer.<sup>682</sup> Women are also more likely to be unbanked in Kenya (two-thirds of those without a bank account are women) and Ethiopia.<sup>683</sup> Married women in Kenya cannot register a business without their husbands' signatures.<sup>684</sup>

**Access to Land and Inheritance:** Women are the primary land users and form a of agricultural labour participation. However, due to limited access to credit

and land, their share of agricultural yields is generally smaller. For example, female farmers produce 26% less than their male counterparts in Ethiopia.<sup>685</sup>

Land rights are still difficult for women to enforce. In practice, this means that, while women are over-represented in the people who work the land, they only own a very small share. In Kenya, for instance, only 1% of agricultural land is owned by women, but women carry out 80% of agricultural labour.<sup>686</sup> This discrepancy is due to a multitude of factors. A lack of knowledge of their rights hinders women from enforcing them.<sup>687</sup>

In Eritrea, while land use is supposedly guaranteed, the government has ownership over the totality of land and women's right to obtain land is subject to the completion of the mandatory national service.<sup>688</sup> Due to the high instance of SGBV within the national service, many women enter early marriages or motherhood, which prevents them from obtaining the right to land ownership.<sup>689</sup> Due to conflict and the related displacement of men and women in Somalia, access to their land is often lost.<sup>690</sup>

Women and men do not have equal ownership rights to immovable property in South Sudan.<sup>691</sup> Daughters are discriminated against in land inheritance in Djibouti, Somalia, Sudan, and Uganda; in Kenya, Somalia, South Sudan, Sudan, and Uganda, the gender of the surviving spouse influences the right of inheritance.<sup>692</sup> Non-monetary contributions, such as childcare, are only

677 Kelly Nyaga (2020), "Examining the Reporting Mechanism for Sexual Harassment at the Workplace: A Focus on Section 6 of the Kenyan Employment Act", p. 27, [https://press.strathmore.edu/uploads/journals/strathmore-law-review/SLR5/5th%20Volume%20\(SLR\)-35-52.pdf](https://press.strathmore.edu/uploads/journals/strathmore-law-review/SLR5/5th%20Volume%20(SLR)-35-52.pdf).

678 World Bank (2021), "Women, Business, and the Law - Economy Data: Djibouti", <https://wbl.worldbank.org/en/data/exploreeconomies/djibouti/2021>.

679 African Development Bank (2013), Financial Inclusion in Africa, available at: [www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Financial\\_Inclusion\\_in\\_Africa.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Financial_Inclusion_in_Africa.pdf).

680 World Bank (2018), "The Global Findex Database 2017", p. 19, available at: [https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report\\_chapter1.pdf](https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report_chapter1.pdf).

681 World Bank (2018), "The Global Findex Database 2017", p. 25, available at: [https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report\\_chapter1.pdf](https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report_chapter1.pdf).

682 World Bank (2018), "The Global Findex Database 2017", p. 28, available at: [https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report\\_chapter1.pdf](https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report_chapter1.pdf).

683 World Bank (2018), "The Global Findex Database 2017", p. 36, available at: [https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report\\_chapter2.pdf](https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report_chapter2.pdf).

684 Kenya (2012), "Registration of Business Names Act", s. 6(1)(h), [https://eregulations.invest.go.ke/media/RegistrationofBusinessNamesAct48of1951%20\(2\).pdf](https://eregulations.invest.go.ke/media/RegistrationofBusinessNamesAct48of1951%20(2).pdf)

685 African Development Bank Group (2015), "Empowering African Women: An Agenda for Action - Africa Gender Equality Index 2015", p. 11, available at: [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/African\\_Gender\\_Equality\\_Index\\_2015-EN.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/African_Gender_Equality_Index_2015-EN.pdf).

686 Reuters (2018), "Mistreated women turn 'lawyers' to win divorce, child custody in Kenya's courts", <https://www.reuters.com/article/us-kenya-women-rights/mistreated-women-turn-lawyers-to-win-divorce-child-custody-in-kenyas-courts-idUSKBN1KK1G5>.

687 Reuters (2018), "Mistreated women turn 'lawyers' to win divorce, child custody in Kenya's courts", <https://www.reuters.com/article/us-kenya-women-rights/mistreated-women-turn-lawyers-to-win-divorce-child-custody-in-kenyas-courts-idUSKBN1KK1G5>.

688 Human Rights Concern-Eritrea (HRCE) (2020), "Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea (HRCE)", p. 6.

689 Eritrean Movement for Democracy and Human Rights (EMDHR) and The Network of Eritrean Women (NEW) (2020), "Eritrea Shadow report to the CEDAW Committee 75th CEDAW Session Review".

690 CEDAW (2020), "Initial report submitted by South Sudan under article 18 of the Convention, due in 2016\*", p. 41.

691 World Bank (2021), "Women, Business, and the Law - Economy Data: South Sudan", <https://wbl.worldbank.org/en/data/exploreeconomies/south-sudan/2021>.

692 World Bank (2021), "Women, Business, and the Law - Economy Data: Djibouti", <https://wbl.worldbank.org/en/data/exploreeconomies/djibouti/2021>; World Bank (2021), "Women, Business, and the Law - Economy Data: Kenya", <https://wbl.worldbank.org/en/data/exploreeconomies/kenya/2021>; World Bank (2021), "Women, Business, and the Law - Economy Data: Somalia", <https://wbl.worldbank.org/en/data/exploreeconomies/somalia/2021>; World Bank (2021), "Women, Business, and the Law - Economy Data: South Sudan", <https://wbl.worldbank.org/en/data/exploreeconomies/south-sudan/2021>; World Bank (2021), "Women, Business, and the Law - Economy Data: Sudan", <https://wbl.worldbank.org/en/data/exploreeconomies/sudan/2021>; World Bank (2021), "Women, Business, and the Law - Economy Data: Uganda", <https://wbl.worldbank.org/en/data/exploreeconomies/uganda/2021>.

valued by law in Eritrea, Ethiopia, and Kenya.<sup>693</sup>

## HARMFUL PRACTICES

While all IGAD Member States have criminalised the practice FGM/C is practiced across the region. with high prevalence rates in Djibouti, Eritrea, Ethiopia, Somalia, and Sudan.<sup>694</sup> Data on the prevalence of the practice is very limited for South Sudan. FGM/C is constitutionally prohibited in Somalia. There is no federal Anti-FGM Bill, though the Ministry of Women and Human Rights Development had initiated the process of drafting Somalia's first zero-tolerance Anti-FGM Bill in 2019.<sup>695</sup>

However, the legislation on FGM/C contains loopholes, as the provisions do not explicitly criminalise and punish instances of medicalised FGM or cross-border FGM in Djibouti.<sup>696</sup> Cross-border FGM is not expressly banned in Somalia, Sudan, and South Sudan either.<sup>697</sup> The 2015 Eritrean Penal Code criminalises offences committed outside of Eritrea by a citizen, a permanent resident of Eritrea, or by a person present in Eritrea after the commission of the offence without targeting FGM directly.<sup>698</sup> A big step in addressing cross-border FGM has been made at the regional level, and another key challenge is societal attitudes. In Somalia, for instance, 76.4% of women still believed in 2020 that the practice of FGM should be maintained. However, the number slightly declines the wealthier the woman

is and is halved depending on the woman's level of education.<sup>699</sup> To further their social inclusion, many women in Uganda have undergone circumcision after their marriage.<sup>700</sup> This would partly explain why convictions of FGM/C remain few and far between despite the fact that failure to report instances of FGM/C are also criminalised in all IGAD countries except for Ethiopia, Somalia, and Sudan. In Djibouti, only one FGM/C-related conviction in 2015 and one in 2020 were recorded.<sup>701</sup> This is all the more astounding, since in Djibouti the law also grants associations to claim reparations on the victims' behalf.

Similarly, arrests often do not lead to convictions in court in Uganda or Ethiopia.<sup>702</sup> Between 2015 and 2018, 86 cases were brought to court in Ethiopia, only six of which resulted in convictions.<sup>703</sup> On a more positive note, the rise in convictions, however, parallels the slow decline in societal acceptance. However, the pandemic has set back the fight for the elimination of FGM/C and child and forced marriage. FGM/C is on the rise as the lockdown is seen as providing sufficient time for the wounds to "heal".<sup>704</sup> Moreover, the economic uncertainty created through the pandemic also results in an increase in FGM/C cases, which are culturally regarded as curbing promiscuity, as parents use it to increase the marriageability of the daughters.<sup>705</sup>

**Child and Forced Marriage:** The pandemic also brought about a rise in child and forced marriages. Between

693 World Bank (2021), "Women, Business, and the Law - Economy Data: Eritrea", <https://wbl.worldbank.org/en/data/exploreconomies/eritrea/2021>; World Bank (2021), "Women, Business, and the Law - Economy Data: Ethiopia", <https://wbl.worldbank.org/en/data/exploreconomies/ethiopia/2021>; Kenya (2013), "Matrimonial Property Act, Act No. 49 of 2013", s. 2, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97351/115471/F-540095358/KEN97351.pdf>.

694 UNICEF (2020), "A Decade of Action to Achieve Gender Equality: The UNICEF Approach to the Elimination of Female Genital Mutilation", p.4, <https://www.unicef.org/media/88751/file/FGM-Fact-sheet-2020.pdf>; See also, UNICEF (2020), "Female Genital Mutilation Country Profiles", <https://data.unicef.org/resources/fgm-country-profiles/>.

695 Somalia (2019), "Universal Periodic Review [Second Cycle 2016]", <https://lib.ohchr.org/HRBodies/UPR/Documents/Session24/SO/Somalia.pdf>.

696 28 Too Many (2018), "Djibouti: Law and FGM", p. 6, [https://www.28toomany.org/static/media/uploads/Law%20Reports/djibouti\\_law\\_report\\_v1\\_\(july\\_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/djibouti_law_report_v1_(july_2018).pdf).

697 28 Too Many (2018), "Sudan: the Law and FGM", p.4, [https://www.28toomany.org/static/media/uploads/Law%20Reports/sudan\\_law\\_report\\_v1\\_\(july\\_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/sudan_law_report_v1_(july_2018).pdf); 28 Too Many (2020), "FGM in South Sudan: Short Report", [https://www.28toomany.org/static/media/uploads/Country%20Research%20and%20Resources/South%20Sudan/south\\_sudan\\_short\\_report\\_v1\\_\(june\\_2020\).pdf](https://www.28toomany.org/static/media/uploads/Country%20Research%20and%20Resources/South%20Sudan/south_sudan_short_report_v1_(june_2020).pdf); 28 Too Many (2018), "Somalia: the Law and FGM", p.4, [https://www.28toomany.org/static/media/uploads/Country%20Research%20and%20Resources/Somalia/somalia\\_law\\_report\\_v2\\_\(december\\_2019\).pdf](https://www.28toomany.org/static/media/uploads/Country%20Research%20and%20Resources/Somalia/somalia_law_report_v2_(december_2019).pdf).

698 Eritrea (2015), "Penal Code of the State of Eritrea", Art. 44, [www.refworld.org/pdfid/55a51ccc4.pdf](http://www.refworld.org/pdfid/55a51ccc4.pdf).

699 Danish Immigration Service (2021) "Country of Origin Information - Somalia, Female Genital Mutilation (FGM)", p.7, <https://www.justice.gov/eoir/page/file/1374716/download>.

700 The World (2018) "Tens of thousands of married women in Uganda are secretly undergoing 'the cut'", <https://www.pri.org/stories/2018-07-20/tens-thousands-married-women-uganda-are-secretly-undergoing-cut>.

701 OFPRA Division de l'Information, de la Documentation et des Recherches (2017), "Djibouti: Les mutilations génitales féminines (MGF)", p.6, [https://www.ofpra.gouv.fr/sites/default/files/atoms/files/25\\_dji\\_mgf.pdf](https://www.ofpra.gouv.fr/sites/default/files/atoms/files/25_dji_mgf.pdf); US Department of State, "Djibouti 2020 Human Rights Report", p. 17 sq., <https://www.state.gov/wp-content/uploads/2021/03/DJIBOUTI-2020-HUMAN-RIGHTS-REPORT.pdf>.

702 28 Too Many (2018), "Uganda: The Law and FGM", p.7, [https://www.orchidproject.org/wp-content/uploads/2019/05/uganda\\_law\\_report\\_v1\\_may\\_2018.pdf](https://www.orchidproject.org/wp-content/uploads/2019/05/uganda_law_report_v1_may_2018.pdf).

703 UNFPA and UNICEF (2019), "Accelerating Change - Annual Report 2018", p.18, [https://www.unfpa.org/sites/default/files/fgm-annual-report/FGM\\_Annual\\_Report\\_2018\\_Profiles\\_EN.pdf](https://www.unfpa.org/sites/default/files/fgm-annual-report/FGM_Annual_Report_2018_Profiles_EN.pdf).

704 The Guardian (2020), "Why coronavirus has placed millions more girls at risk of FGM", <https://www.theguardian.com/global-development/2020/jun/16/coronavirus-millions-more-girls-risk-fgm>; US Department of State (2020), "Ethiopia 2020 Human Rights Report", p. 25, <https://www.state.gov/wp-content/uploads/2021/03/ETHIOPIA-2020-HUMAN-RIGHTS-REPORT.pdf>; Plan International (2020), "Girls at Risk as COVID-19 Threatens to Leave African Children Behind", <https://plan-international.org/news/2020-06-16-girls-risk-covid-19-threatens-leave-african-children-behind>.

705 The Guardian (2020), "Why coronavirus has placed millions more girls at risk of FGM", <https://www.theguardian.com/global-development/2020/jun/16/coronavirus-millions-more-girls-risk-fgm>; US Department of State (2020), "Ethiopia 2020 Human Rights Report", p. 25, <https://www.state.gov/wp-content/uploads/2021/03/ETHIOPIA-2020-HUMAN-RIGHTS-REPORT.pdf>; Plan International (2020), "Girls at Risk as COVID-19 Threatens to Leave African Children Behind", <https://plan-international.org/news/2020-06-16-girls-risk-covid-19-threatens-leave-african-children-behind>.



March and June, over 500 girls were rescued from forced marriages in Ethiopia alone.<sup>706</sup> The abductions to commit forced marriages in Ethiopia were often forgiven if the victim agreed to marry the perpetrator.

<sup>707</sup> There is no specific marriageable age in Sudan, and child marriage is legal in three countries subject to the approval of the legal guardian (Djibouti) or a Ministry of Justice (Eritrea, Ethiopia), or, contrary to the Children (Amendment) Act, 2016, allowed under other statutes in Uganda.<sup>708</sup> Whether this newer legislation, the Children (Amendment) Act, overrides the other provisions is unclear.

**Femicide:** Several reports of femicide or ritual killings on women have been reported in Uganda over the years<sup>709</sup>; women protested for more responsive police action; their efforts supported by foreign ambassadors.<sup>710</sup> No clear action has been adopted to counter this trend.

## POLITICAL PARTICIPATION

While the Kenyan government tried to impair the activities of CSOs, the courts often invalidated executive orders to freeze accounts of leading NGOs and declared acts undermining their freedom unconstitutional.<sup>711</sup> However, the overall trend in limiting the rights of association demonstrates a distrust of CSO decision-making in the region by the Member States.<sup>712</sup> This distrust is related to the fear of

regimes losing power. In turn, this fear of changing the status quo also affects new voices and political actors, amongst whom are women, to gain more control.

To discourage women's political participation, several tactics are employed. Women face threats of violence and online attacks to prevent their participation in politics.<sup>713</sup> Consequently, no women registered in the 2016 election in Somalia despite their registration fees being lowered.<sup>714</sup> Particularly after introducing the two-third rule in the 2010 Constitution, Kenya has seen a rise in GBV used to discourage women from participating in politics. Kenya's 2020-2024 National Action Plan on Women, Peace and Security acknowledges the "patriarchal nature of Kenyan society" as a barrier for women to participate in decision-making but fails to recognise the importance of addressing politically motivated GBV.<sup>715</sup> Similarly, psychological and physical violence ahead of the 2021 Ugandan elections have also been named as causes that could have affected women's voter turnout.<sup>716</sup>

However, Kenya's National Assembly's refusal to adopt legislation of the two-thirds rule has been identified as an opportunity to draw the (female) public's attention to the rule and potentially encourage more women to engage in politics.<sup>717</sup>

The adoption of gender quotas is essential to ensure

706 AllAfrica (2020), "Cameroon: Child Marriage Worries Rise Amid Coronavirus Lockdown in Cameroon", <https://allafrica.com/stories/202006120244.html>.

707 US Department of State (2020), "Ethiopia 2020 Human Rights Report", p. 23, <https://www.state.gov/wp-content/uploads/2021/03/ETHIOPIA-2020-HUMAN-RIGHTS-REPORT.pdf>.

708 UNICEF (2020), "Data: Sudan" <https://data.unicef.org/crvs/sudan/>, access 26 June 2021; Djibouti (2002), "Loi n°152/AN/02/4ème L portant Code de la Famille", Art. 14, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75293/78258/F145881385/DJ1-75293.pdf>; Djibouti (2018), "Loi n°003/AN/18/8 ème L Portant Code Civil", <http://www.rodra.co.za/images/countries/djibouti/legislation/Code%20civil%202018.pdf>; Eritrea (2015), "Civil Code of the State of Eritrea", Art. 522, <http://rodra.co.za/images/countries/eritrea/legislation/Eritrea-CivilCode2015.pdf>; Ethiopia (2000), "The Revised Family Code", Art. 7(2), <https://www.refworld.org/pdfid/4c0cc052.pdf>; Girls Not Bride, "Atlas: Somalia", <https://atlas.girlsnotbrides.org/map/somalia>, accessed on 25 June 2021; Uganda (2016), "The Children (Amendment) Act, 2016", s. 42A, [www.ugandanlawyer.com/wp-content/uploads/2019/03/Children-Amendment-Act-of-2016.pdf](http://www.ugandanlawyer.com/wp-content/uploads/2019/03/Children-Amendment-Act-of-2016.pdf). For the other provisions, see: Uganda (1973), "Customary Marriage (Registration) Act", s.11(a) <https://www.ulii.org/akn/ug/act/decree/1973/h16/eng@2000-12-31>; Uganda (1961), "Hindu Marriage and Divorce Act", s.2(1)(c), <https://www.ulii.org/akn/ug/act/ord/1961/2/eng@2000-12-31>.

709 UNODC (2019) *Global Study on Homicide: Gender-related killing of women and girls*, [https://www.unodc.org/documents/data-and-analysis/gsh/Booklet\\_5.pdf](https://www.unodc.org/documents/data-and-analysis/gsh/Booklet_5.pdf), p42.

710 Africa News (2019), "Femicide protest: women in Nigeria, South Africa, Uganda want more govt action", <https://www.africanews.com/2019/09/21/femicide-protests-women-in-nigeria-south-africa-uganda-want-more-govt-action/>.

711 Freedom House (2019), "The Spread of Anti-NGO Measures in Africa: Freedoms Under Threat", [https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat#footnoteref2\\_8w7tdx3](https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat#footnoteref2_8w7tdx3).

712 Freedom House (2019), "The Spread of Anti-NGO Measures in Africa: Freedoms Under Threat", <https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat>.

713 Interpress Service (2020), "A Gender-equal Ethiopian Parliament can Improve the Lives of all Women", [www.ipsnews.net/2020/04/gender-equal-ethiopian-parliament-can-improve-lives-women/](http://www.ipsnews.net/2020/04/gender-equal-ethiopian-parliament-can-improve-lives-women/); National Democratic Institute, UN Women, US Aid, UK Aid, Danida, FIDA Kenya (2018), "A Gender Analysis of the 2017 Kenya General Elections", p. 39 sq., [https://www.ndi.org/sites/default/files/Gender%20Analysis%20of%202017%20GeneralElections%20FINAL%20High%20Res%20for%20Printer%20-%20NEW%20COVER\\_small.pdf](https://www.ndi.org/sites/default/files/Gender%20Analysis%20of%202017%20GeneralElections%20FINAL%20High%20Res%20for%20Printer%20-%20NEW%20COVER_small.pdf); International Institute for Democracy and Electoral Assistance IDEA, (2021), "Women's Political Participation – Africa Barometer 2021", p. 24, <https://www.idea.int/sites/default/files/publications/womens-political-participation-africa-barometer-2021.pdf>.

714 EU Election Expert Mission to Somalia, (2017) "Somalia 2016-2017 Limited Election Process - Final Report", p. 29, [https://www.ecoi.net/en/file/local/1408355/1226\\_1505130012\\_eu-eem-somalia-final-report.pdf](https://www.ecoi.net/en/file/local/1408355/1226_1505130012_eu-eem-somalia-final-report.pdf).

715 LSE Blog (2021), "Dismantling election-related sexual and gender-based violence in Kenyan politics", <https://blogs.lse.ac.uk/wps/2021/04/26/dismantling-election-related-sexual-and-gender-based-violence-in-kenyan-politics/>.

716 Vox populi (2021), "Why violence in 2021 election is likely to affect voter turnout for women", <https://voxpathuli.org/why-violence-in-2021-election-is-likely-to-affect-voter-turnout-for-women/>.

717 Gathoni, Mumbi (2021), Implementing Constitutional Gender Quotas: A Kenyan Perspective, Int'l J. Const. L. Blog, <http://www.icconnectblog.com/2021/03/implementing-constitutional-gender-quotas-a-kenyan-perspective/>.

women's participation. For instance, when Somalia first introduced gender quotas in parliament, the participation of women rose from zero to 12%. However, sexist attitudes have presented hurdles in adapting gender quotas. The 2016 gender quota in Somalia, for instance, was described as “dangerous” by religious leaders and threatening the structure of the family.<sup>718</sup> Only Uganda and Eritrea have quotas at the local level.<sup>719</sup> Given the importance of local politics to combat women's discrimination and harmful practices, this constitutes a gap.

In South Sudan, the low literacy rate among women was cited as a major issue.<sup>720</sup> High candidate registration fees discourage women from running, which underlines the importance of lowering them for women. Similarly, high court fees represent barriers to access to justice, which results in many women in Kenya representing themselves.<sup>721</sup> Poor awareness of their rights constitutes a different barrier.<sup>722</sup>

Women are significantly underrepresented in traditional decision-making structures. In Kenya, for instance, only around 5% of Chiefs were women in 2016/17.<sup>723</sup> Similarly, in Somalia, women are traditionally excluded from the role of clan elders.<sup>724</sup> This has a significant impact on their inability to have political decision-making powers and access to justice. In Ethiopia, too, women are reported to be deprived of free and fair hearings in front of traditional courts because of the cultural hurdles.<sup>725</sup> In Kenya, in 2011,

the Chief Justice announced his decision to allow women to be magistrates in Islamic Kadhi courts.<sup>726</sup> However, no woman has served on an Islamic Khadi court, despite the gendered significance of the issues dealt with in front of these courts, like divorce and inheritance.<sup>727</sup>

Another challenge is related to the situation of the countries. A coup d'état took place in Sudan in 2019. While Eritrean women enjoy the right to vote, in theory, no elections have taken place since independence in 1993 and the government arrests women who assemble to oppose political issues.<sup>728</sup> Similarly, the country's only women's organisation is the National Union of Eritrean Women, which is state controlled.<sup>729</sup>

## SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)

**Data:** The production of timely and reliable gender-related and disaggregated data are crucial to facilitate evidence-based policies and decision-making. Some changes have been implemented, which permit better data collection on VAW. Ethiopia also introduced a VAW module to complete VAW data in its 2016 National Demographic Health Survey.<sup>730</sup> Uganda established a National GBV Database within the framework of the GBV Policy and Action Plan and established a Capacity Building Programme for Gender

718 US Department of State (2021), “2020 Country Reports on Human Rights Practices: Somalia”, p. 34 sq., <https://www.state.gov/wp-content/uploads/2021/03/SOMALIA-2020-HUMAN-RIGHTS-REPORT.pdf>.

719 CEDAW (2019), “Sixth periodic report submitted by Eritrea under article 18 of the Convention, due in 2019”, p. 7; Uganda, “The Local Governments Act”, <https://ulii.org/akn/ug/act/1997/5/eng%402000-12-31>.

720 CEDAW (2020), “Initial report submitted by South Sudan under article 18 of the Convention, due in 2016<sup>29</sup>”, p.19.

721 Reuters (2018), “Mistreated women turn 'lawyers' to win divorce, child custody in Kenya's courts”, <https://www.reuters.com/article/us-kenya-women-rights/mistreated-women-turn-lawyers-to-win-divorce-child-custody-in-kenyas-courts-idUSKBN1KK1G5>.

722 Ethiopia (2019), “Fifth National Report on Progress made in the Implementation of the Beijing Declaration and Platform for Action National Report on the Implementation of the Beijing Platform for Action (Beijing +25)”, p.20, <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/ethiopia.pdf?la=en&vs=3305>.

723 Kenya's Ministry Of Public Service and Gender State Department for Gender (2021), “Women Economic Empowerment Strategy 2020-2025”, p.20, <https://gender.go.ke/wp-content/uploads/2021/04/Women-Economic-Empowerment-Strategy-2020-2025-REVISED-10th-march.pdf>.

724 OECD Development Centre (2019), “SIGI 2019: Somalia”, <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/SO.pdf>.

725 US Department of State (2020), “Ethiopia 2020 Human Rights Report”, p. 10, <https://www.state.gov/wp-content/uploads/2021/03/ETHIOPIA-2020-HUMAN-RIGHTS-REPORT.pdf>.

726 Legal Action World Wide, Women's Development Organization IIDA, UNDP (2014), “Women's Rights in the New Somalia: Best Practice Guidelines for MPs and CSOs”, p.19, [www.legalaction-worldwide.org/wp-content/uploads/2014/11/Constitution-Guide.pdf](http://www.legalaction-worldwide.org/wp-content/uploads/2014/11/Constitution-Guide.pdf).

727 IDLO (2020), “Women Judges in Kenya: Closer to Parity, far from Meaningful Equality”, <https://www.idlo.int/news/women-judges-kenya-closer-parity-far-meaningful-equality>.

728 Human Rights Concern-Eritrea (HRCE) (2020), “Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea (HRCE)”, p. 7 sq.

729 Eritrean Movement for Democracy and Human Rights (EMDHR) and The Network of Eritrean Women (NEW) (2020), “Eritrea Shadow report to the CEDAW Committee 75th CEDAW Session Review”.

730 Ethiopia (2019), “Fifth National Report on Progress made in the Implementation of the Beijing Declaration and Platform for Action National Report on the Implementation of the Beijing Platform for Action (Beijing +25)”, p.12, <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/ethiopia.pdf?la=en&vs=3305>.

Statistics (CBPGS 2018-2023);<sup>731</sup> Kenya's National Coordination Mechanism (NCM) implemented a framework to coordinate data collection from all institutions and agencies dealing with migration-related matters in the country.<sup>732</sup> The Ethiopian Attorney General's office provided two separate prosecution datasets encompassing transnational and internal forms of the crime. Sudan put in place a Child Protection Information Management System, which also lists information on GBV cases.<sup>733</sup>

However, data are especially hard to come by in the IGAD Member States marked by conflicts like those in Sudan and Somalia. In Eritrea, a compulsory national service means that women need to enrol, where instances VAW are many, resulting in women either becoming victims of violence, marrying early to escape the service, or trying to flee and become victims of human trafficking and smuggling.<sup>734</sup> Since no independent body exists to investigate cases of VAW in the national service,<sup>735</sup> such a body should be created.

**Lack of Reporting and Prosecution:** Another challenge is the lack of reporting and prosecution. Due to stigma related to cultural and religious norms, survivors of SGBV often seek alternate channels for compensation, if at all, in countries like Somalia and Sudan, which criminalise adultery.<sup>736</sup> This leads to double victimisation of women and girls who are especially vulnerable to violence in conflict regions. Moreover, in some instances, the aggressor happens to be a member of the military or police, which discourages survivors from coming forward.<sup>737</sup> In

Ethiopia, the lack of a comprehensive GBV law and lack of implementation of the existing framework impedes the combat of VAW. In Djibouti, the Ministry of Health is mandated to report GBV by law and provide the victims with psycho-social support, but no such services have been put in place.<sup>738</sup> During the pandemic, the Ministry of Justice of Djibouti also reported that rape and domestic violence were often settled informally,<sup>739</sup> which underscores the sensitisation necessary within the formal court system.

Aside from legislative gaps, tackling this illustrates the need for societal change. An example of a first step is a campaign in South Sudan to challenge women's low status.<sup>740</sup> But involving the media is crucial too. The Ethiopian Broadcasting Authority addressed reporting on GBV in its 2020 Guidelines for Gender Responsive Media.<sup>741</sup> Private efforts by the Association of Media Women in Kenya were undertaken during the pandemic to train journalists on gender-sensitive COVID-19 reporting.<sup>742</sup> These efforts are crucial to change perceptions in society.

**Domestic and Marital Violence:** The appreciation of a woman's role in the private setting also needs to be addressed as domestic violence must not be distinguished from gender-based violence in law. Somalia, South Sudan, and Sudan do not address or penalize domestic violence; Eritrea's Penal Code distinguishes between cohabiting spouses and those who are separated. Similarly, marital rape should be outlawed in all countries.

**VAWG in Conflict Situations:** Whilst almost all IGAD

731 Uganda (2018), "Capacity Building Programme for Gender Statistics (CBPGS 2018-2023)", <https://data.unwomen.org/sites/default/files/inline-files/Capacity%20Building%20Programme%20for%20Gender%20Statistics%202018-2023.pdf>; CEDAW (2020), "Combined eighth and ninth periodic reports submitted by Uganda under article 18 of the Convention, due in 2018", p. 16.

732 US Department of State (2019), "2018 Trafficking in Persons Report: Somalia", <https://www.state.gov/reports/2018-trafficking-in-persons-report/somalia/>.

733 US Department of State (2021), "2020 Trafficking in Persons Report: Ethiopia", <https://www.state.gov/reports/2020-trafficking-in-persons-report/ethiopia/>; UNFPA and UNICEF (2019), "Accelerating Change - Annual Report 2018", p. 41, [https://www.unfpa.org/sites/default/files/fgm-annual-report/FGM\\_Annual\\_Report\\_2018\\_Profiles\\_EN.pdf](https://www.unfpa.org/sites/default/files/fgm-annual-report/FGM_Annual_Report_2018_Profiles_EN.pdf).

734 Eritrean Movement for Democracy and Human Rights (EMDHR) and The Network of Eritrean Women (NEW) (2020), "Eritrea Shadow report to the CEDAW Committee 75th CEDAW Session Review".

735 Human Rights Concern-Eritrea (HRCE) (2020), "Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea (HRCE)".

736 UNFPA Arab (2018), "Somalia: Gender Justice & The Law", p.14, <https://arabstates.unfpa.org/sites/default/files/pub-pdf/Somalia%20Country%20Assessment%20-%20English.pdf>.

737 UNFPA Arab States, UN Women, People of Japan (2020), "Somalia: Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States - Infographic", [https://arabstates.unfpa.org/sites/default/files/somalia\\_infographic\\_report\\_4-12-2020\\_signed\\_off.pdf](https://arabstates.unfpa.org/sites/default/files/somalia_infographic_report_4-12-2020_signed_off.pdf).

738 UNFPA Arab States, UN Women, People of Japan (2020), "Djibouti: Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States - Infographic", [https://chad.unfpa.org/sites/default/files/djibouti\\_infographic\\_report\\_2-12-2020\\_signed\\_off.pdf](https://chad.unfpa.org/sites/default/files/djibouti_infographic_report_2-12-2020_signed_off.pdf).

739 US Department of State, "Djibouti 2020 Human Rights Report", p. 17 sq., <https://www.state.gov/wp-content/uploads/2021/03/DJIBOUTI-2020-HUMAN-RIGHTS-REPORT.pdf>.

740 CEDAW (2020), "Initial report submitted by South Sudan under article 18 of the Convention, due in 2016\*", p.11.

741 Ethiopian Broadcasting Authority with the support of UN Women (2020), "Guideline for Gender Responsive Media", <https://www2.unwomen.org/-/media/field%20office%20africa/attachments/publications/2020/gender%20and%20media%20guideline%20-%20english.pdf?la=en&vs=3854>.

742 Media Career (2021), "Kenya: Lessons from Gender-Sensitive Storytelling training", <https://mediacareer.org/2021/06/23/kenya-lessons-from-gender-sensitive-storytelling-training/>.

Member States have adopted UNSCR1325 National Action Plans, women and girls experience targeted harassment and violence during conflict situations, such as rape and forced sterilisation and are made to be weapons of war.<sup>743</sup>

**Trafficking:** Eritrea and South Sudan are classified as Tier 3-list countries by the United States Department of State and classified as not doing enough to combat trafficking. All others were either on Tier 2 (Kenya, Sudan) or the Tier 2 Watch List (Djibouti, Ethiopia), with Somalia being classified as a special case.<sup>744</sup> Regarding trafficking, all countries do not ensure that trafficking victims are protected and do not face criminal persecution for crimes committed as a direct result of unlawful acts, especially for sexual acts prohibited by law. Legislation has to clearly differentiate between trafficking and other offences, guaranteeing protections for victims, and standardized procedures for government personnel to proactively identify potential victims have to be elaborated and implemented. Unfortunately, police and immigration officers continued to lack an understanding in Uganda despite training in the matter.<sup>745</sup> Victims need to be protected by introducing the victim-witness protection legislation or protection programmes, which provide both protection and psychological assistance. Similarly, temporary shelters need to be established for trafficking survivors.

Furthermore, due to the often-transnational nature of trafficking, a cooperative network between the IGAD Member States should be established, which exchanges data and resources. This presupposes better local and national law enforcement cooperation and an expansion of data collation and data sharing within every Member States. Since substantial personnel turnover in 2019 hindered Sudan's ability to maintain consistent anti-trafficking efforts and report on them,<sup>746</sup> establishing trained and permanent personnel is paramount to head the efforts against trafficking effectively.

## RECOMMENDATIONS

- Domesticate and implement GEWE treaties and frameworks ratified by Member States such the Maputo Protocol, CEDAW and the ILO Equal Remuneration Convention (No. 100).
- Urge Member States that have not yet ratified CEDAW (Somalia and Sudan), the Maputo Protocol (Eritrea, Somalia, South Sudan, and Sudan) and the ILO Equal Remuneration Convention (No. 100) (Somalia) to do so.
- Adopt and renew NAPs on UNSCR 1325 and increase collaboration to ensure regional stability. Additionally, earmark specific funding to implement UNSCR 1325.
- Remove gaps in legislation on harmful practices, such as on FGM and child marriage; and strengthen mechanisms to prosecute cases of SGBV/VAW and provide survivors with psycho-social support.
- Support efforts and provide financial incentives to encourage gender parity at all levels of governance, as well as penalties for non-compliance with already established quotas.
- Simplify reporting template and procedures for reporting on implementation; reduce the multiplicity of reporting obligations, strengthen linkages, and increase transaction linkages between RECs and states.<sup>747</sup>
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices.

743 Comment from the Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

744 US Department of State (2021), "Trafficking in Persons Report", p. 67, [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf).

745 US Department of State (2019), "2018 Trafficking in Persons Report: Uganda", <https://www.state.gov/reports/2018-trafficking-in-persons-report/uganda/>.

746 US Department of State (2021), "2020 Trafficking in Persons Report: South Sudan", <https://www.state.gov/reports/2020-trafficking-in-persons-report/sudan/>.

747 Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.



# THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

## HISTORY/MANDATE AND ENTRY POINT FOR WOMEN'S RIGHTS AND GENDER EQUALITY

The Southern African Development Community (SADC) was formed by the SADC Treaty of 1992, replacing its predecessor, the Southern African Development Coordination Conference. SADC consists of 16 members: Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, and Zimbabwe.<sup>748</sup> The SADC's mandate is to promote regional integration and poverty eradication through promoting economic and social development and ensuring peace and security in the region.

The SADC Treaty of 1992 aims to evolve common political values, systems, and institutions and achieve complementarity between national and regional strategies and programmes.<sup>749</sup> Article (6)(2) of the Treaty states that SADC and its Member States shall not discriminate against any person on the grounds of, among others, gender.<sup>750</sup>

The 1992 SADC Treaty offered several openings for women's rights. In addition to the SADC institutional infrastructure, as discussed in section 3, the Treaty provides several entry points through the objectives of SADC (Art. 5), and areas of cooperation (Art. 21), such as:

- Development, economic growth, and poverty alleviation
- Peace and security
- Productive employment and utilisation of resources
- Food security, land, and agriculture
- Politics, diplomacy, and international relations

## CAPACITY OF SADC ON ADVANCING GEWE COMMITMENTS

The SADC Secretariat has the capacity to promote the domestication and implementation of CEDAW and the Maputo Protocol among its Member States due to its legally-binding Protocol on Gender and Development, which 14 of the 16 Member States are party to. As this Protocol is aligned with the above two Treaties, SADC is able to push towards the domestication and implementation of GEWE commitments encompassed in other Treaties, while presenting this as a Southern African initiative, rather than a Western-driven or Pan-African one. In addition, the strong Monitoring and Evaluation Framework SADC has developed, allows it to provide MS with clear empirical feedback and additional training on GEWE, where necessary. The SADC Parliamentary Forum is another body that greatly increases the capacity of SADC as a REC to influence GEWE Treaty domestication, as it has been producing Model Laws on issues contained within CEDAW and the Maputo Protocol, thus allowing MS access to best-practice legislation to bring to their own parliaments' consideration.

In addition, SADC Secretariat provides capacity-building to MS to assist them in implementing GEWE initiatives and reporting on their progress. Despite limited funds, several countries reported receiving support from the SADC Secretariat. In September 2021, Botswana, Eswatini, Mozambique, Namibia, and Zimbabwe stated that SADC provided it with technical assistance and capacity building on GEWE. Malawi stated that it received financial support towards participation in regional and international meetings, reporting, and short-term training. Zimbabwe stated SADC provides platforms for sharing best practices with other Member States by convening regional meetings. Botswana, Eswatini, DR Congo, Malawi, Namibia, and Zimbabwe stated that they collaborate with SADC on reporting and monitoring on GEWE.<sup>751</sup> Malawi and

<sup>748</sup> Southern African Development Community, "About SADC", no date, <https://www.sadc.int/about-sadc>

<sup>749</sup> United Nations Economic Commission for Africa, "SADC - Southern African Development Community", 2016, <https://www.uneca.org/onia/pages/sadc-southern-african-development-community>

<sup>750</sup> SADC, (1992), "Declaration and Treaty of the Southern African Development Community", Article 6.

<sup>751</sup> Member State Responses to "Questionnaire for Member States", Received September 2021

Zimbabwe also stated it collaborated on domestication and implementation. Whereas Namibia was receiving assistance in the development of a strategy for a Training of Trainers (TOT) workshop to address GBV. Namibia also stated it is a member of the SADC TIP-NET for the purpose of sharing information on trafficking in persons and data collection.

As all SADC MS have ratified both the ILO Equal Remuneration Convention and CEDAW, and only Botswana and Madagascar haven't ratified the Maputo Protocol, this baseline study found no evidence of SADC Secretariat efforts to promote the ratification of these GEWE Treaties.

SADC Secretariat has shown attempts to expand its capacity to promote its Member States' GEWE Commitments through the formalisation of its cooperation with Non-State Actors in the region, such as CSOs. Pursuing this line of capacity building further would enable SADC Secretariat to influence MS through another channel, by supporting the efforts of MS-level CSOs working on ameliorating the GEWE gaps in their area. Currently, the capacity of SADC to interact with CSOs outside of its Coalition of NGOs is low, and valuable input is excluded from SADC regional policymaking regarding GEWE.

Nearly all MS stated a need for greater funding in order to fully meet their obligations regarding GEWE. SADC Secretariat staff have also stated that there is insufficient funding allocated internally to gender programming. This lack in funding is also accompanied by low capacity and awareness regarding gender among SADC Secretariat staff, which results in lower quality of capacity-building for its Member States.

## GENDER INSTITUTIONAL INFRASTRUCTURE

**Gender Unit:** The primary gender-specific institution of the SADC Secretariat is the Gender Unit. It was established in 1996 by the SADC Heads of States or Government as a coordinating mechanism for gender

equality and women's empowerment at the regional level. The Unit coordinates gender-mainstreaming initiatives in SADC policies, plans, and programmes and addresses any concerns about gender. More specifically, the Gender Unit engages in the following activities:

- supporting all SADC structures and institutions to mainstream gender in their policies, programmes and activities;
- building capacity on gender analysis to facilitate planning for programmes and projects;
- sensitising, engaging and empowering stakeholders to understand and appreciate gender concerns and priorities and
- developing and providing technical guidance in accelerating and strengthening gender mainstreaming and women's empowerment programmes.<sup>752</sup>

The Gender Unit consists of four people: Senior Programme Officer Gender, Programming Officer – Gender Mainstreaming, and the Programming Officer – Gender-Based Violence, and a secretary.<sup>753</sup> The Unit maintains relationships with national representatives through each Member State's Gender Ministers.

*The SADC Committee of SADC Ministers Responsible for Gender/Women's Affairs* meets annually to report on progress and raise concerns and challenges in implementing the SADC Gender Programme at the national and regional levels.<sup>754</sup> The Committee is mandated to ensure implementation of the Protocol on Gender by lobbying at both the regional and the national levels, including allocating sufficient resources and proper monitoring.<sup>755</sup>

The Committee of Senior Officials Responsible for Gender/Women's Affairs reports on the implementation of the Protocol on Gender and Development and supervises the work of the SADC Secretariat in this regard.<sup>756</sup>

752 SADC, "Gender Mainstreaming", no date, <https://www.sadc.int/issues/gender/gender-mainstreaming/>

753 SADC, "Gender Unit", no date, <https://www.sadc.int/sadc-secretariat/directorates/office-executive-secretary/gender-unit/>

754 SADC (2015), "Ordinary Meeting of SADC Ministers Responsible for Gender/Women's Affairs".

755 Van Eerdewijk et al. (2018), "The State of African Women", p.111,

756 Van Eerdewijk et al. (2018), "The State of African Women", p.111,

In addition to the SADC Secretariat, the SADC Treaty also established the SADC Parliamentary Forum (SADC-PF), which has collaborated on gender equality issues with the SADC Secretariat and CSOs. SADC-PF created model laws and oversight models related to the elimination of gender-based discrimination.<sup>757</sup>

**The Regional Women's Parliamentary Caucus (RWPC):** It was established in 2008 to champion Articles 12 and 13 of the SADC Protocol on Gender and Development on Representation and Participation. The 2014 revised mandate of the RWPC includes lobbying and advocacy; mobilising; collaboration; knowledge sharing; role modelling for young feminist politicians; election observation; capacity building and promotion of women's voices.

**Standing Committee on Gender Equality, Women's Advancement and Youth Development (GEWAYD):** In addition, the SADC-PF also features a Standing Committee on Gender Equality, Women's Advancement and Youth Development (GEWAYD).<sup>758</sup> The core business of the Standing Committee on GEWAYD is to oversee gender mainstreaming across SADC-PF policies and practices and SADC national parliaments. It is composed of 15 parliamentarians, one from each country except for Comoros.<sup>759</sup>

The SADC-PF's Gender Equality and Women Advancement Policy calls for establishing a new organ that will streamline how gender issues are brought up, addressed, and monitored. The new organ will be called the Gender Forum and will consist of 1 male and one female MP from each Standing Committee of the Forum complementing the work of GEWAYD. In addition, GEWAYD will be changed to include Chairpersons of National Gender Caucuses.<sup>760</sup>

## FRAMEWORK ON GEWE: OVERVIEW OF KEY LEGAL AND POLICY DOCUMENTS RELATING TO WOMEN'S RIGHTS

The SADC Secretariat, in its drive to support Member States in implementing the commitments they have made through the CEDAW Treaty and the Maputo Protocol, has opted to create its own series of Declarations and Protocols, in alignment with the aforementioned treaties, in order to adapt these treaties' articles to the context of the Southern African region and its Member States. Below are the most notable of such documents.

**The Declaration on Gender and Development (1997)** recognises gender equality as a fundamental human right. It calls on the Member States to, among others, increase women's participation in politics and decision-making to at least 30% by 2005 and to repeal all laws, constitutional provisions, and social practices that are discriminatory to women. It also urges the Member States to increase women's access to productive resources such as land and livestock, their access to markets, their safety from domestic and gender-based violence, their access to education, and to promote an overall culture of gender equality and respect for the human rights of women and girls.<sup>761</sup>

**SADC Addendum to the SADC Declaration on Gender and Development on the Prevention and Eradication of Violence against Women:** The Addendum to the SADC Declaration on Gender and Development on the Prevention and Eradication of Violence against Women (1998) defines violence against women as physical, sexual, economic, psychological, and emotional abuse committed by either a family member, community member, or condoned by state actors. The Addendum calls for a multi-sectoral approach. It includes legal reform, creating institutions, policies, and services to support victims

757 SAFAIDS (2008), "Regional Approaches to Strengthening Ownership, Results and Accountability: Case Study: Southern African Development Community (SADC) Gender Equality Protocol", p.4.

758 SADC Parliamentary Forum, "Gender Equality, Women Advancement, & Youth Development", <https://www.sadcpf.org/index.php/en/plenary-assembly/committees/standing-committees/gender-equality-women-advancement-youth-development>

759 SADC Parliamentary Forum, "Gender Equality, Women Advancement, & Youth Development", <https://www.sadcpf.org/index.php/en/plenary-assembly/committees/standing-committees/gender-equality-women-advancement-youth-development>

760 SADC Parliamentary Forum (2021), "Report of the SADC PF Standing Committee on Gender Equality, Women's Advancement And Youth Development (GEWAYD) to the SADC PF 45th Plenary Assembly Session Held in Windhoek, Namibia", <https://www.sadcpf.org/index.php/en/about-us/146-report-of-the-sadc-pf-standing-committee-on-gender-equality-women-s-advancement-and-youth-development-gewayd-to-the-sadc-pf-45th-plenary-assembly-session-held-in-windhoek-namibia>

761 SADC, (1997), "Gender and Development: A Declaration by Heads of State or Government of The Southern African Development Community".

and prevent VAW as well as education and awareness-building to eradicate VAW at its roots. It also set a regional priority to adopt a binding instrument holding the Member States to this goal.<sup>762</sup>

**SADC Regional Strategic Implementation Framework on Gender and Development 2006-2010:** To guide SADC stakeholders in operationalising the commitments made in the 1997 Declaration and its Addendum, in 2005, SADC released a Regional Strategic Implementation Framework on Gender and Development 2006-2010.<sup>763</sup> In 2007, SADC elaborated on this framework by adopting the SADC Gender Policy, which provided guidelines, and set standards and indicators on mainstreaming gender in the SADC region. It supported the Member States in achieving women-specific empowerment targets, as prioritised in gender equality instruments, and continues to inform SADC Secretariat's gender equality activities to this day.<sup>764</sup>

**The SADC Protocol on Gender and Development:** A binding instrument on gender equality adopted in 2008, it has become the keystone document on SADC Member States commitments and implementation of gender equality laws, policies, and programmes. The Protocol harmonises the various international, continental and regional gender equality instruments such as CEDAW, the Beijing Declaration and its Platform of Action, and the Maputo Protocol.<sup>765</sup> The 2008 Protocol included various provisions setting goals for the Member States to accomplish by 2015.

In 2016, the SADC Protocol on Gender and Development was revised to:

- align it with the UN SDGs, Agenda 2063, and Beijing Plus 20 Reviews,
- set the minimum age of marriage to 18 without exception,

- remove provisions which stated widows should have the right to continue living in the matrimonial home and have access to employment,
- include boys in anti-human-trafficking and sexual abuse protections,
- reaffirm the 50% women in decision-making target and adding that it must be effective representation,
- call on states to recognise unpaid labour performed by women,
- include the principle of equal pay for work of equal value,
- expand on sexual and reproductive health rights, as well as several other amendments.<sup>766</sup>

SADC has also implemented various policies and resources related to strengthening women's rights. These include the SADC Gender Mainstreaming Resource Kit,<sup>767</sup> which provides training materials on SADC gender commitments and institutions and mainstreaming gender; the SADC Framework for Achieving Gender Parity in Political and Decision-Making Positions by 2015,<sup>768</sup> the 10 Year Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019),<sup>769</sup> and the SADC Regional Strategy on Women, Peace and Security (2018 – 2022).<sup>770</sup>

**SADC Regional Strategy and Framework of Action for Addressing Gender-Based Violence 2018-2030:** Consistent with Articles 20-25 of the revised Protocol, SADC released the Regional Strategy and Framework of Action for Addressing Gender-Based Violence 2018-2030 in 2018.<sup>771</sup> The Strategy serves as a guide to stimulate regional actions and interventions to

762 SADC (1998), "An Addendum to the 1997 Declaration on Gender and Development by SADC Heads of State or Government",

763 SADC (2007), "SADC Gender Policy", p.4.

764 SADC (2003), "SADC Gender Policy",

765 SADC, "Gender", no date, <https://www.sadc.int/issues/gender/>

766 SADC (2016), "Agreement Amending the SADC Protocol on Gender and Development", <https://www.tralac.org/documents/resources/sadc/1187-agreement-amending-the-sadc-protocol-on-gender-and-development-31-august-2016/file.html> ; SADC (2016), "SADC Protocol on Gender and Development (revised)".

767 SADC (2009), "SADC Gender Mainstreaming Resource Kit",

768 SADC (2009), "SADC Framework for Achieving Gender Parity in Political and Decision-Making Positions by 2015".

769 SADC (2016), "Trafficking in Persons in the SADC Region: POLICY BRIEF", p.8/

770 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

771 SADC (2018), "Regional Strategy and Framework of Action for Addressing Gender Based Violence 2018-2030".



harmonise GBV response efforts by all SADC Member States. It prioritises the prevention of GBV by tackling the root causes of gender inequality and patriarchal cultural values. Additionally, it reinforces efforts towards coordination, monitoring, evaluation and reporting of the SADC region GBV response.

***SADC Model Law on HIV and AIDS in Southern Africa and the 2016 SADC Model Law on Eradicating Child Marriage and Protecting Children:*** In addition to the above documents by the SADC Secretariat, the SADC Parliamentary Forum produced two pieces of model legislature: the 2008 Model Law on HIV and AIDS in Southern Africa and the 2016 SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage.<sup>772</sup> The latter encourages and guides the Member States to harmonise their domestic laws and addresses many of the inconsistencies and loopholes in laws and customs that contribute to the persistent phenomenon of child marriage.<sup>773</sup>

## MONITORING AND ACCOUNTABILITY MECHANISMS

As a follow-up to the 2009 SADC Protocol on Gender and Development, which is aligned with both CEDAW and the Maputo Protocol in its Articles, the SADC Gender Unit developed a monitoring tool on gender and development consisting of the SADC Gender Conditions Indicator (SAGI) and the SADC Women's Progress Scoreboard (SAWPS). The SAGI illustrates the situation of women and men at a defined point in time and enables the Member States to evaluate where they

stand in terms of implementing the SADC Protocol on Gender empirically. The SAWPS also captures the qualitative aspects of women's progress in all sectors covered by the Protocol. The Gender Unit worked with Gender Ministries to adopt this tool and trained them on its usage.<sup>774</sup> In 2017, the above tool was adopted as part of a Monitoring, Evaluation and Reporting Framework (MERF) by SADC Gender Ministers.<sup>775</sup> Member States must submit progress reports to the Executive Secretary of SADC every two years.<sup>776</sup> These reports and other information are then analysed and published by the SADC Secretariat as the SADC Gender and Development Monitor.<sup>777</sup> A gap in this tool is the lack of indicators on peace and conflict-resolution provisions contained within the Protocol.<sup>778</sup>

SADC published six issues of its Gender Monitor report. The first three issues (1999,<sup>779</sup> 2001,<sup>780</sup> and 2006<sup>781</sup>) monitored the implementation of Member States' Beijing commitments. Following the SADC Protocol on Gender adoption, the focus turned to monitor its implementation, releasing issues in 2009<sup>782</sup>, 2013,<sup>783</sup> and 2016.<sup>784</sup> The 2013 issue focused solely on the theme of women in politics and decision-making.<sup>785</sup> As the Gender and Development Protocol set targets to be achieved by 2015, the 2016 Gender Monitor presented an update on progress made by the Member States. The goal was to provide accurate baseline data and analysis on the achievements made by 2015, including the challenges, and offering a platform from which to accelerate implementation.<sup>786</sup>

772 SADC Parliamentary Forum (2016), "SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage", <https://www.sadcpf.org/index.php/en/documents/model-laws/en-model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage/viewdocument/155>

773 Van Eerdewijk et al. (2018), "The State of African Women", p.112.

774 SADC (2010), "Gender News, Volume 1, Issue 11", p.4.

775 Van Eerdewijk et al. (2018), "The State of African Women", p.111.

776 Van Eerdewijk et al. (2018), "The State of African Women", p.111.

777 Van Eerdewijk et al. (2018), "The State of African Women", p.111.

778 Van Eerdewijk et al. (2018), "The State of African Women", p.111.

779 SADC (1999), "SADC Gender Monitor: Monitoring Implementation of the Beijing Commitments by SADC Member States".

780 SADC (2001), "SADC Gender Monitor: Monitoring Implementation of the Beijing Commitments by SADC Member States".

781 SADC (2006), "SADC Gender Monitor".

782 SADC (2009), "SADC Gender Monitor 2009: Tracking the Implementation of the SADC Protocol on Gender and Development".

783 SADC (2013), "SADC Gender Monitor 2013: Women in Politics and Decision-Making Positions", [https://www.sadc.int/index.php/download\\_file/view/2690/211/](https://www.sadc.int/index.php/download_file/view/2690/211/)

784 SADC (2016), "Gender and Development Monitor", <https://www.sadc.int/documents-publications/show/5196>

785 SADC (2013), "SADC Gender Monitor 2013: Women in Politics and Decision-Making Positions", [https://www.sadc.int/index.php/download\\_file/view/2690/211/](https://www.sadc.int/index.php/download_file/view/2690/211/)

786 SADC (2016), "Gender and Development Monitor", <https://www.sadc.int/documents-publications/show/5196>

Most recently, in 2020, SADC developed an Analytical Assessment of Gender Mainstreaming in the SADC Regional Integration Agenda. The Assessment provides its Member States with updates on their status of aligning national gender policies with the SADC Protocol on Gender and Development and provides recommendations.<sup>787</sup>

To fund these monitoring tools and other GEWE-related activities, the SADC Secretariat has a budget allocation for GEWE, which is disbursed to the Gender Unit to facilitate programming in this area. However, according to SADC Secretariat staff, “the Gender Unit is one of the least resourced departments in the Secretariat, with the little resources barely able to complete an initiative. So, Gender Unit mainly relies on donor funding for programming.”<sup>788</sup> Additionally, they reported that some Member States do not provide the relevant data, resulting in published monitoring reports that have gaps.<sup>789</sup>

## INITIATIVES, REGIONAL LEVEL ADVOCACY NETWORKS & REGIONAL CSO ENGAGEMENT

One of SADC Secretariat's key accomplishments is the SADC Protocol on Gender and Development. The Protocol is a legally binding instrument on gender equality, aligned with other regional and international women's rights instruments, including both CEDAW and the Maputo Protocol. SADC has also implemented campaigns related to women's rights:

- **The 50/50 Campaign for Women's Representation**, the 2009 campaign came out of the SADC Framework for Achieving Gender Parity in Political and Decision-Making Positions

by 2015, adopted in 2009, which declared a 30-day campaign for 50/50 representation in SADC member states.<sup>790791</sup>

- **The Africa Wide Campaign**, SADC collaborated with UNIFEM and Africa UNiTE on the UNIFEM Africa Wide Campaign, launched in 2010. The campaign aimed to raise public awareness and increase political will and resources on preventing and responding to all forms of violence against women and girls. In May 2010, SADC Member States drafted national action plans in support of the campaign outcomes. The SADC Gender Unit coordinated between the national and regional levels of the campaign during the 16 Days of Activism Against Gender-Based Violence in 2010.<sup>792</sup>
- **The Campaign to End Child Marriage**, SADC participated in a campaign to end child marriage,<sup>793</sup> including by being involved in World Vision's five-year campaign entitled 'It takes a world to end violence against children', launched in 2017.<sup>794</sup>

The Southern African Gender Protocol Alliance is a network of 15 national gender networks and 10 regional NGOs, which are coordinated by the NGO Gender Links.<sup>795</sup> The Alliance researched, drafted, and lobbied for the SADC Gender Protocol from 2005 to 2008<sup>796</sup> and campaigned again in 2015 to revisit the Protocol to align it with the SDGs and include a Monitoring, Evaluation, and Results framework.<sup>797</sup> This network also produced the SADC Gender Protocol Barometer report series to monitor progress towards meeting the SADC Gender Protocol commitments.<sup>798</sup> The Alliance is the gender-sector representative within the broader SADC-CNGO.<sup>799</sup>

787 SADC (2021), "Annual Report 2019-2020", p.53.

788 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

789 Comment made during Validation Meeting 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

790 Van Eerdewijk et al. (2018), "The State of African Women", p.112.

791 SADC Gender Protocol Alliance (2011), "SADC Gender Barometer 2011", p.59.

792 SADC (2010), "Gender News, Volume 1, Issue 11", p.3.

793 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

794 World Vision (2017), "Child rights advocates challenge SADC to end violence against children", <https://www.wvi.org/article/child-rights-advocates-challenge-sadc-end-violence-against-children>

795 Van Eerdewijk et al. (2018), "The State of African Women", p.112.

796 GenderLinks (2015), "Gender Summit", <https://genderlinks.org.za/gender-summit/>

797 GenderLinks (2017), "The SADC Protocol and Post-2015 Agenda", <https://genderlinks.org.za/what-we-do/sadc-gender-protocol/about-the-alliance-2/the-sadc-gender-protocol/>

798 SAFAIDS (2008), "Regional Approaches to Strengthening Ownership, Results and Accountability: Case Study: Southern African Development Community (SADC) Gender Equality Protocol", p.4

799 Van Eerdewijk et al. (2018), "The State of African Women", p.112.

In addition, in 2011, the SADC Gender Protocol Alliance created the Southern Africa Gender and Development Index (SGDI). SGDI is based on empirical data collected and paired with a Citizen Score Card (CSC), which is based on ordinary citizens' responses, to provide insight into the progress being made towards implementing the provisions of the SADC Gender Protocol. Through these efforts, The Gender Protocol Alliance has been able to provide SADC Member States with invaluable insight into their own progress towards meeting their commitments on GEWE, as well as comparative information so that Member States may learn from each other's best practices. By pushing for MS to ratify and implement the SADC Protocol on Gender, the Gender Alliance has indirectly been pushing MS to implement the GEWE commitments found in CEDAW and the Maputo Protocol, as the SADC Protocol is aligned with these commitments.

The Southern African People's Solidarity Network (SAPSN), a network of women activists, small-scale farmers, informal cross-border traders, labour movements, university students and many other social movements, has been involved in trade, social justice for labour and the fight for alternative development and regional integration agenda since 1999.<sup>800</sup> Since 2006, SAPSN has held the People's Summit, an open space for citizens of SADC Member States to meet and discuss issues affecting the region's people.<sup>801</sup> Following these Summits, SAPSN produces a Declaration, summarising the demands of those in attendance, which include GEWE demands in particular in the area of Economic Rights.<sup>802</sup> In addition, SAPSN encourages the implementation of GEWE commitments contained within the CEDAW and Maputo Protocol indirectly through its policy recommendation papers.<sup>803</sup>

To realise the objectives of the 1992 SADC Treaty, SADC commits to involve non-governmental organisations in

the process of regional integration fully and cooperate with and support the initiatives of NGOs (Art. 23). The Consolidated Text of the Treaty of the Southern African Development Community calls for the SADC National Committees to include members from civil society and non-governmental organisations in their work (Art. 16(A)).

SADC interacts with the region's CSOs primarily through the Southern Africa Development Community Council of Non-Governmental Organisations (SADC-CNGO) and the SADC Civil Society Forum.

The SADC-CNGO is the official council of NGOs created to facilitate SADC's Secretariat's civil society engagement. SADC-CNGO aims to facilitate meaningful engagement between civil society and the SADC Secretariat as well as engagement with the Member States at the national level through national NGO umbrella bodies. Cooperation between SADC and SADC-CNGO is guided by a 2003 Memorandum of Understanding and Articles 5 and 23 of the SADC Treaty.<sup>804</sup>

The SADC Civil Society Forum is held simultaneously with the Heads of States Summit, spearheaded by SADC-CNGO, to enable civil society to input into Summit resolutions. It provides space for NGOs, donors, churches, trade unions, social movements, and other civil societies to collaborate on various development issues affecting the region.<sup>805</sup>

In addition to these regional gatherings, Member State-level CSO coalitions have worked to promote the implementation and domestication of the Maputo Protocol and CEDAW through the collaborative submission of Shadow Reports, such as that of the Coalition of South African NGOs, which in 2016 published a Shadow Report on the South African government's report on the African Charter (including Maputo Protocol).<sup>806</sup>

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800 For a list of SAPSN members see Table 1.

801 Mwamba Tshimpaka et al. (2021), "Regional Economic Communities and Integration in Southern Africa Networks of Civil Society Organizations and Alternative Regionalism", *palgrave macmillan*, p.158,

802 SAPSN (2020), "Declaration of the SADC People's Summit 2020", [https://sapsn.net/storage/2021/01/SADC\\_Peoples\\_Summit\\_2020\\_Final\\_Declaration.pdf](https://sapsn.net/storage/2021/01/SADC_Peoples_Summit_2020_Final_Declaration.pdf)

803 SAPSN (2020), "Climate, Political and Socio-Economic Emergencies in Southern Africa: Towards Democratic Policy Alternatives", <https://sapsn.net/storage/2021/01/Regional-Policy-Alternatives-Paper-SAPSN.pdf>

804 Southern Africa Trust (2018), "The Proposed SADC Mechanism for Engagement with Non-State Actors in Line with Treaty Provisions", p.29

805 CUTS International, "CSO Engagement in Southern Africa", p.6

806 Citizenship Rights Africa (2016), "NGO Shadow Report on the South Africa state Report on the African Charter", <https://citizenshiprightsafrika.org/ngo-shadow-report-on-the-south-africa-state-report-on-the-african-charter/>

## STRENGTHS, CHALLENGES & OPPORTUNITIES

STRENGTHS	CHALLENGES	OPPORTUNITIES
<ul style="list-style-type: none"> <li>● <b>14 Member States are party to the SADC Protocol on Gender</b>, which is legally binding.</li> <li>● <b>Monitoring and Evaluation Framework and Gender Monitor</b> report series assist the implementation and domestication of the Gender Protocol.</li> <li>● <b>SADC CSOs</b> are active and effective.</li> <li>● <b>The Gender Unit</b> within the SADC Secretariat receives strong support from the Executive Secretary.</li> <li>● <b>The SADC Parliamentary Forum</b> is active on gender issues through model law adoption and CSO collaborations.</li> <li>● <b>The SADC Secretariat</b> has achieved 42% gender parity in its internal executive positions.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Comoros and Mauritius</b> not have signed and ratified the 2016 revised SADC Gender Protocol.</li> <li>● <b>SADC's budget on gender</b> is not publicly available. Gender programming received insufficient funding.<sup>807</sup></li> <li>● <b>The Gender Unit</b> lacks human and technical resources to impart relevant skills and knowledge to Member States to allow them to fully embrace GEWE policies.<sup>808</sup></li> <li>● <b>Low levels of gender awareness</b> among SADC Secretariat staff are a barrier to gender-responsive programming.<sup>809</sup></li> <li>● <b>SADC Tribunal</b> is not operational<sup>810</sup></li> <li>● <b>Progress on women's equality</b> is slow on average and uneven between Member States.</li> <li>● <b>Gender is not a priority</b> in the SADC Organ on Politics, Defence, and Security Cooperation.<sup>811</sup></li> <li>● <b>Grassroots CSOs</b> outside the SADC-CNGO have been unable to gain audience with the SADC Secretariat and their voices and priorities have been excluded from the regional development agenda.<sup>812</sup></li> <li>● <b>SADC Secretariat</b> cooperation with CSO networks is ad-hoc rather than systematic.<sup>813</sup></li> </ul>	<ul style="list-style-type: none"> <li>● <b>SADC Parliamentary Forum</b> aims to become a regional parliament.</li> <li>● <b>SADC-PF</b> plans to create a Gender Forum.</li> <li>● <b>Mauritius</b> indicates it may sign the gender protocol.<sup>814</sup></li> <li>● <b>2020-2030 SADC RSIDP</b> aims to include women in peace and security to a greater degree.</li> <li>● <b>Increased cooperation</b> with Non-State Actors could broaden and formalise SADC's CSO relations.</li> <li>● <b>SADC Guidelines on Gender-Responsive Budgeting</b> needs to be available to allow the SADC Secretariat to lead by example and publish their budget as a model for Member States.</li> <li>● <b>Implementation</b> of the existing GEWE policy frameworks.<sup>815</sup></li> <li>● <b>Support</b> from development partners.<sup>816</sup></li> </ul>

807 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

808 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

809 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

810 SADC, "SADCAT", accessed on 22<sup>nd</sup> July 2021, <https://www.sadc.int/about-sadc/sadc-institutions/tribun/>

811 SADC (2010), "Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation", p.69, [https://www.sadc.int/files/3213/7951/6823/03514\\_SADC\\_SIPO\\_English.pdf](https://www.sadc.int/files/3213/7951/6823/03514_SADC_SIPO_English.pdf)

812 Mwamba Tshimpaka et al. (2021), "Regional Economic Communities and Integration in Southern Africa Networks of Civil Society Organizations and Alternative Regionalism", *palgrave macmillan*, p.157, <https://link.springer.com/book/10.1007/978-981-15-9388-8>

813 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

814 SARDC (2021), "Mauritius ready to sign SADC gender protocol", <https://www.sardc.net/en/southern-african-news-features/mauritius-ready-to-sign-sadc-gender-protocol/>

815 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021

816 SADC Response to "Questionnaire for Regional Economic Communities (RECs)", Received September 2021



## RECOMMENDATIONS

- Improve monitoring and reporting mechanisms to hold Member States accountable on GEWE treaties.
- Create regular regional platforms for peer learning and sharing of information.
- Support Regional Advocacy Networks by identifying strategic joint initiatives supported by an implementation strategy and creating platforms for engaging with the advocacy networks.
- Strengthen the Gender Unit by ensuring sufficient human and technical resources to increase gender awareness among SADC staff to improve gender-responsive programming.
- Provide Member States with technical assistance on ratification, domestication, implementation, reporting and monitoring of gender related treaties and protocols.
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices.
- Simplify reporting template and procedures for reporting on implementation; reduce the multiplicity of reporting obligations, strengthen linkages, and increase transaction linkages between RECs and states.<sup>817</sup>
- Update lapsed policies and strategies and use them to assist Member States and CSOs to advocate for development of national action plans and implementation of GEWE Treaties.<sup>818</sup>
- Re-operationalise the SADC Protocol Tribunal.
- Engage religious, cultural and grass-roots leaders in GEWE rights issues, such as the Council of Traditional Leaders of Africa (COTLA).<sup>819</sup>

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<sup>817</sup> Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

<sup>818</sup> Recommendation from Validation Meeting in Nairobi, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

<sup>819</sup> Recommendation from Validation Meeting, 8<sup>th</sup>-9<sup>th</sup> of June, 2022.

# The Status of Ratification, Domestication and Implementation of the three GEWE within SADC Member States

In this section, the Baseline study gives an overview of the status of the ratification, domestication, and implementation of the three GEWE treaties within SADC's Member States. It consists of two parts. First, it presents the status of ratification of the CEDAW, the Maputo Protocol and the ILO Convention on Equal Remuneration (No. 100) in SADC shown in the table below. It also provides examples of domestication,

implementation/enforcement, and best practices in the SADC Member States relevant to the four themes.

Second, it analyses the challenges SADC Member States face in domestication and implementation. The challenges are presented by theme starting with economic rights, followed by harmful practices, political rights and sexual and gender-based violence (violence against women).

TREATY	STATUS OF RATIFICATION		
CEDAW	Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe. * All countries have ratified CEDAW.		
MAPUTO Protocol	Angola, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe. * All countries have ratified the Maputo Protocol, except Botswana and Madagascar.		
ILO Convention	Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe. *All countries have ratified the ILO Convention.		
Thematic Area	Domestication	Implementation/Enforcement	Best Practices
<b>Economic Rights</b>	<p><b>1. Zambia:</b> the 2015 <i>Gender Equity and Equality Act</i> guarantees women equal remuneration, benefits and treatment in respect to work of equal value and equality of treatment in the evaluation of the quality of work<sup>820</sup> It also prohibits discrimination against women in accessing financial services such as bank loans and credit.</p> <p><b>2. Botswana:</b> Revised Land Policy of 2019 gives married women the right to apply for land even if their husbands already own a plot.<sup>821</sup></p> <p><b>3. Mozambique:</b> Law No. 24/2019: Law on Revision of the Penal Code made access to credit easier for women by prohibiting gender-based discrimination in financial services.<sup>822</sup></p>	<p><b>1. South Africa:</b> The Framework on Gender-responsive Planning, Budgeting, Monitoring, Evaluation and Auditing. This framework seeks to implement gender-responsive practices and budgeting across the entire state machinery and outlines phases from 2018-2021 to accomplish this.<sup>823</sup></p> <p><b>2. Malawi:</b> The National Economic Empowerment Fund (NEEF), established in 2020, has a specific component targeting businesswomen through the Women Economic Empowerment Fund.<sup>824</sup></p> <p><b>3. Namibia:</b> In 2020, 37 politicians in Namibia were trained on Gender-Responsive planning and budgeting.</p>	<p><b>1. Namibia (2020), Mauritius (2021) and South Africa (2021)</b> have ratified the ILO convention 190 on Violence and Harassment.<sup>825</sup> The Convention applies to violence and harassment in the world of work.</p> <p><b>2. Eswatini:</b> In 2019, the Supreme Court's finding upheld a widow's right to land.</p> <p><b>3. Zimbabwe:</b> National Financial Inclusion Strategy (2016-2020) includes goals to prioritise women entrepreneurs in credit disbursement, provide financial training to entrepreneurial women and work with banks to develop collateral alternatives to make credit more accessible to women.<sup>826</sup></p>

820 Republic of Zambia, Gender Equity and Equality Act, 2015, Section 5(c) <https://zambialaws.com/acts-on-notice/gender-equity-and-equality-act>

821 Bella Naija (2020), "Married Women in Botswana Now Have the Right to Own Land", <https://www.bellanaija.com/2020/09/married-women-in-botswana/>

822 World Bank (2021), "Women, Business and the Law 2020: Mozambique", <https://wbl.worldbank.org/en/data/exploreconomies/mozambique/2021>; ILO (2019), "Mozambique (29) -> General Provisions" [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&isn=110012&p\\_count=29&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&isn=110012&p_count=29&p_classification=01)

823 Ministry of Youth, Women & Persons with Disabilities, South Africa (2018), "Framework On Gender-Responsive Planning, Budgeting, Monitoring, Evaluation And Auditing", p.37 <http://www.women.gov.za/images/GRPB-framework-250119A.pdf>

824 Malawi Response to "Questionnaire for Member States", Received September 2021

825 ILO (2019), "Ratifications of C190 - Violence and Harassment Convention, 2019 (No. 190)", [https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:3999810](https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:3999810)

826 Reserve Bank of Zimbabwe (2016), "Zimbabwe National Financial Inclusion Strategy 2016-2020", p.57-60 <https://library.buse.ac.zw/docs/gvt-publications/zim-fin-strat.pdf>

## Harmful Practices

**1. Malawi:** Marriage Divorce and Family Relations Act, 2015<sup>827</sup> raises the marriage age to 18 and Section 12 stipulates that the Act applies to all marriages (civil marriage, customary marriage, religious marriage, and marriages by repute or permanent cohabitation) which all are granted the same status.

**2. Mozambique:** Law on Prevention and Combat of Premature Unions of 2019<sup>828</sup> aims to prohibit, prevent, mitigate and penalise premature unions or marriages, as well as establish mechanisms to protect children in those unions.

**3. Mauritius:** Children's Act No 13 of 2020 (Gazetted 19-December-2020)<sup>829</sup> outlaws marriage under 18 years of age without exception.<sup>830</sup>

**1. Zambia:** National Strategy on Ending Child Marriage 2016-2021. The Strategy aims to achieve a 40% reduction in child marriage by 2021 Zambia free from child marriage by 2030.<sup>831</sup>

**2. Lesotho:** In 2020, the Ministry of Social Development conducted public awareness campaigns against child marriage in several districts.<sup>832</sup>

**3. Malawi:** The National Strategy on Ending Child Marriage (2018-2023)<sup>833</sup> aims to, among others, reduce child marriage by empowering girls through increased economic opportunities and initiating incentive-based programmes to support girls to enrol for school, reduce the dropout rate and keep them in school. It also aims to build the capacity of law enforcement agencies.

**1. Tanzania:** In 2016, High Court ruled the provisions allowing child marriage in the 1971 Marriage Act unconstitutional and directed the government to raise the minimum age to 18. The Court of Appeal upheld this decision in 2019.<sup>834</sup>

**2. Madagascar:** National Strategic Plan on Child Marriage (2018-2024). With an accompanying budgeted plan, the overall objective of the strategy is to reduce the prevalence of child marriage from 41.2% to 21.2% over the seven-year period and ensure that all villages are declared free of child marriage.<sup>835</sup>

**3. Zambia:** Chieftainess Kawaza of the Chewa people developed the Chiefdom Development Strategic Plan (2018-2021), which includes a strong agenda to end child marriage.<sup>836</sup>

827 Marriage, Divorce and Family Relations Act, 2015, <https://malawilii.org/mw/legislation/act/2015/4>.

828 Government of Mozambique (2019), "22 de Outubro de 2019 Boletim Da Republica: Lei No. 19/2019 Lei de Prevenção e Combate às Uniões Prematuras", p.

829 <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>

830 National Assembly of Mauritius (2020), "Children's Bill No... of 2020", p.1 <https://mauritiusassembly.govmu.org/Documents/Bills/circulated/2020/bill162020.pdf>

831 Republic of Zambia Ministry of Gender (2015), "National Strategy on Ending Child Marriage in Zambia 2016-2021", UNFPA <https://zambia.unfpa.org/sites/default/files/pub-pdf/CHILD%20MARRIAGE%20STRATEGIC%20PLAN%20FINAL.pdf>

832 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Lesotho", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lesotho/>

833 Ministry of Gender, Children, Disabilities and Social Welfare (2019), "Republic of Malawi National Review on the Beijing + 25: Twenty-fifth Anniversary of the Beijing Declaration and Platform for Action (1995)", p.19 sq.

834 Human Rights Watch (2019), "Victory Against Child Marriage in Tanzania", <https://www.hrw.org/news/2019/10/25/victory-against-child-marriage-tanzania>

835 <https://atlas.girlsnotbrides.org/map/madagascar>

836 UNFPA Zambia (2020), "Community-driven actions to end child marriage: the critical role of traditional leaders" <https://zambia.unfpa.org/en/news/community-driven-actions-end-child-marriage-critical-role-traditional-leaders>

## Political Participation

**1. Zambia:** The Constitution (Amendment) Act No. 2 of 2016 “confirms the equal worth of women and men and their rights to freely participate in, determine and build a sustainable political, legal, economic and social order.”<sup>837</sup> It aims to ensure gender equity in the National assembly or council.<sup>838</sup> It also states that the two Deputy Speakers of the National Assembly shall not be of the same gender.<sup>839</sup>

**2. Tanzania:** Political Parties (Amendment) Act, 2019 states a political party must conform to the principles of non-discrimination and gender and social inclusion.<sup>840</sup> Political parties must also promote gender inclusion in its policies, nomination of candidates and election of its leaders. The Act also disqualified people convicted of gender-based violence offences from registering a political party.

**3. Eswatini:** The Election of Women Act of 2018 aims to realize women's constitutional right to proper representation in the House of assembly by enforcing quotas.<sup>841</sup>

**1. Comoros:** The Accelerated Growth and Sustainable Development Strategy (SCA2D) 2018-2021<sup>842</sup> aims to strengthen women's political participation. It sets targets of 30% women on the list of candidates for the nation's elections, for councilors of the autonomous islands by 2021.

**2. Namibia:** National Development Plan 2017/18-2021/22<sup>843</sup> sets a target of 50% women in politics.

**3. Madagascar:** Gender and Elections Strategy 2015 - 2020<sup>844</sup> aims to increase the representation and participation of Malagasy women in decision-making.<sup>845</sup>

**1. Malawi:** 50:50 Campaign on increasing female representation in the National Assembly and local government resulted in an increase of women's representation in both the National Assembly and local government following the 2019/20 tripartite elections.<sup>846</sup>

**2. Zimbabwe:** Prior to the 2018 Harmonized elections, the government held mobile registration exercise, enabling women and young people to get identity documents and register to vote.<sup>847</sup>

**3. South Africa:** The NAP 2020-2025 of South Africa seeks to enable the meaningful participation of women and civil society in peace processes.

837 Government of Zambia (2016), “The Constitution of Zambia (Amendment) No. 2 of 2016”, p.1 [http://www.parliament.gov.zm/sites/default/files/documents/amendment\\_act/Constitution%20of%20Zambia%20%20%28Amendment%29%2C%202016-Act%20No.%202\\_o.pdf](http://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20%20%28Amendment%29%2C%202016-Act%20No.%202_o.pdf)

838 Government of Zambia (2016), “The Constitution of Zambia (Amendment) No. 2 of 2016”, p.7 [http://www.parliament.gov.zm/sites/default/files/documents/amendment\\_act/Constitution%20of%20Zambia%20%20%28Amendment%29%2C%202016-Act%20No.%202\\_o.pdf](http://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20%20%28Amendment%29%2C%202016-Act%20No.%202_o.pdf)

839 Government of Zambia (2016), “The Constitution of Zambia (Amendment) No. 2 of 2016”, p.24 [http://www.parliament.gov.zm/sites/default/files/documents/amendment\\_act/Constitution%20of%20Zambia%20%20%28Amendment%29%2C%202016-Act%20No.%202\\_o.pdf](http://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20%20%28Amendment%29%2C%202016-Act%20No.%202_o.pdf)

840 Tanzania's Political Parties (Amendment) Act of 2019, Article 6A(2), <https://tanzlii.org/tz/legislation/act/2019/1-0>

841 Swaziland Government Gazette (2018), “The Elections of Women Members to the House of Assembly Act, 2018” [https://aceproject.org/ero-en/regions/africa/SZ/election-of-women-act/at\\_download/file](https://aceproject.org/ero-en/regions/africa/SZ/election-of-women-act/at_download/file)

842 Union des Comores (2018), “Strategie De Croissance Acceleree et de developpement Durable (SCA2D) 2018-2021”, p.88 [https://www.google.com/url?sa=t&rc=1&u=https%3A%2F%2Ferc.undp.org%2Fevaluation%2Fmanagementresponses%2Fkeyaction%2Fdocuments%2Fdownload%2F1156&usq=AOvVaw3lQpkUhl\\_SJFLOa7isns-G](https://www.google.com/url?sa=t&rc=1&u=https%3A%2F%2Ferc.undp.org%2Fevaluation%2Fmanagementresponses%2Fkeyaction%2Fdocuments%2Fdownload%2F1156&usq=AOvVaw3lQpkUhl_SJFLOa7isns-G)

843 Government of Namibia (2017), “Namibia's 5<sup>th</sup> National Development Plan 2017/18-2021/22”, p.123, [https://www.npc.gov.na/?wfb\\_dl=294](https://www.npc.gov.na/?wfb_dl=294)

844 Madagascar Ministry of Population, Social Protection, and Advancement of Women (2015), “Gender and Election Strategy for Madagascar 2015-2020”, <https://www.scribd.com/document/303159979/Strategie-Genre-et-elections-a-Madagascar-2015-2020>

845 Midi Madagasikara (2015), “MPPSPF : Une stratégie « genre et élections » à Madagascar, 2015 – 2020”, <http://www.midi-madagasikara.mg/societe/2015/04/21/mppspf-une-strategie-genre-et-elections-a-madagascar-2015-2020/>

846 <https://thecommonwealth.org/news/malawi-election-big-win-women-says-gender-expert>

847 Ministry Of Women Affairs, Community, Small And Medium Enterprise Development (2019), “Zimbabwe National Review Report 2014-2019”, UN Women, p.6 <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/zimbabwe.pdf?la=en&vs=5453>



## Sexual and Gender-Based Violence (Violence Against Women)

**1. Malawi:** Marriage Divorce and Family Relations Act of 2015<sup>848</sup> prohibits marital rape (section 62).

**2. Madagascar:** Loi n°2019-008, which introduced “economic violence” as a new category of GBV offences.<sup>849</sup> It also punishes new offences such as marital rape.<sup>850</sup>

**3. Eswatini:** The 2018 Sexual Offences and Domestic Violence Act of 2018 criminalises statutory rape within marriages.<sup>851</sup> The law also established new penalties for perpetrators of sex trafficking and new legal protections for victims of exploitation, including sex trafficking.<sup>852</sup>

**1. South Africa:** The National Strategic Plan on Gender-based Violence and Femicide 2020-2030.<sup>853</sup> Its focus is on GBV faced by women across age, sexual orientation, sexual and gender identities, and on specific groups such as elderly women, women who live with a disability, migrant women, and transgender women.<sup>854</sup>

**2. Zambia:** The country updated its National Plan to Fight Human Trafficking (2018–2021).<sup>855</sup>

**3. Mozambique:** Government agencies and NGOs implemented public outreach campaigns to combat violence against women nationwide. Police and NGOs worked together to combat domestic violence. The Mozambique Republic Police operated special women and children's units within police precincts that dealt with high numbers of victims of domestic violence, sexual assault, and cases of violence against children.<sup>856</sup>

**1. Mauritius:** In 2016, the country amended the Protection from Domestic Violence Act expanding the definition of spouse to unmarried couples and stipulate that a partner may not threaten or force the other partner into a sexual act.<sup>857</sup> The law stands out in that it empowers officers to act on behalf of the victims instead of waiting for a formal complaint from the victim.<sup>858</sup>

**2. Zimbabwe:** National Peace and Reconciliation Commission Strategic Plan 2018-2022 aims to include women, both as peace promoters, and as beneficiaries (i.e. addressing violations against women and girl victims).<sup>859</sup>

**3. Botswana:** In 2019, President Masisi announced that the Police Service would establish standard operating procedures for dealing with GBV and dedicated units to handle GBV, a special hotline for GBV victims, and require GBV victims to be interviewed in private spaces.<sup>860</sup>

848 Marriage, Divorce and Family Relations Act, 2015, <https://malawilii.org/mw/legislation/act/2015/4>.

849 Republic of Madagascar (2019), “Loi n°2019-008 relative à la lutte contre les Violences Basées sur le Genre”

850 Republic of Madagascar (2019), “Loi n°2019-008 relative à la lutte contre les Violences Basées sur le Genre”, <https://www.assemblee-nationale.mg/wp-content/uploads/2019/12/Loi-n%C2%Bo-2019-008-VBC.pdf>

851 International Labor Organization (2018), “NATLEX Database of national labour, social security and related human rights legislation, Eswatini” [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=108709&p\\_country=SWZ](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=108709&p_country=SWZ); Southern Africa Litigation Centre (2019), “Eswatini’s Sexual Offences and Domestic Violence Act: A Summary”, p.7 <https://www.southernafricalitigationcentre.org/wp-content/uploads/2019/10/SALC-New-Sexual-Offences-Legislation-SD-FINAL-WEB-version.pdf>.

852 United States Department of State (2019), “2019 Trafficking in Persons Report: Eswatini” <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/eswatini/>

853 Republic of South Africa (2020), “National Strategic Plan on Gender-based Violence and Femicide” [https://www.gov.za/sites/default/files/gcis\\_document/202006/stratplan-gbvs.pdf](https://www.gov.za/sites/default/files/gcis_document/202006/stratplan-gbvs.pdf)

854 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: South Africa”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices-south-africa/>

855 United States Department of State (2019), “2019 Trafficking in Persons Report: Zambia” <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/zambia/>

856 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Mozambique”, <https://www.state.gov/report/custom/3f6b4f5206/>

857 The Protection of from Domestic Violence (Amendment) Act No. 10 of 2016, Sections 3(a)(d), 3(b).

858 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Mauritius”, <https://www.state.gov/report/custom/3f6b4f5206/>

859 National Peace and Reconciliation Commission (2018), “5 Year Strategic Plan”, p.16 [http://www.nprc.org.zw/wp-content/uploads/2019/10/NPRC-2018-2022-Strategic-Plan\\_o.pdf](http://www.nprc.org.zw/wp-content/uploads/2019/10/NPRC-2018-2022-Strategic-Plan_o.pdf)

860 United States Department of State (2021), “Country Reports on Human Rights Practices for 2020: Botswana”, p.13 <https://www.state.gov/wp-content/uploads/2021/03/BOTSWANA-2020-HUMAN-RIGHTS-REPORT.pdf>

## CHALLENGES & GAPS

### ECONOMIC RIGHTS

**Restrictions to employment opportunities:** In six countries (Angola, DR Congo, Eswatini, Lesotho, Madagascar, Mozambique), women face legal restrictions working in specific industries or occupations. These were jobs deemed hazardous (Angola,<sup>861</sup> DR Congo,<sup>862</sup> Eswatini,<sup>863</sup> Lesotho, Mozambique<sup>864</sup>), such as mining, particular factory and agriculture jobs. In Madagascar, the Labour Law forbids the employment of women at night except in family establishments. Prohibited positions included night shifts in manufacturing and mining, metallurgy, construction, agriculture, transportation, and chemical industries.<sup>865</sup> In Angola, Presidential Decree No.29/17 further affirmed restrictions based on gender, barring women from working specific jobs in factories, agriculture, and the energy sector.<sup>866</sup>

In terms of equal access to employment opportunities, Comoros continued to uphold legislation restricting married women from choosing professions that may be deemed “against the interests of stability of the family”.<sup>867</sup> This law, combined with the customs which continue to govern rural women’s lives mean that few

rural women were able to work outside farming and child-rearing duties.<sup>868</sup>

**Persistent gender pay gap:** While most SADC Member States enshrine the principle of equal pay for work of equal value in law, pay inequality continues in practice in at least 6 countries (Comoros,<sup>869</sup> DR Congo,<sup>870</sup> Madagascar,<sup>871</sup> Mauritius,<sup>872</sup> South Africa,<sup>873</sup> Zimbabwe<sup>874</sup>). In Mauritius, the remuneration regulations assign lower minimum wages for female field workers than males.<sup>875</sup>

Two countries (Botswana<sup>876</sup> and Seychelles<sup>877</sup>) do not have legal provisions specifically promoting the principle of equal pay for work of equal value. While the Constitution of Eswatini calls on the parliament to enact laws to ensure equal pay for equal work, no such laws have been enacted as of August 2021.<sup>878</sup>

**Financial Resources:** In 9 countries (Botswana, Comoros, Eswatini, Lesotho, Madagascar, Malawi, Namibia, Seychelles, Tanzania), discrimination in access to credit is not prohibited under the law. Research indicates that women experienced persistent discrimination in access to credit, owning and managing businesses, and housing, such as

861 Angola’s General Labour Law (No. 7/15 of 15 June 2015) Article 242

862 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: DRC”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/democratic-republic-of-the-congo/>

863 Eswatini Employment Act of 1980, Sec. 101(2).

864 Mozambique’s Law No. 23, Art. 11(2).

865 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Madagascar”, <https://www.state.gov/report/custom/3f6b4f5206/>

866 World Bank, Angola – Women, Business and the Law (2020), pg 2 <https://wbl.worldbank.org/content/dam/documents/wbl/2020/sep/Angola.pdf>

867 Comoros Code de la famille, Art. 55: “Les époux se doivent mutuellement respect et fidélité. La femme comme le mari a le plein exercice de sa capacité civile. Elle engage ses services, choisit une profession ou adhère à un groupement en se conformant aux dispositions qui régissent chacune de ces matières. Ses décisions ne doivent pas être de nature à porter atteinte à l’intérêt et à la stabilité de la famille.”, p.8 <http://www.droit-afrique.com/upload/doc/comores/Comores-Code-2005-de-la-famille.pdf>

868 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Comoros”, <https://www.state.gov/report/custom/3f6b4f5206/>

869 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Comoros”, <https://www.state.gov/report/custom/3f6b4f5206/>

870 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: DRC”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/democratic-republic-of-the-congo/>

871 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Madagascar”, <https://www.state.gov/report/custom/3f6b4f5206/>

872 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Mauritius”, <https://www.state.gov/report/custom/3f6b4f5206/>

873 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: South Africa”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>

874 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Zimbabwe”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

875 Mauritius’ Remuneration (Amendment) Regulations GN – 74-102 of 2017, p.108 <https://labour.govmu.org/Documents/National%20Remuneration%20Board/Wages/wages%202017.pdf>

876 Wage Indicator (2021), “Decent Work Check 2021: Botswana”, p.35 <https://wageindicator.org/documents/decentworkcheck/africa/botswana-english.pdf>; No provision for equal pay but Employment Act of 2010, Article 133(2)(b) states that the Minimum Wages Advisory Board shall take into consideration the “the desirability of eliminating discrimination between the sexes in respect of wages for equal work;” when making recommendations to the Minister. <https://www.ilo.org/dyn/travail/docs/1769/employment%20act.pdf>

877 Seychelles’ Employment Act, Article 46A prohibits discrimination by employers based on gender, and defines “employment decision” to include wages. However the Act does not specifically mention the principle of equal pay for work of equal value. <https://greybook.seylli.org/w/se/CAP69#fragment/zoupio-Toc44403870/BQCwhgzibCwMYgK4DsDWszlQewE4BUBTADwBdo-AvbRABwEtsBaAfXzgzBYuAGAZgA4A7NwCUAGmTzShCAEVehXAe9oAcVilhMLgTzFKgCZolXHCQ2dZCGmbtukAGU8pAEIqASgFEAMt4A1AEEOQBhbzFSMAAjaCodBBERIA>

878 Women, Business and the Law (2021), “Eswatini”, <https://wbl.worldbank.org/en/data/exploreeconomies/eswatini/2021>

in Namibia,<sup>879</sup> and South Africa.<sup>880</sup> Mozambique states that rural women in particular lacked access to financial services, which inhibited their income-generating activities, especially in the agricultural and informal sectors.<sup>881</sup>

**Property, Inheritance and Divorce Rights:** In six countries (Botswana, DR Congo, Namibia, Tanzania, Zambia, Zimbabwe), codified law condones gender-based discrimination related to inheritance, property rights, or divorce proceedings. In Namibia,<sup>882</sup> Zambia,<sup>883</sup> and Zimbabwe,<sup>884</sup> the law sets grounds for divorce and divorce procedures differently for men and women. In Botswana, the Succession Act, Ch. 31:03, Art. 6 allows a court to order benefit payments to a child of a deceased person out of the deceased's net estate, but only if the child is an unmarried daughter or incapable of maintaining themselves due to a disability. In the DR Congo, the law gives precedence to children rather than widows regarding inheritance.<sup>885</sup>

In 12 countries (Angola, DR Congo, Eswatini, Lesotho, Madagascar, Malawi, Mozambique, Namibia, South Africa, Tanzania, Zambia, and Zimbabwe), customary law contradicted civil law on matters of inheritance and property rights for women.<sup>886</sup> It was the primary law governing many rural women's access to property.<sup>887</sup> In particular, patriarchal customary law only granted men the right to own land, resulting in women depending on male relatives for access to land, with little say in decision-making related to the plot.<sup>888</sup>

In addition, the inability to secure land tenure meant that rural women usually lacked collateral to obtain access to credit,<sup>889</sup> or housing subsidies.<sup>890</sup>

**Lack of Enforcement of Discrimination Laws:** Although nearly all SADC Member States have laws prohibiting gender-based discrimination in employment, the law does not effectively protect women from de-facto discrimination in at least twelve countries.<sup>891</sup> For example, while the 2010 Employment Act of Botswana states that an employer may not terminate an employee's contract based on sex, it does not protect women from any other aspect of gender-based discrimination in hiring or during employment.<sup>892</sup> Moreover, enforcement of existing discrimination law by the government is considered weak in several countries, as were prosecutions of offending employers.

In four countries (Comoros, Madagascar, Mauritius, Mozambique), penalties for discrimination were not commensurate with other violations of civil rights. One of the challenges to enforcement of laws were inadequate inspections,<sup>893</sup> due to an insufficient number of inspectors,<sup>894</sup> particularly in the informal sector,<sup>895</sup> but also in the mining, construction, steel, and transport industries.<sup>896</sup>

## HARMFUL PRACTICES

**FGM:** In countries where an FGM-specific offence exists, the practice of labia elongation was not

879 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Namibia", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/namibia/>

880 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: South Africa", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>

881 Mozambique Response to "Questionnaire for Member States", Received September 2021

882 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Namibia", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/namibia/>

883 Zambia's Matrimonial Causes Act, Arts. 8 and 74; Women, Business and the Law (2021), "Zambia", <https://wbl.worldbank.org/en/data/exploreconomies/zambia/2021>

884 Zimbabwe's Matrimonial Causes Act, Art. 3; Women, Business and the Law (2021), "Zimbabwe", <https://wbl.worldbank.org/en/data/exploreconomies/zimbabwe/2021>

885 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: DRC", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/democratic-republic-of-the-congo/>

886 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices", <https://www.state.gov/report/custom/3f6b4f5206/>

887 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/>

888 <https://womenforwomen.org.uk/what-we-do/issues/womens-access-land-eastern-drc>

889 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Zambia", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zambia/>

890 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: South Africa", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>

891 Angola, Botswana, Comoros, Eswatini, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Tanzania, and Zimbabwe

892 Botswana Employment Act of 2010, Article 23(d) <https://www.ilo.org/dyn/travail/docs/1769/employment%20act.pdf>

893 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Comoros", <https://www.state.gov/report/custom/3f6b4f5206/>

894 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Namibia", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/namibia/>

895 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Malawi", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

896 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Namibia", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/namibia/>; U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Tanzania", <https://www.state.gov/report/custom/3f6b4f5206/>

specifically prohibited.<sup>897</sup> This practice continued to be reported in Lesotho,<sup>898</sup> Malawi,<sup>899</sup> Zambia,<sup>900</sup> and Zimbabwe.<sup>901</sup> There is evidence from diasporic communities that those who practice labia elongation do not see it as a type of FGM and disagree on whether it should be legally classified as FGM.<sup>902</sup> With this harmful practice not accounted for in policy and legislation, girls as young as 8 are vulnerable to painful genital modification and potential psychological trauma.<sup>903</sup>

In Tanzania, where the law prohibits FGM/C from being performed on girls younger than age 18, prosecutions were rare despite the practice being documented. Police officers and communities were reportedly unaware of the law, and victims often declined to testify for fear of reprisals from FGM supporters. There were reports of rural families bribing local leaders not to enforce the FGM law and allow them to perform FGM on their daughters.<sup>904</sup>

A further challenge to evaluating progress to eliminating FGM is the lack of reliable estimates in countries such as Mozambique,<sup>905</sup> South Africa,<sup>906</sup> and Zambia,<sup>907</sup> where only anecdotal evidence is available.

In addition to FGM, rituals that physically harm girls and women were reported in Malawi, South Africa and Zimbabwe. In Malawi, some traditional communities practised *kusasa fumbi*, a “cleansing ritual” in which

men rape 10-year-old girls.<sup>908</sup>

**Child and Forced Marriage:** In ten countries (Botswana, Comoros, DR Congo, Lesotho, Malawi, Mauritius, Namibia, Seychelles, South Africa and Tanzania), the law allows the marriage of people under the age of 18 under certain circumstances, such as parental consent or the approval of a minister (Eswatini, Mauritius and Zambia),<sup>909</sup> or if the marriage falls under customary law (South Africa). In most SADC Member States, the respective constitutions do not prohibit forced marriage or child marriage.

In South Africa and Zimbabwe, there were multiple laws governing marriages, depending on whether the marriage was customary or civil. This created inconsistencies in enshrining girls’ rights. For example, South Africa’s Children’s Act of 2005 sets the minimum age of marriage at 12 for girls,<sup>910</sup> and Lesotho’s and Zambia’s customary laws do not state a minimum age of marriage at all.<sup>911</sup> Attempts to harmonise marriage legislation into a single marriage act have been contested by traditional leaders in Zimbabwe.<sup>912</sup>

There were reports of forced marriage in at least four countries (Eswatini, Lesotho, South Africa, and Zimbabwe). These ranged from customary practices of forced elopement (Lesotho<sup>913</sup> and South Africa<sup>914</sup>) to instances of families forcing a daughter to marry

897 Safeguarding Hub (2019), “Type 4 FGM – mixed messages”, <https://safeguardinghub.co.uk/type-4-fgm-mixed-messages/>

898 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Lesotho”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lesotho/>

899 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Malawi”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

900 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Zambia”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zambia/>

901 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Zimbabwe”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

902 Safeguarding Hub (2019), “Type 4 FGM – mixed messages”, <https://safeguardinghub.co.uk/type-4-fgm-mixed-messages/>

903 Safeguarding Hub (2019), “Type 4 FGM – mixed messages”, <https://safeguardinghub.co.uk/type-4-fgm-mixed-messages/>

904 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Tanzania”, <https://www.state.gov/report/custom/3f6b4f5206/>

905 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Mozambique”, <https://www.state.gov/report/custom/3f6b4f5206/>

906 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: South Africa”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>

907 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Zimbabwe”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

908 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Malawi”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

909 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Eswatini”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/eswatini/>

910 Girls Not Brides, “South Africa”, accessed June 2020 <https://www.girlsnotbrides.org/where-does-it-happen/atlas/south-africa>

911 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Lesotho”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lesotho/>; U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Zambia”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zambia/>

912 The Herald (2020), “Marriages Bill stalls over lobola”, <https://www.herald.co.zw/marriages-bill-stalls-over-lobola/>

913 Help Lesotho (2018), “Women can’t thrive when marriage is forced”, <https://www.helplesotho.org/forced-marriage-pontso>; U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: Lesotho”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lesotho/>

914 U.S. Department of State (2021), “2020 Country Reports on Human Rights Practices: South Africa”, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>



on suspicion that she has had sexual intercourse or was raped by the man in question (Zimbabwe<sup>915</sup>). In Eswatini, there were both arranged child marriages and forced marriages in cases of infertility.<sup>916</sup>

**Widowhood Practices:** In at least three countries (Eswatini, Malawi, and Mozambique), widows were subjected to harmful rituals. In Eswatini, women who become widows must observe a strict mourning period of a month (or sometimes up to two years). They are excluded from many public events and often become homeless as their husband's families take their home.<sup>917</sup> In Malawi and Mozambique, widow-cleansing continues to be practised,<sup>918</sup> whereby a widow is obligated to have unprotected sexual intercourse with a member of her deceased husband's family.<sup>919</sup> This was despite the law in Malawi prohibiting the practice,<sup>920</sup> and campaigns in Mozambique against it.<sup>921</sup>

## POLITICAL PARTICIPATION

**Equal Participation in Political life:** Although the constitutions of 15 countries enshrine the principle of non-discrimination based on gender, there were not always follow-up laws and policies to ensure women are not discriminated against in practice, or countries did not actively enforce existing laws. For example, in the DR Congo, while the law provides for gender parity in political party lists, the law also states a party may not be disqualified from running if they do not have a gender-balanced list.<sup>922</sup> Moreover, the Constitutional Court ruled that gender quotas were unconstitutional, thus making gender equality more difficult to realise.<sup>923</sup> In Eswatini,

the 2018 Election of Women Act is meant to realise women's constitutional right to equal representation, currently faces challenges in being fully implemented due to the absence of regulations to operationalize the Act, and the absence of Terms of Reference for the four elected women parliamentarians.<sup>924</sup>

Women's equal representation in government and participation in legislative and policy formation is limited in some countries due to the power vested in the executive as stipulated by the constitution. Regarding representation overseas, 12 countries' constitutions (Angola, Comoros, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, Zambia and Zimbabwe) vest in the President or King the power to appoint such representatives and to remove them from office. No provisions require that appointments be made based on equality and non-discrimination.<sup>925</sup>

A further barrier to women's participation in politics are customary laws and practices. In Eswatini, widows have been prevented by mourning rituals from participating in certain electoral processes. For instance, widows or those in mourning were not permitted to participate in the 2016 People's Parliament gathering.<sup>926</sup> Women in Eswatini may also require their husband's permission to vote in elections.<sup>927</sup> In Botswana, sexual exploitation of women in politics limited the number of women in government, and women were also underrepresented in the traditional chieftainship.<sup>928</sup> Female candidates in Malawi also reported experiencing harassment and intimidation when campaigning.<sup>929</sup>

915 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Zimbabwe", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

916 Human Rights Watch (2021), "Submission to the Universal Periodic Review of Eswatini", <https://www.hrw.org/news/2021/03/26/submission-universal-periodic-review-eswatini>

917 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Eswatini" <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/eswatini/>

918 Reuters (2018), "Malawian women struggle for land rights despite equality drive", <https://www.reuters.com/article/us-malawi-landrights-women-idUSKCN1M51GQ>

919 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Mozambique", <https://www.state.gov/report/custom/3f6b4f5206/>

920 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Malawi", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

921 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Mozambique", <https://www.state.gov/report/custom/3f6b4f5206/>

922 JICA, (2017), "Country Gender Profile DRC Final Report", p.14.

923 CEDAW (2019), "Concluding observations on the eighth periodic report of the DRC", p.7.

924 Eswatini Response to "Questionnaire for Member States", Received September 2021

925 The Constitute Project (2021), "Topic: Foreign affairs representation", [https://constituteproject.org/constitutions?lang=en&key=headforn&country=Angola&country=Botswana&country=Comoros\\_the&country=Democratic\\_Republic\\_of\\_the\\_Congo&country=Lesotho&country=Madagascar&country=Malawi&country=Mauritius&country=Mozambique&country=Namibia&country=Seychelles&country=South\\_Africa&country=Swaziland&country=United\\_Republic\\_of\\_Tanzania\\_the&country=Zambia&country=Zimbabwe&status=in\\_force](https://constituteproject.org/constitutions?lang=en&key=headforn&country=Angola&country=Botswana&country=Comoros_the&country=Democratic_Republic_of_the_Congo&country=Lesotho&country=Madagascar&country=Malawi&country=Mauritius&country=Mozambique&country=Namibia&country=Seychelles&country=South_Africa&country=Swaziland&country=United_Republic_of_Tanzania_the&country=Zambia&country=Zimbabwe&status=in_force)

926 Social Institutions and Gender Index, Eswatini (2019), p.11

927 Social Institutions and Gender Index, Eswatini (2019), p.11

928 United States Department of State (2021), "Country Reports on Human Rights Practices for 2020: Botswana", p.12

929 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Malawi", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

Zimbabwe reported that women's lack of access to and ownership of resources such as land and mineral wealth is a major cause for their reduced participation in politics and decision making.<sup>930</sup>

When quotas for women in electoral positions are non-legislated, women risk regression. For instance, Namibia reports concern that its National Electoral Act does not oblige political parties to field equal numbers of men and women as candidates.<sup>931</sup>

Even when women secure decision-making positions, Mozambique reports the presence of women in decision-making positions has still not translated into strengthening gender equality, women's empowerment or the improvement of their socio-economic condition. Mozambique stated there is thus an imperative to invest in a transformative approach to institutions.<sup>932</sup>

**Participation in NGOs and Associations:** Five countries (Angola,<sup>933</sup> Malawi,<sup>934</sup> Mozambique,<sup>935</sup> Tanzania,<sup>936</sup> and Zambia,<sup>937</sup>) have legislation restricting NGO activity. It includes requiring registration with the government and unaffordable fees, reporting requirements and other procedural obstacles that enable the government to de-register NGOs that challenge it. Four of these countries (Angola, Malawi, Tanzania and Zambia) introduced NGO-related legislation since 2015. Malawi passed its Non-Governmental Organisations Regulations in 2021, which increased registration fees by 2000% and introduced steep fines for NGO members who violate the NGO

law.<sup>938</sup> Zambia's Non-Governmental Organisations (Amendment) Act No 13 of 2020 added a small provision to the 2009 act allowing the government to monitor NGOs for potential use in terrorism funding.<sup>939</sup>

Some governments used police to restrict, intimidate, and even harm protesters in terms of freedom of assembly. In Eswatini, protesters were shot and killed in 2019.<sup>940</sup> In Botswana, the Public Order Act requires citizens to seek police permission to exercise this right, and police have sometimes denied requests for vague reasons. The constitutionality of this provision is contested.<sup>941</sup> Further, tight assembly restrictions due to COVID-19 remained in effect at the end of 2020.<sup>942</sup>

**UNSCR 1325 National Action Plans:** The number of SADC Member States that have adopted a NAP on the Implementation of UNSCR 1325 remains low. While SADC, in its Regional Strategy on Women, Peace and Security (2018-2022), called on the Member States to adopt and implement NAPs on UNSCR 1325, to date, only 5 countries have done so. The NAPs adopted vary in the scope of participation of women and CSOs. Whereas the NAP of Namibia includes CSO participation, the NAP of Angola does not.

## SEXUAL AND GENDER-BASED VIOLENCE (VIOLENCE AGAINST WOMEN)

**Domestic Violence:** While most SADC Member States have legislation prohibiting domestic violence, DR Congo, Lesotho and Tanzania do not.

**Marital Rape:** Four countries (Botswana, DR Congo,<sup>943</sup>

930 Zimbabwe Response to "Questionnaire for Member States", Received September 2021

931 Namibia Response to "Questionnaire for Member States", Received September 2021

932 Mozambique Response to "Questionnaire for Member States", Received September 2021

933 International Center for Not-for-Profit Law (2015), "Presidential Decree No. 74/15 Approving the Regulation of Non Governmental Organizations", [https://www.icnl.org/research/library/angola\\_presdec/](https://www.icnl.org/research/library/angola_presdec/)

934 Malawi Government (2021), "Non Governmental Organisations Act", <https://ngoboard.mw/legal-documents/>

935 CIVICUS (2016), "Mozambique NGOs battle for free civic space", <https://www.civicus.org/index.php/media-resources/news/interviews/2661-mozambique-ngos-battle-for-free-civic-space>; Freedom House (2019), "The Spread of Anti-NGO Measures in Africa: Freedoms Under Threat", [https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat#footnoterefi\\_oe3ek1](https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat#footnoterefi_oe3ek1)

936 CIPESA (2018), "Tanzania Issues Regressive Online Content Regulations", <https://cipesa.org/2018/04/tanzania-enacts-regressive-online-content-regulations/>

937 Zambia's Non-Governmental Organisations Act, 2009, Article 10,

938 Malawi Government (2021), "Non Governmental Organisations Act",

939 Zambia's Non-Governmental Organisations (Amendment) Act No. 13 of 2020,

940 Freedom House (2019), "Eswatini: End Use of Lethal Force Against Protesters", <https://freedomhouse.org/article/eswatini-end-use-lethal-force-against-protesters>

941 Freedom House (2021), "Freedom in the World 2021 Botswana", <https://freedomhouse.org/country/botswana/freedom-world/2021>

942 Freedom House (2021), "Freedom in the World 2021 Botswana", <https://freedomhouse.org/country/botswana/freedom-world/2021>

943 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: DRC", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/democratic-repub->

Tanzania,<sup>944</sup> and Zambia) do not criminalise marital rape or specifically exclude spouses from the offence of rape. In countries where marital rape is a prosecutable offence, the law is often not well enforced, leaving women vulnerable and without sufficient legal protection. In Zimbabwe, a man may not be prosecuted for this crime unless the Attorney-General approves the case.<sup>945</sup> Malawi's 2015 Marriage, Divorce, and Family Relations Act, which explicitly introduces the concept of spousal rape, does not prescribe specific penalties for conviction and applies only to legally separated spouses.<sup>946</sup> Nonetheless, spousal rape may be prosecuted under the rape provisions of the penal code.<sup>947</sup>

**Sexual Harassment:** While all 16 SADC Member States have legislation concerning sexual harassment, the extent of the prohibition, remedies, and protections vary considerably between countries. In all countries, barring Botswana, Eswatini and Seychelles, sexual harassment is explicitly prohibited in the workplace for both men and women.<sup>948</sup> However, Botswana's Public Service (Amendment) Act, No. 14 of 2000, Section 31A classifies sexual harassment of a public officer by a co-worker or by a supervisor as misconduct, and Botswana also has had a Code of Good Practice on Sexual Harassment in the Workplace since 2002. Seychelles' 2020 Domestic Violence Act mentions "sexual harassment", but only in its definitions section, not outlining what the specific offence of sexual

harassment would entail or any legal consequences of committing it.

**Violence in Conflict situations:** Across the SADC region, GBV cases perpetrated with impunity in the context of violent conflict or by security forces were reported. In the DR Congo, illegally armed groups committed sexual abuses and rape with impunity. Government agents also raped and sexually abused women and girls during arrest, detention, and military actions.<sup>949</sup> Malawian peacekeepers' sexual misconduct and abuse allegations remain pending for years and are not prosecuted.<sup>950</sup> In 2019, Mozambique signed a peace accord with RENAMO, the political opposition. The accord primarily focuses on amnesty for crimes committed during hostilities and ignores the disproportionate impact of armed tensions on the lives of women and girls who were marred by rape by soldiers.<sup>951</sup> In Zimbabwe, no one had been held to account for the 16 reported rapes by security forces from January through March 2019 in retaliation for the January 2019 stay-away demonstrations.<sup>952</sup> Impunity among security forces and lack of legal recourse remains a significant challenge and a threat to women and girls' right to freedom from all forms of violence.

**Insufficient Support for Survivors of SGBV (VAW):** In at least eight countries (Eswatini,<sup>953</sup> Lesotho,<sup>954</sup> Madagascar,<sup>955</sup> Mauritius,<sup>956</sup> Mozambique,<sup>957</sup> Namibia,<sup>958</sup> South Africa,<sup>959</sup> and Zimbabwe<sup>960</sup>) there is a lack in shelters for victims of GBV or human trafficking,

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944 Magalla, Asherry (2021), "Interdiction of Marital Rape in Tanzania: Can a Husband be Answerable?", SSRN, <https://ssrn.com/abstract=3833602>

945 Republic of Zimbabwe, (2004), "Criminal Law (Codification And Reform) Act 23/2004", p.48

946 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Malawi", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

947 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Malawi", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

948 World Policy Center (2021), "Is sexual harassment explicitly prohibited in the workplace?", <https://www.worldpolicycenter.org/policies/is-sexual-harassment-explicitly-prohibited-in-the-workplace>

949 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: DRC", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/democratic-republic-of-the-congo/>

950 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Malawi", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malawi/>

951 Instituto de Estudos Sociais e Económicos (2020), "Desafios Para Moçambique 2020", p.80 [https://www.iese.ac.mz/wp-content/uploads/2020/12/Desafios-2020\\_online.pdf](https://www.iese.ac.mz/wp-content/uploads/2020/12/Desafios-2020_online.pdf)

952 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Zimbabwe", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

953 U.S. Department of State (2021), "2020 Trafficking in Persons Report: Eswatini", <https://www.state.gov/reports/2020-trafficking-in-persons-report/eswatini/>

954 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Lesotho", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lesotho/>

955 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Madagascar", <https://www.state.gov/report/custom/3f6b4f5206/>

956 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Mauritius", <https://www.state.gov/report/custom/3f6b4f5206/>

957 Mozambique Response to "Questionnaire for Member States", Received September 2021

958 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Namibia", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/namibia/>

959 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: South Africa", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>

960 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Zimbabwe", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

or shelters were inadequate and lacking in funding. Often, most victims of GBV did not know about the existence of the shelters that were available to them,<sup>961</sup> and in South Africa, there were reports of women being turned away from shelters.<sup>962</sup> This state of affairs resulted in victims returning to their parents' homes, who often pressured them to return to their abusers, as in the case of Madagascar.<sup>963</sup> Mozambique reported the approach of reintegration of victims into their families to be ineffective, as it increased the risk to victims, including the risk to their life.<sup>964</sup>

**Lack of Data:** There is a lack of available data to effectively monitor progress towards eliminating SGBV and VAW, both during times of peace and conflict.

**Reporting and Prosecution:** In all SADC countries, a significant challenge to the realisation of the rights and protections enshrined in the laws addressing GBV is the lack of reporting to the police by survivors of GBV, inadequate or non-existent investigation by police, low rates of prosecution and conviction in GBV cases. In many countries, laws on rape or domestic violence were rarely or inadequately enforced. The low level of reporting of GBV cases is due to various factors such as social stigma. A woman might decide not to file charges against her husband for domestic violence due to family members pressuring her not to involve the courts (Madagascar, Namibia, Seychelles, South Africa).<sup>965</sup> There is sometimes the perception that filing a complaint would not result in any benefit to the victim (Mauritius)<sup>966</sup> and lack of trust in the criminal justice system (South Africa).<sup>967</sup> In the case of spousal rape, women were even less likely to report due to fear of losing economic support, reprisals, lack of awareness that spousal rape is a crime, and police view that domestic disputes constitute a private matter (Zimbabwe).<sup>968</sup> Reporting was particularly low

in rural areas, as most rural citizens (in Zimbabwe, for instance) were unfamiliar with laws against domestic violence and sexual offences.<sup>969</sup> A lack of adequate and widespread services for rape victims also discouraged reporting (such as in Zimbabwe).<sup>970</sup>

## RECOMMENDATIONS

- Domesticate and implement GEWE treaties and frameworks ratified by Member States, such as the Maputo Protocol, CEDAW and the ILO Equal Remuneration Convention (No. 100).
- Call on Member States (Botswana and Madagascar) to ratify the Maputo Protocol.
- Adopt and enforce laws prohibiting discrimination against women. While the majority of constitutions in the region enshrine the principle of non-discrimination based on gender, not all countries have laws that protect women in practice. Where such laws exist, they are not always enforced.
- Eliminate gaps in existing legislation relevant to the four themes. For example, on economic rights, across the region gender pay gaps persist.
- Adopt and implement NAPs on UNSCR 1325 and fulfil the commitments contained in the SADC Regional Strategy on Women, Peace and Security (2018-2022).
- Increase the collection and publication of gender-disaggregated data to inform laws and policies on GEWE treaties commitments, in particular as it relates to the prevalence of SGBV/VAW and harmful practices.

961 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Lesotho", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lesotho/>

962 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: South Africa", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>

963 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Madagascar", <https://www.state.gov/report/custom/3f6b4f5206/>

964 Mozambique Response to "Questionnaire for Member States", Received September 2021

965 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Madagascar", <https://www.state.gov/report/custom/3f6b4f5206/>

966 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Mauritius", <https://www.state.gov/report/custom/3f6b4f5206/>

967 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: South Africa", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/south-africa/>

968 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Zimbabwe", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

969 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Zimbabwe", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>

970 U.S. Department of State (2021), "2020 Country Reports on Human Rights Practices: Zimbabwe", <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zimbabwe/>



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- Burundi's Constitution of 2018, available at: [https://www.constituteproject.org/constitution/Burundi\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en) (Article 29, pg 8).
- Chad's Constitution of 2018, available at: [https://www.constituteproject.org/constitution/Chad\\_2018.pdf?lang=en](https://www.constituteproject.org/constitution/Chad_2018.pdf?lang=en) (Article 19, pg 6).
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