

MULTI - SECTORAL APPROACH TO WOMEN'S RIGHTS IN AFRICA MANUAL

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 **UN** 
WOMEN

United Nations Entity for Gender Equality
and the Empowerment of Women

TABLE OF CONTENTS

Chapter One: Introduction	1
Chapter Two: Nature and Extent of Africa's Commitments on Women's Rights	4
- The Convention on the Elimination on All Forms of Discrimination Against Women (CEDAW)	4
- African Charter on Human and Peoples' Rights (African Charter)	5
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	6
- Millennium Development Goals	8
- SADC Protocol on Gender and Development	11
- Protocol on the Prevention and Suppression of Sexual Violence against Women and Children	11
- The International Bill of Rights and women's rights	12
- ILO Conventions on the Right to Work	12
- National protection of women's rights	12
Chapter Three: The Multi-Sectoral Approach towards Women's Rights	14
- Promoting women's rights and empowerment is a national priority	14
- Contribution of individual government departments to women's rights	15
- Coordination is the key to successful multi-sectoral initiatives	16
- Technical expertise is necessary	17
- Partnerships for the success of multi-sectoral initiatives	18
Chapter Four: Guidelines for Use of the Multi-Sectoral Approach	20
- Developing Political Will	20
- Establishing a High Level Coordination Mechanism	21
- Putting in place a Technical and Advisory Services Unit	24
- Developing operational plans by individual ministries	25
- Establishing an effective monitoring and accountability framework	28
- A multi-sectoral approach to periodic reporting	28
- Women's human rights in National Development Plans and budgets	30
- Gender Budgeting	31
- Developing Government-led partnerships with the United Nations system, development partners and civil society	32
Annexes	35

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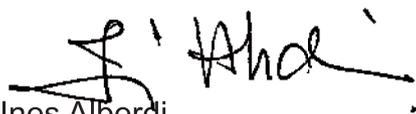
FOREWORD

In accordance with its mandate the United Nations Development Fund for Women, UNIFEM (part of UN Women) ¹, has over the years supported initiatives that promote gender equality and women's rights and empowerment. A key lesson from UNIFEM's work is that eliminating discrimination against women and securing women's rights require the involvement of and gender responsive actions by different stakeholders, including Governments, civil society organizations and individuals in communities and households. Discrimination is pervasive at all levels and in all spheres of life.

The introduction of an implementation framework that proposes the integration of women's rights into all sectors of government and development endeavours is therefore welcome. A multi-sectoral approach to delivering on women's rights commitments reflects the reality that women's rights cut across all sectors and development priorities articulated in National Development Strategies. The adoption and use of such a multi-sectoral approach will represent significant progress in ensuring women's full enjoyment of their human rights.

The framework also calls for inter-ministerial coordination to ensure improved efficiency, accountability, and communication across sectors, the establishment of a strong technical and advisory services unit at the regional and national levels, and an important and strengthened role for national machineries for women's affairs. There already exist in some countries good practices in multi-sectoral approaches in a number of areas, including national strategies on HIV/AIDS, humanitarian emergencies and public health threats, such as in the case of avian flu.

Appropriate technical expertise to support the development of internal technical capacities by different sector ministries and in the coordination mechanism is an important element in successful multi-sectoral strategies. Finally, the acknowledgement of the important roles of Government-led partnerships—with the AU, with donor countries and agencies, with the United Nations system, and with various civil society actors, including international and regional human rights institutions, women's organizations, academic and research institutions, faith-based organizations, cultural leaders, and trade unions-- highlights the fact that discrimination against women is and should be a society-wide concern.



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1. UNIFEM is now part of the UN Entity for Gender Equality and the Empowerment of Women known as UN Women established by the UN General Assembly on 2 July 2010. UN Women comprises the Division the Advancement of Women (DAW), the International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) and the United Nations Development Fund for Women (UNIFEM)

LIST OF ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSOs	Civil Society Organizations
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
ECA	United Nations Economic Commission for Africa
ECOWAS	Economic Community of West African States
MDG	Millennium Development Goals
PRSP	Poverty Reduction Strategy Paper
SADC	Southern African Development Community
SDGEA	Solemn Declaration on Gender Equality in Africa
UDHR	Universal Declaration of Human Rights
UN	United Nations Organization
UNIFEM	United Nations Development Fund for Women
UN Women	UN Entity for Gender Equality and the Empowerment of Women
OHCHR	United Nations Office of the High Commissioner for Human Rights

CHAPTER ONE

INTRODUCTION

Background - Endemic Gender Disparities

Women constitute the majority of the poor in Africa. They face widespread and endemic discrimination and persistent denial of their human rights. According to the Global Gender Gap Report of 2007, Sub-Saharan Africa has the second lowest score on gender indicators out of eight regions and has the lowest score in sectors such as education.¹ Indeed, it is well known that in sub-Saharan Africa women produce between 60% to 80% of the food, yet female-headed households are more likely to be poorer. Women are less likely to own land than men, and female landowners tend to own less land than their male counterparts. Furthermore, maternal mortality rates have barely changed over two decades.

The feminization of the HIV and AIDS pandemic, and high maternal mortality rates pose major threats to the attainment of gender equality and women's empowerment. Only three African countries feature in the top fifty countries with regard to health and survival of women worldwide². Women constitute the larger percentage of those infected and affected by the pandemic making up more than 60% of the adults and 75% of all young people living with HIV. In addition they have the burden of taking care of the sick and the ever growing numbers of orphaned children with minimal state support. This situation is aggravated by the intractable prevalence of gender-based violence typified by women battering, rape and other forms of sexual violence, and harmful traditional practices.

Although women constitute more than 50% of the African population, they are the least represented in leadership and decision-making positions. Only seven African countries feature in the top fifty of the featured one hundred and twenty eight³ with regard to political empowerment. Women's participation in governance, democracy and electoral processes at national levels remains limited with an overall percentage of 14.9% across Africa. This indicator is far below the gender parity that African leaders have committed to achieve.

Conflicts in many parts of Africa continue to unleash untold suffering among many peoples of the continent with women and children bearing the brunt of such conflicts. Women and children constitute the majority of the displaced persons and refugees in conflict situations yet their role in conflict prevention, management and resolution continues to be undermined in spite of international and regional commitments on gender equality in peace processes.

These statistics should be of concern not only to African governments who have committed to promoting gender equality and women's rights, but also to other stakeholders including development partner countries, the United Nations System, and civil society organizations. Gender inequality is increasingly being recognized as a hindrance to the overall national and regional growth and sustainable development.⁴

A recent study of the World Bank made the correlations between gender and development and found that⁵:

The relationship between the incidence of poverty and the level of gender equality suggests that developing countries with higher gender equality tend to have lower poverty rates;

1 Global Gender Gap Report (2007), World Economic Forum.

2 Id.

3 Id.

4 World Bank (2007): Gender Equality as Smart Economics (A World Bank Group Gender Action Plan (2007 -10) at p. 2

5 Morrison, Raju & Sinha (2007): Gender Equality, Poverty and Economic Growth (World Bank).

Increases in female earnings can, on the one hand, reduce current poverty and stimulate short-term growth through higher consumption expenditures, and, on the other hand, reduce future poverty and stimulate long-term growth through higher savings;

Greater gender equality under the law, including legal rights of women to own assets such as land and property, the right to move freely outside the home and to participate in various markets, and women's rights within marriage can boost growth by increasing women's productivity;

Increases in maternal education and control over household resource allocation improve child well-being, educational attainment and health which in turn, lead to increases in children's cognitive ability and productivity as adults.

The dismal progress on women's rights is particularly of concern in light of the fact that many African governments, by ratifying international and regional human rights treaties, have made the commitment to respect, promote and protect women's rights and to eliminate discrimination against women. While some efforts have been made such as the establishment of women's machineries and the introduction of gender focal points in many ministries, translation of these commitments in national laws, policies and programmes remains a challenge in the few countries. Even where gender equality goals are expressed in national poverty reduction and sector strategies, they begin to "evaporate" as the strategies are developed into concrete plans, formulated into budgets and implemented on the ground.

One of the major challenges to the realization and enjoyment of rights by women is that the responsibility for women's rights and empowerment has been laid exclusively at the feet of national women's machineries. They have had to work without effective collaboration and synergy from other sectors and ministries which equally have a role to play in ensuring the protection of women's rights. Yet, the machineries often have limited resources and political power to effectively support sectors ministries to fulfil their respective commitments on women's rights.

Purpose of the Handbook

As a response, the United Nations Development Fund for Women (UNIFEM) has developed a framework for a multi-sectoral approach to fast tracking the commitments on women's rights by African governments' into real positive changes for women in urban and rural areas. This Handbook has been developed to introduce the multi-sectoral approach to women's rights, and to provide practical guidance to support the adoption and use of the approach at different levels, including national and local levels. More specifically the Handbook will enable the user to clearly identify which human rights instruments a country has committed to and the specific obligations with respect to women's rights. Subsequently and more importantly, this is a resource that aims to guide countries and their development partners through a series of steps or roadmap towards adopting and operationalising a multi-sectoral approach to sustained actions to secure women's rights, and in monitoring and reporting on the progress made, in accordance with the requirements of CEDAW and the AU Protocol on women's rights in Africa, as well as the Solemn Declaration on Gender Equality in Africa.

Intended Audience

The realization of women's rights requires the combined and complementary effort of different stakeholders, including governments, civil society organizations and other non-state actors, development partners including donor countries/agencies, and the United Nations System. Below is a brief note on the different user categories:

Government

The intended users of this Handbook are governments who are the primary duty bearers under the Protocol to the African Charter on Human and Peoples' Rights to the rights of Women in Africa, CEDAW and other human rights instruments. They are also charged with guiding and facilitating sustainable development, towards which women's rights and gender equality are critical. The Handbook provides a step by step guide on how to use the multi-sector approach to facilitate government system-wide actions in favour of women's rights and empowerment. In this way, all sectors and ministries in government, not just the women's machineries, contribute to the realization of women's rights thereby fast tracking delivery on commitments under the AU Protocol and CEDAW.

Development Partners

This Handbook is also intended for development partners who are important supporters of the national development efforts in Africa. Many have sector programmes in which they work with central and local government, civil society organizations, and communities to achieve agreed upon objectives. They have an obligation to support their sector local partners, government or non-government, to integrate women's rights and empowerment in their policies, programmes and activities. Many development partners will already have institutional policies and guidelines for mainstreaming gender. This Handbook will serve as a useful complement to their respective existing tools.

Civil Society

The Handbook will also be a useful resource for civil society organizations (CSOs) including women's rights advocacy organizations, and community-based groups in their partnership with government, and in their advocacy for the promotion and protection of women's rights. They may use some of the practical suggestions provided in the Handbook as a means of providing concrete recommendations to Governments. There are CSOs in almost all sectors including sectors that are not normally associated with the promotion of women's rights. This Handbook can support such CSOs to integrate women's rights advocacy in their work.

How the Handbook is organized

The Handbook is organized into four chapters. After this introductory chapter, the second chapter provides an overview of key commitments that African governments have made with respect to women's human rights including under the African Charter on Human and People's Rights (ACHPR), the Protocol to the ACHPR on the Rights of Women in Africa, CEDAW, and the Millennium Development Goals (MDGs) on Gender Equality. The third chapter introduces and explains the multi-sectoral framework and Chapter 4 provides step by step guidelines on adopting, contextualising and using the multi-sector approach to securing women's rights. The steps are not intended to be prescriptive. Rather the users are encouraged to understand their local context and determine how best to apply the framework and adapt it appropriately.

CHAPTER TWO

NATURE AND EXTENT OF AFRICA'S COMMITMENTS ON WOMEN'S RIGHTS

This chapter provides an overview of some of the commitments that African countries have made with respect to women's human rights at the regional and international levels. Particular focus is given to CEDAW and the Protocol to the ACHPR on the Rights of Women in Africa.

The Convention on the Elimination on All forms of Discrimination Against Women (CEDAW)

CEDAW was adopted by the UN on the 18th of December, 1979 and came into force in 1981 (the full text of CEDAW is attached as Annex 1). It was developed because the member states of

CEDAW DEFINES DISCRIMINATION AS

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women” of their human rights and fundamental freedoms.

the UN realized that even though existing human rights treaties required governments to ensure the equal rights of men and women, extensive discrimination against women continued to exist. CEDAW was, therefore, negotiated and adopted to articulate more clearly the obligations of states parties for immediate and sustained steps to eliminate dis-

crimination against women. Countries that ratify CEDAW commit themselves to:

- embody the principle of equality of men and women in their national constitutions and to ensure its practical realization;
- adopt appropriate legislative and other measures to prohibit all forms of discrimination against women;
- establish legal protection of the rights of women on an equal basis with men and ensure the effective protection of women against any act of discrimination;
- refrain from engaging in any discrimination against women and ensure that public authorities and institutions similarly do so;
- take all appropriate measures to eliminate discrimination against women by any person or organization;
- take all measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; and finally
- repeal all national penal provisions which constitute discrimination against women.

Recognizing that discrimination against women is often rooted in social and cultural norms and beliefs, CEDAW requires state parties (i.e. governments who have ratified CEDAW) to remove all prejudices and customary and cultural practices which undermine women's human rights. CEDAW also requires state parties to combat all forms of trafficking in women. The Convention sets out specific areas in which states must ensure that women do not suffer from discrimination. They include: participation in public life including representation of Government at international levels, nationality, education, employment, healthcare, economic and social life, and equality before the law and marriage. Recognizing that women in rural areas are even more vulnerable to discrimination, CEDAW obligates states to ensure that rural women:

- participate in the elaboration and implementation of development planning;
- have access to adequate health care facilities, including information, counselling and services in family planning;
- benefit directly from social security programmes;
- obtain all types of training and education;
- organize self-help groups and co-operatives in order to obtain economic opportunities through employment or self-employment;
- participate in all community activities;
- have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes; and
- enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

As of January 2009, 52 of the 53 African countries were parties to the Convention. A full list of these countries is provided as Annex 2 to this Handbook. The Committee on the Elimination of Discrimination against Women was established to monitor progress on implementation of CEDAW. State parties are required to submit a report to the Committee every four years stating what measures they have taken to give effect to the provisions of the Convention.¹

The Committee also provides recommendations on issues arising out of State reports. For example, General Recommendation No. 19 elaborates on the close connection between discrimination against women and gender-based violence. It enjoins governments to take effective measures to overcome all forms of gender-based violence as part of their obligations under CEDAW and outline in their periodic reports actions they have taken in this respect.

African Charter on Human and Peoples' Rights (African Charter)

The African Charter on Human and People's Rights, which came into force in 1986, was an attempt by African states to imbue their understanding of human rights with the historical tradition and values of Africa. The African Charter guarantees many of the same human rights provisions found within the Human Rights Bill of Rights² such as the right to life, the right to liberty, freedom of association, freedom of movement, the right to education and the right to health. The Charter differs from the Bill of Rights, however, in that in the spirit of African values, it identifies the rights of peoples notably to self determination, to freely dispose of their wealth, to their development and to peace and security. It also goes further by not only specifying individual rights but also to individual responsibilities.

All the provisions of the African Charter are applicable to women and thus are important from a women's rights perspective. Article 2 entitles everyone to enjoy the rights and freedoms provided for in the Charter irrespective of, among other things, sex. Equally important is Article 18(3) which provides that the state shall ensure the elimination of all discrimination against women and shall ensure the protection of the rights of women as stipulated in international conventions and declarations³. By this clause, the Charter recognizes that even though it may not go into detail into the rights of women, the international conventions including CEDAW, International

¹ In addition, an updated list of countries that are parties to CEDAW can be found on the website of United Nations High Commission for Refugees. www.unhchr.org

² The Universal Declaration of Human Rights; the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights.

³ Emphasis added.

Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) women's rights are applicable and are binding on a state that has ratified the African Charter.

The African Charter establishes the African Commission on Human and People's Rights with the mandate to promote and protect the rights guaranteed by the Charter. The Commission promotes human rights by conducting studies, raising awareness and making recommendations to governments on issues of concern. For example, recognizing the persistent gender inequality on the African continent, the Commission has issued a number of resolutions on women's rights and created the position of the Special Rapporteur on the Rights of Women in Africa in 1998.⁴ The Commission also has a role to play in resolution of disputes between states as well as between states and individual citizens relating to human rights as set forth in the Charter.

Protocol to the African Charter on the Rights of Women

Despite the fact that most African Governments had ratified the ACHPR and CEDAW, in many respects the lives of African women, particularly poor women, remain unchanged. Advocates for women's rights and empowerment thus called for a more comprehensive African treaty on women's rights that would address the myriad of discriminatory practices faced by women on the continent. Accordingly, on July 2003 in Maputo, Mozambique, the African Union adopted the Protocol to the ACHPR on the Rights of Women in Africa. The Protocol, which came into force on 25 November 2005, is one of the most comprehensive human rights instruments to date that addresses the specific needs and circumstances of African women.⁵ As of October 2009, 27 countries had ratified the Protocol and 45 had signed it (see Annex 3 for complete list).

The Protocol specifies state obligation in respect of key human rights including: (see Annex 4 for the complete text).

Elimination of Discrimination against Women: State parties are obligated to combat all forms of discrimination against women. This should be done by, among other things:

- including the principle of equality in the national constitutions and other laws
- enacting legislation that prohibits discrimination
- integrating a gender perspective in all decisions, and
- ensuring that harmful traditional practices are eliminated.

Right to life, integrity and security of person: The Protocol prohibits all forms of exploitation, cruel, inhuman or degrading punishment and treatment. It therefore, obligates state parties to:

- enact and enforce laws to prohibit all forms of violence against women
- identify the causes and consequences of violence against women and take measures to prevent and eliminate such violence
- actively promote peace education in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes that legitimize violence against women.
- punish the perpetrators, when violence does occur and implement programmes for the re-

⁴ Further information on the work of the Commission is available from their website at <http://www.achpr.org>. A full copy of the African Charter may be downloaded from the same website. Finally, an updated list of ratification may found at the website of the African Union at <http://www.africa-union.org> in the section on documents/treaties.

⁵ The Protocol is reproduced into this Handbook as Annex 3. In addition a list of country ratifications is attached as Annex 4, an updated list of ratifications can be found in the AU website in the section under Documents/Treaties at www.africa-union.org

habilitation of women victims.

- prevent and condemn trafficking in women

Elimination of harmful practices: The Protocol obligates states parties to prohibit and condemn all forms of harmful practices by:

- creating public awareness regarding harmful practices,
- prohibiting all forms of female genital mutilation and all other harmful practices in order to eradicate them; and
- providing support to victims through basic services such as health services, legal and judicial support, and emotional and psychological counselling.

Equal rights in and dissolution of marriage: The Protocol obligates states parties to ensure that women and men enjoy equal rights in marriage. In this respect, states are required to enact legislation that guarantees free consent to marriage and a minimum age of marriage for women at 18 years. Legislation should also reflect the following:

- that monogamy is the preferred form of marriage
- every marriage shall be recorded in writing and registered
- a married woman shall have the right to retain her maiden name
- a woman shall have the right to retain her nationality or to acquire the nationality of her husband
- a woman and a man shall have equal rights, with respect to the nationality of their children; and
- during marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.
- In the event of dissolution of marriage, the Protocol also obligates state parties to ensure equality of rights of men and women.

Access to justice and equal protection before the law: The Protocol provides that women and men are equal before the law and shall have the right to equal protection and benefit of the law. This requires states parties to take measures to ensure:

- effective access by women to judicial and legal services, including legal aid
- that women are represented equally in the judiciary and law enforcement organs; and that
- existing discriminatory laws and practices are reformed.

The right to participation in political and decision-making processes: The Protocol obligates states parties to take specific positive action to promote the equal participation of women in the political life of their countries through affirmative action, and other enabling national legislation. State parties are to ensure that women participate in all elections without any discrimination; that women are represented at all levels equally with men in all electoral processes and that women are equal partners with men in the implementation of state policies and programmes.

The right to peace and protection of women in armed conflicts: The Protocol recognizes the right of women to a peaceful existence and to participate in the promotion and maintenance of peace. In this respect, state parties are required to ensure the increased participation of women in decision making with respect to the protection of asylum seekers, refugees, returnees and displaced persons, in particular, women. In addition, state parties should ensure increased par-

ticipation of women in post conflict reconstruction and rehabilitation. To protect women during armed conflicts, state parties are required to respect the rules of international humanitarian law applicable in armed conflict situations which affect the population, particularly women. Furthermore, they are required to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation. Finally, state parties are obligated to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

The right to education and training: The Protocol enjoins states parties to eliminate all discrimination against women in access to education and eliminate all stereotypes in textbooks, syllabuses and the media that perpetuate such discrimination. In addition, state parties are obligated to protect women, especially the girl-child from abuse, including sexual harassment in schools. States parties are required to take positive action to promote literacy among women and promote the enrolment and retention of girls in schools.

Economic and social welfare rights: The Protocol requires states parties to guarantee women equal opportunities in work and career advancement and other economic opportunities. This includes promoting equality of access to employment; the right to equal remuneration for jobs of equal value; establishing a system of protection and social insurance for women working in the informal sector; establishing a minimum age for work and guaranteeing adequate and paid pre and post-natal maternity leave.

Health and reproductive rights: The Protocol obligates states parties to ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes the right to control one's fertility; the right to decide whether to have children, the number of children and the spacing of the children; the right to choose any method of contraception; and the right to self protection against sexually transmitted infections, including HIV/AIDS. State parties are also required to provide affordable health services to women especially those in rural areas; establish and strengthen existing pre-natal, delivery and post-natal health services for women during pregnancy and protect the reproductive rights of women by authorising medical abortion in specific instances.

The right to food security and housing: The Protocol obligates state parties to provide women with access to clean drinking water, and the means of producing nutritious food. In addition, states parties are required to grant to women, irrespective of their marital status, access to adequate housing.

The rights of widows, elderly women, women with disabilities and women in distress: The Protocol provides that states parties should ensure that widows are not subjected to inhuman, humiliating or degrading treatment; that they shall automatically become the guardian and custodian of their children. A widow shall have the right to remarry a person of her choice. States parties are required to ensure that widows have the right to an equitable share in the inheritance of the property of the deceased husband and shall have the right to continue to live in the matrimonial house. The Protocol accords special protection to elderly women and women with disabilities and enjoins States parties to protect them and ensure they are free from violence and discrimination. Poor women, women heads of families, women from marginalized population groups and pregnant or nursing women in detention are recognized by the Protocol as "women in distress" and therefore warranting special protection. In this respect states parties are obligated to provide them with an environment suitable to their condition and needs.

Millennium Development Goals (MDGs)

The Millennium Development Goals (MDGs) contain another set of important commitments

on women's rights. Unlike CEDAW, the African Charter and the Protocol on Women's Rights in Africa, the MDGs are not legally binding. They were unanimously agreed to in September 2000 by member states of the United Nation, including African countries, as part of a new global partnership to end extreme poverty. At the AU Summits of Heads of States and Government in Accra in July 2007 and in Addis Ababa in January 2008, the Heads of States adopted resolutions on the importance of achieving the MDGs. They also agreed that the Assembly of Heads of States must be briefed regularly on progress towards the MDGs on the continent.⁶ To further entrench the MDG agenda, the Economic Community of West African States (ECOWAS) recently developed a regional poverty reduction strategy with the MDGs at its core and the Southern African Development Community (SADC) is in the process of developing one with a focus on the MDGs.⁷

MDG 3 in particular deals with women's rights. The Goal is to promote gender equality and women's empowerment, and towards this goal countries commit to eliminate gender disparity latest by 2015. The indicators used to measure progress for this target include: the ratio of girls to boys in primary, secondary and tertiary education, the share of women in wage employment, and the proportion of seats held by women in national legislatures.

In the 2008 Report on Assessing Progress on the MDGs in Africa⁸ the UN Economic Commission for Africa (UNECA) found that:

- Most African countries are likely to reach gender parity in primary education by 2015
- Eleven countries⁹ had already achieved gender parity in primary education in 2005
- The impressive improvement in gender parity in primary education is not mirrored in secondary education where there is still significant under-representation of girls and thus this target is unlikely to be achieved by 2015;
- Women's representation in national parliament has improved in a majority of African countries, but is nowhere near gender parity, except for Rwanda with 56% of women in Parliament including the Speaker; and
- With respect to women in wage employment, current data was inadequate to report on progress but historical data indicates that no country has reached gender parity.

MDG 5 aims to improve maternal health. The two targets are: (i) to reduce by three quarters the maternal mortality ratio; and (ii) achieve universal access to reproductive health. The first target is measured by the maternal mortality ratio and the proportion of births attended by skilled health personnel. The second target is measured by the contraceptive prevalence rate, the adolescence birth rate, the antenatal care coverage and the unmet need for family planning. Progress towards the achievement of this MDG has been dismal. For example the ECA 2008 Africa MDG report found, among other things, that:¹⁰

- The vast majority of African countries experienced a very negligible improvement in the maternal mortality rate; and
- The latest available data on delivery assistance by a skilled health worker show that no progress has occurred in Central, East, South and West Africa.

While only Goals 3 and 5 explicitly refer to women, achievement of the other MDGS will equally depend on the promotion of women's rights. The ultimate goal of the MDGs, which is the eradi-

6 Economic Commission for Africa (ECA) (2008) "Assessing Progress in Africa Towards the Millennium Development Goals, Report 2008" Addis Ababa, E/ECA/COE/27/10 at p.1

7 Id at pg. 2.

8 Id at pgs. 6-9.

9 These are the Gambia, Gabon, Lesotho, Libya, Malawi, Mauritius, Mauritania, Namibia, Rwanda, Seychelles and Uganda.

10 ECA Africa MDG Report at pgs 12-13.

cation extreme poverty and hunger, cannot be achieved without addressing gender inequality. The MDGs as a whole represent one of the major commitments African governments have made on women's rights. A list of the MDGs and their targets can be found at Annex 5 to this Handbook.¹¹

Further Commitments by the AU and its Regional Bodies to Promote Women's Rights

Article 4(l) of the Constitutive Act of the African Union enjoins the Union to function in accordance with the principle of gender equality. In this spirit, the AU has taken a number of steps to further elaborate the commitment of African governments to women's rights. For example, in July 2004, the Heads of States of the AU adopted the Solemn Declaration on Gender Equality in Africa (SDGEA). The Declaration can be found at Annex 6 to this Handbook. In the Solemn Declaration, member states commit to, among other things to:

- Accelerate the implementation of gender specific measures with respect to HIV/AIDS
- Ensure full participation of women in peace processes
- Launch a campaign for systematic prohibition of the recruitment of child soldiers and abuse of girl children as wives and sex slaves
- Initiate, launch and engage sustained public campaigns against gender based violence
- Expand and promote the gender parity principle in the Commission and other organs of the AU
- Actively promote the implementation of legislation to guarantee women's land, property and inheritance rights
- Take specific measures to ensure the education of girls and literacy of women; and
- Undertake to sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa by the end of 2004.

To ensure that the principle of gender equality is adhered to, the AU established the Women, Gender and Development Directorate with a mandate to promote gender equality within and throughout the Union as well as within Member States by translating policy agreements and instruments into measurable programmes and projects. The Directorate is also to provide oversight by facilitating the development and harmonization of policy, facilitating co-ordination and initiating gender mainstreaming strategies.¹² To ensure that the Directorate has sufficient visibility within the AU Commission; the Directorate is located in the office of the Chairperson of the AU's Commission. The AU has also established the principle of gender parity in the employment of staff in the organization.

Member states have also made commitments at the sub-regional level through the adoption of declarations to ensure that gender is mainstreamed into the policies, plans and programmes of the sub-regional intergovernmental organizations. Probably the most salient example is the 1997 Declaration on Gender and Development by the Southern African Development Community (SADC) followed a year later by its addendum on the Prevention and Eradication of Violence against Women and Children. These were the basis for the Protocol on Gender and Development adopted in 2008.

¹¹ Further information on the MDGs may be found at www.un.org/millenniumgoals.

¹² EX/CL/Dec.34(III) Assembly/AU/Dec.22

SADC Protocol on gender and development

In August 2008 leaders of the Southern African Development Community (SADC) signed the Protocol on Gender and Development. The objective of the Protocol is to:

1. Provide for the empowerment of women, to eliminate discrimination and to achieve gender equality and equity through the development and implementation of gender responsive legislation policies, programmes and projects”.
2. Harmonize the implementation of the various instruments that the SADC members have subscribed to at the regional and international levels on gender equality and equity
3. Address emerging gender issues and concerns
4. Set realistic, measurable targets, timeframes and indicators for achieving gender equality and equity.

The Protocol specifies obligations of state parties in the following areas: constitutional and legal rights; governance; education and training; productive resources and employment; gender-based violence; health and HIV/AIDS; peace building and conflict resolution; and media, information and communication. Drawing from the AU Protocol on Women’s Rights, the SADC Protocol contains provisions on the rights of widows, persons with disability, and persons rendered vulnerable by HIV and AIDS.

State Parties commit themselves to harmonize national legislation, policies, strategies and programmes with relevant regional and international instruments related to the empowerment of women and girls for the purpose of ensuring gender equality and equity. State Parties commit by 2015 to enshrine gender equality and equity in their constitutions and ensure that these rights are not compromised by provisions of other laws or practices. State parties are also obligated to implement legislative and other measures to eliminate all practices which negatively affect the fundamental rights of women, men, girls and boys. They commit to implement affirmative action measures to eliminate barriers that prevent women from realising their rights. They also commit, among other things, to ensuring the equal representation of women in decision making positions of member states and promoting women’s access to and control over productive resources. The full text of the SADC Protocol is attached as Annex 7.

Protocol on the Prevention and Suppression of Sexual Violence against Women and Children

The member states of the International Conference on the Great Lakes Region (ICGLR) adopted the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children on 30 November 2006. The objectives of this Protocol are to:

1. Provide protection for women and children against the impunity of sexual violence in the specific context of the Great Lakes Region;
2. Establish a legal framework under which Member States undertake to prosecute and punish the perpetrators of crimes of sexual violence in the Great Lakes Region;
3. Provide a legal basis for the surrender of persons and fugitives charged with committing offences of sexual violence, without prejudice to the Protocol on Judicial Cooperation;
4. Make provision for the establishment of a regional mechanism for providing legal, medical, material and social assistance, including counselling and compensation, to women and children who are victims and survivors of sexual violence in the Great Lakes Region.

Member States agree that underlying the Protocol is the principle that violence against women and children is criminal and there is an obligation on their part to prevent, prosecute and punish all acts of violence. They also place their obligations within the framework of existing regional and international human rights instruments. They thus commit to ratify CEDAW, the Protocol on women's rights and other relevant instruments. They commit to punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in connection with the commission of crimes against humanity, genocide, or war crimes as defined in the Protocol and in other relevant international instruments.

The member states of ICGLR are Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Kenya, Uganda, Rwanda, Sudan, Tanzania, and Zambia. Find the full text in Annex 8.

The International Bill of Rights and Women's Rights

The term "women's rights are human rights" has become a common framework for securing commitment on women's rights. In this respect, one cannot fully appreciate women's rights without reference to the International Bill of Human Rights. As mentioned before, the International Bill of Human Rights constitutes of the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (CESCR). 13

ILO Conventions on the Right to Work

The International Labour Organization (ILO) is a tripartite UN agency which brings together representatives of governments, employers and workers to develop policies and programmes that ensure the decent and human rights-based treatment of working people. Since it was founded in 1919, the ILO has developed and promoted the adoption of over 80 Conventions, which its member states commit to respecting. Eight (8) ILO Conventions have been identified by the organization as being fundamental to the rights of people at work, irrespective of levels of development of individual member states. They include the Conventions on: Forced Labour (1930), Freedom of Association and Protection of the Right to Organize (1948), Right to Organize and Collective Bargaining (1949), Equal Remuneration (1951), Abolition of Forced Labour (1957), Discrimination (Employment and Occupation) (1958), Minimum Age Convention (1973), and Elimination of the Worst Forms of Child Labour (1999).

In addition to these, given the fact that women face widespread and endemic discrimination in the workplace, four Conventions on gender equality are of significant relevance to women's rights in Africa. They are the Convention on Discrimination (Employment and Occupation) (1958), Equal Remuneration Convention (1951), Workers with Family Responsibilities (1981) and Maternity Protection (2000).

National Protection of Women's Rights

The previous parts of this Chapter provide the basis from which Government's commitments on women's rights are derived at an international and regional level. Many African countries have comparable provisions for the protection of women's rights in their respective national Constitutions, other legislation and policies. This section outlines in general terms the significance of commitments for women's rights at national level.

13 Copies of these Conventions can be found on the website of UNHCHR at <http://www.unhchr.ch>.

- **Protection of women's rights in national constitutions:** A constitution is the supreme law of a country. In many African countries, the constitutions have specific provisions promoting gender equality. In some instances, gender equality is based on the concept of formal equality in which women and men are treated alike, as deserving of equal and similar treatment. This is reflected in provisions prohibiting discrimination on the basis of sex. In other instances, there is recognition that women are not similarly situated as men and may be further disadvantaged by treating them as such. In this respect, provisions will be included in the constitution requiring government to be proactive in providing resources, services or programmes to ensure substantive equality.
- **Legislation on specific issues concerning women's rights:** Some countries have enacted legislation operationalising rights in a whole range of issues e.g. labour rights, contracting & property ownership, family life including marriage, divorce and inheritance, elimination of violence against women, to mention a few. It is important that national laws be in compliance with the human rights standards outlined in the first part of this chapter, and must provide adequate remedies to women whose rights are violated, while punishing perpetrators.
- **Establishment of national machineries on gender and women's rights:** To date almost all African countries have national machinery on gender and the advancement of women. One of the twelve critical areas of concern in the Beijing Platform for Action is the issue of institutional mechanisms and their essential role for its effective implementation.
- **Inclusion of gender equality analysis in poverty assessments and national planning frameworks including poverty reduction strategies:** As the relation between gender inequality and poverty becomes clearer, a few countries have sought to include gender analyses and targets on women's rights and empowerment in poverty assessments and poverty reduction strategies respectively. This Handbook will be of assistance to countries wishing to integrate women's rights in growth and poverty reduction strategies.

Conclusion

This chapter provided a brief summary of the many commitments that African governments have made on women's rights. Understanding what the commitments are is the starting point for government accountability. The summary is not exhaustive since African Governments have ratified other conventions and treaties, many relevant to the promotion and protection of women's rights. Examples include:

- African Charter on the Rights and Welfare of the Child;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- Convention on the Rights of Persons with Disability; and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)

CHAPTER THREE

THE MULTI-SECTORAL APPROACH TOWARDS WOMEN'S RIGHTS AND EMPOWERMENT

Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle in the protection of human rights. The different human rights instruments outlined in the previous chapter require that States Parties adopt legislative, judicial, administrative, educative and other appropriate measures in order to fulfil their legal obligations. All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local - are in a position to engage the responsibility of the State Party.¹⁴ This is the authoritative interpretation of the obligation of states by the Human Rights Committee established under the International Covenant on Civil and Political Rights, and is accepted as part of international law. A state party may not rely on the fact that an action incompatible with the provisions of the Covenant was carried out by another branch of government as a means of seeking to relieve itself from responsibility for the action and consequent incompatibility.¹⁵ The implementation and monitoring of progress in the respect, promotion and protection of women's rights under CEDAW, the African Charter on Human Rights and its Protocol on the Rights of Women in Africa and other human rights instruments cannot be delegated only to the national women machinery for the advancement of women. It is the responsibility of the entire government.

Respect for this principle at the national level is critically important for the enjoyment of rights by women. Gender based inequalities that disempowered women, hindering their ability to claim and exercise rights and to optimally contribute to, and benefit from, national development processes exist in all spheres of life. Conversely the needs of women to overcome inequality cut across all sectors, from health, economy, labour, agriculture and food security, education, security and justice, just to mention a few. No one sector can provide a comprehensive response. Inequalities are development concerns and governments have set up thematic and operational ministries and other organs to provide leadership, technical know-how, and operational mechanism for strategic and practical responses. The question is how can the different organs of government contribute to the achievement of gender equality and women's empowerment? How can the work of one sector ministry working towards gender equality reinforce and build on the contribution of others? How does government coordinate this work, and mobilize current and future partnership to deliver significant positive changes in the lives of women?

The framework for a multi-sectoral approach towards women's rights and empowerment

This chapter introduces a framework for accelerating delivery on commitments for women's rights through the adoption of a multi-sectoral approach. The framework draws from lessons learned from multi-sectoral approaches particularly in the response to the HIV and AIDS pandemic. Countries have been able to mobilize all sectors of government, and the private sector, including business enterprises, faith-based organizations and civil society organizations – a strategy that explains significant gains in public awareness of the pandemic, and decrease in the level of stigma and discrimination against persons living with the virus. Similar approaches

¹⁴ General Comment 13/2004 of the Human Rights Committee, paragraph 4. The Human Rights Committee monitors state compliance with the International Covenant on Civil and Political Rights.

¹⁵ This understanding flows from the principle contained in Article 27 of the Vienna Convention on the Laws of Treaties, which states that a State Party may not invoke the provisions of its internal laws as justification for its failure to perform a treaty.

have been used in Africa and other regions of the world to promote girls' education, and for poverty reduction.

The proposed multi-sectoral approach to realizing women's rights is based on five premises outlined below:

Premise 1: Promoting women's rights and empowerment is a national priority

Promoting the realization of rights and empowerment by women is a national priority in its own right, and because of its importance for the achievement of other national priorities including economic growth and poverty reduction. The multi-sectoral framework therefore emphasizes the need for women's rights targets, based on the Protocol on Women's Rights in Africa, CEDAW, and other regional and international human rights instruments, to be integrated in national development plans and strategies, including growth and poverty reduction strategies and budgets. It also proposes that the targets be rolled down and integrated in individual sector and departmental plans and budgets, as well as vertically in the plans and budgets of local governments at the different levels. This is component 1 of the framework.

All countries have national development plans which embody the priorities to which public resources are to be committed. Under the Paris Declaration on Aid Effectiveness ODA is to be channelled towards nationally defined priorities. The key to fast tracking the implementation of the various commitments on women's rights is ensuring that women's rights are integrated in national development plans, not only at the level of the diagnostics and policy analysis, but throughout the implementation framework.

Premise 2: Contribution of individual government departments to women's rights

The second premise is that each organ and department of government is responsible and accountable for women's rights falling within its mandate. This premise draws from the principle outlined at the beginning of this chapter that all organs of government are obligated under the treaties ratified by a country. The framework proposes that the division of roles and contribution of different departments be based on mandates and comparative advantage.

We can learn from the contributions of different sectors to the effort to contain the HIV/AIDS pandemic: Ministries of Education have lead responsibility for implementing programmes for teachers, schoolchildren and their parents; Ministries with responsibility for Gender/Women's Affairs have a responsibility to ensure that a 'gender lens' is applied to all plans and programmes to combat the HIV/AIDS; Ministries of Agriculture through agricultural extension workers integrate awareness messages to prevent HIV infections among farmers; Ministries of Defence do the same for the military; Ministries of Labour implement and promote workplace prevention programmes; private firms contribute in cash and in kind and adopt responsive policies within their companies. NGOs that are trusted by and live close to HIV affected and infected families are best placed to spearhead and deliver prevention and care programmes, in collaboration with communities. The mass media can promote safe sexual behaviour and actively foster positive attitudes towards those affected by HIV/AIDS.

The multi-sector framework for women's rights proposes a comparable division of roles. For instance the ministry of labour would provide leadership in making progress on the obligation of government to take all appropriate measures to eliminate discrimination against women in the field of employment, and ensuring the same rights and employment opportunities for men and women. The ministry would also promote, and monitor progress towards respect for the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal

value, as well as equality of treatment in the evaluation of the quality of work.¹⁶ The Ministry of Agriculture or Rural Development would address women's rights issues affecting rural women – the overwhelming majority of women in Africa. Of particular relevance are secure land tenure, access and control to land and to agricultural extension services; and access to markets for agricultural produce, and access to credit for increased production. It is the duty of these ministries to ensure that women enjoy the right to nutritious and adequate food, by ensuring that women have the means to produce and retain nutritious foods, and to counter the misuse of culture by families and communities to deny women and girls access to such foods.¹⁷ The Ministry of Health has the responsibility ensure that the right to health of women, including sexual and reproductive health is respected and promoted.¹⁸

The Justice Ministry is a key institution in ensuring the enjoyment of the rights recognized under the Protocol on women's rights and under CEDAW. In many countries the Ministries of Justice, including the Attorney General's Office are the legal arm of government, responsible for law reform, administration of justice through the court system, and providing legal guidance to all public sector departments. The strategic role of the justice ministry in ensuring that commitments under CEDAW and the Protocol on Women's Rights in Africa are translated into national laws, that women have access to justice and to adequate remedy cannot be overemphasized.

The Police are obligated to investigate complaints of violations of women's rights promptly, thoroughly and effectively. Failure to investigate, and to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the obligation of government under the Protocol, CEDAW and other human rights instruments. This is component 2 of the framework.

As outlined above, the mandate of different government ministries and other bodies determines their respective comparative advantage in ensuring the elimination of discrimination against women, and the promotion and protection of women's rights falling within their mandate. Annex 9 provides a chart with indicative possibilities for the division of roles. It is not prescriptive but a guide for adaptation taking into consideration the structures and mandates of government in the different countries using this Handbook.

The division of responsibilities is substantive or technical as well as managerial – the latter including planning, resource allocation, implementation, monitoring and reporting. The division of roles is replicable or adaptable to different levels of government e.g. national or central and local government. The lead institution may mobilize other sectors, bodies, institutions and private individuals and entities to work towards the realization of the women's rights under its mandate. Thus the ministry for labour may work with trade unions and employers' associations to promote gender equality at the work place. The ministry may also work with the Ministry of Justice or Law Reform Commission to ensure that legislation that supports the right to work for women is enacted and enforced. Clearly some aspects of women's rights may fall within the mandates of two or more governments. Each is accountable for delivery on the obligation, and they may establish mechanisms for coordination.

Premise 3: Coordination is the key to successful multi-sectoral initiatives

One of the most important lessons from different multi-sectoral initiatives is the importance of central coordination to bring all the activities under a single coherent strategy. This would serve to avoid overlapping and duplication of activities and the resulting waste of resources. It would

¹⁶ The different aspects of the right to work are guaranteed in CEDAW article 11, ACHPR Article 15, and Art 13 of the Protocol on the Rights of Women

¹⁷ Article 15 of the Protocol on the Rights of Women

¹⁸ Article 14 of the Protocol on the Rights of Women;

streamline monitoring and tracking of progress across the different sectors of government and spectrum of women's rights, and the identification of gaps. This is component 3 of the framework.

Coordinated government action with strong linkages to national and sector development planning processes and budgeting is critical to the success of the multi-sectoral approach to women's rights. It is important that the emphasis is placed on strengthening the capacities and coordination role of existing structures rather than creating new ones. The coordination role ensures complementarity as well as optimum use of resources. The role ideally should be played by a government agency that has gender and human rights technical capacity to provide backstopping services, and at a level or status (influence and power) within the overall government system that is respected and backed up by resources. Many countries already have inter-ministerial coordination mechanisms either at permanent secretary or directors' level, in which case their respective mandates may be expanded to include coordination of the implementation of the human rights instruments relating to women's rights. Where no appropriate coordination mechanism exists the government will establish one with clear terms of reference.

An essential goal of the inter-ministerial Coordinating Committee or mechanism would be to develop a National Policy and action plan on achieving women's rights. In many African countries there is a national gender policy, which is a good starting point. However the policy may need to be reviewed and updated for a strong women's rights approach informed by the Protocol on women's rights and CEDAW, and to support multi-sector action. The Coordinating Mechanism would spearhead the review of the policy. Within such a policy women's rights issues would be regarded as an integral element of all government departments. Rather than being optional and dependent on the personal commitment of management or programme staff, the promotion and protection of women's rights would be considered to be the basic responsibility of all sectors. The Coordinating Mechanism can play a key role in translating these hopes into reality.

A second major objective for the coordinating committee would be to clarify the respective roles and commitments of the various sectors. This commitment to women's rights would be manifested in terms of the assignment of specific personnel, dedicated budgetary allocations for recurrent expenditure on activities that integrate women's rights in sector programmes, and in-service training of staff.

A third function of the coordinating mechanism would be to monitor progress and regular flow of information between different government agencies to help facilitate a comprehensive approach to women's rights. The mechanism should, in its monitoring role, receive annual reports from the different departments, consolidate and identify gaps. It can spearhead the creation of multi-disciplinary training programmes to strengthen overall government capacities to deliver on commitments for women's rights. The annual reports serve several purposes – monitoring progress; identifying gaps or areas requiring extra attention; and contributing to the regular country reports required under CEDAW and the African Charter on Human and Peoples' Rights.

Annex 10 outlines possible additional functions that may be included in the TORs of the Coordinating mechanism.

Premise 4: Technical expertise is necessary

Unfortunately women's human rights are not integrated in the curriculum of learning at the different levels of the education system in Africa. It cannot be assumed therefore that officials of the different ministries, be they women or men, will automatically have the expertise necessary to integrate the implementation of the Protocol on women's rights and CEDAW in their work. It is therefore essential for the Coordinating Mechanism to establish a central pool of techni-

cal expertise that can provide technical support on women's rights, and capacity development to the different ministries and organs as they deliver on women's rights. Component 4 of the framework therefore is the establishment of a technical and advisory unit, well resourced in terms of human, financial, and logistical capabilities, with clear modalities of work and communication channels with individual lead ministries/sectors, and with the coordinating mechanism. The unit's support to lead or operational government organs and development would include capacity development, research and analysis, policy advocacy. It will be necessary for a capacity assessment exercise targeting all ministries and government bodies to determine the capacity development needs, develop an overall capacity development strategy, and assign responsibilities within the unit. The unit should report to the Coordinating Mechanism.

In most countries there are many organizations and individuals who can be invited to serve on the technical and advisory unit and advisory unit. These include people in the academia, research institutions, and women's rights organizations with expertise on human rights, and gender equality. The national machineries for the advancement of women are an important starting point, and can play the convening role, and as secretariat of the unit.

Annex 11 provides examples of some of the functions of the technical and advisory unit.

Premise 5: Partnerships are important for the success of multi-sectoral initiatives

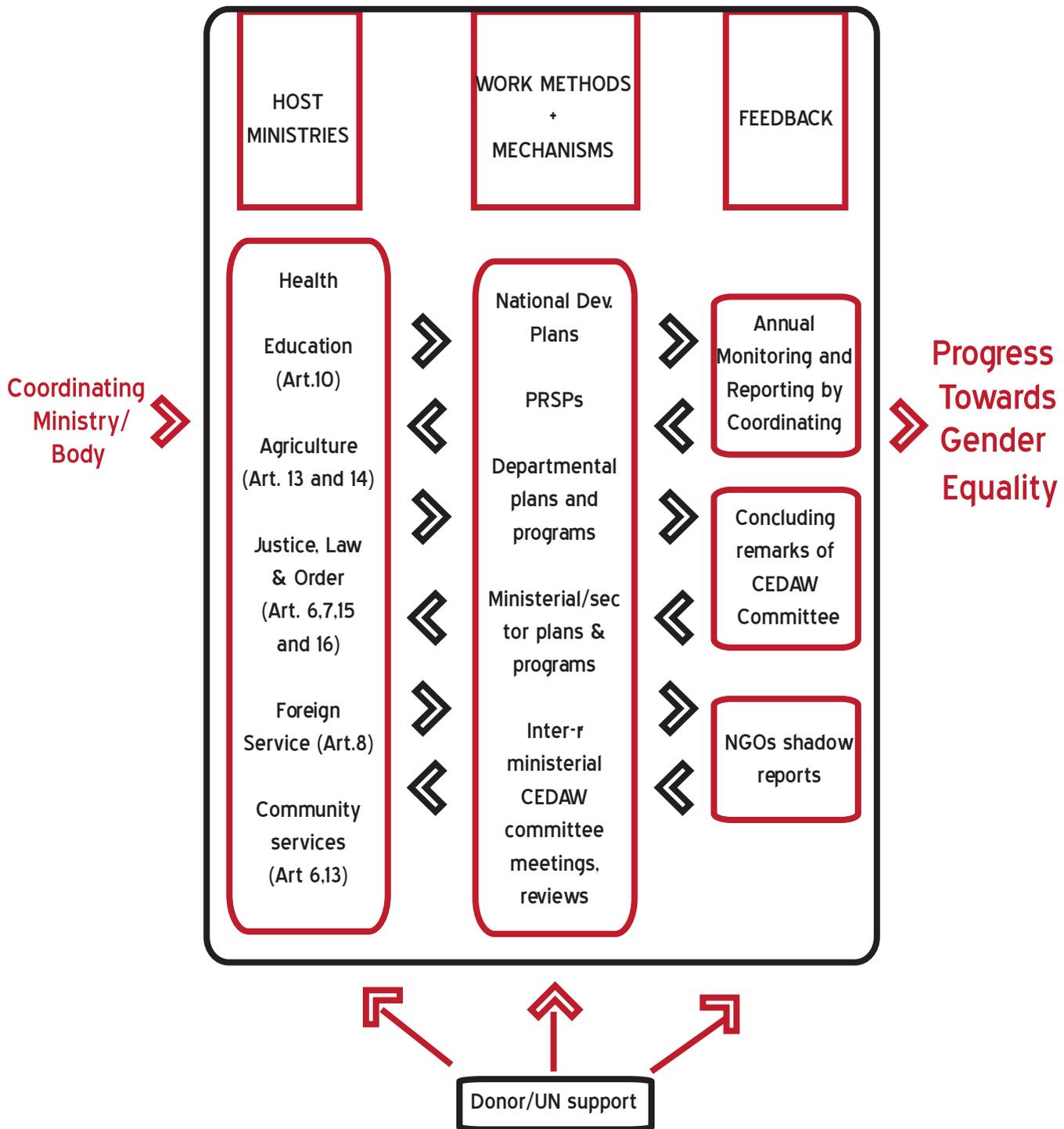
Governments will need the support of its development partners including multilateral and bilateral donors, and civil society organizations for sustained actions towards gender equality, women's rights and empowerment. Government will also need to work with different stakeholders in society – faith-based organizations, traditional leaders, women and youth groups, and entire communities. This is component 5 of the framework.

Like in all development endeavours the technical and financial support of development partners is critical for African governments to deliver on their commitments to women. Government ownership and leadership in negotiating the partnerships towards the achievement of the overall women's rights priorities and targets, and on channelling the support to the different lead ministries/sectors is necessary, and in accordance with the Paris Declaration on Aid Effectiveness.¹⁹ The Paris Declaration commits donor countries/agencies to channel their support towards nationally defined and owned priorities. It is essential that women's rights priorities and targets are part of the national development plans including growth and poverty reduction strategies, and that women and women's rights advocacy organizations participate in the definition of such priorities and targets. In addition to partners like the UN system and other multilateral and bilateral donors who can complement government technical and financial resources, the African Union and governments need to bring on board the various non-governmental entities, including women's organizations, faith based organizations, cultural leaders, trade unions and employers' associations on board as valuable partners who can contribute to advancing women's rights within their sphere of operation. A lot can be learned from the broad partnerships in HIV/AIDS-related national strategies and programmes.

Annex 12 outlines possible partners and various roles that they might play in support of governments' overall strategies for fast respecting, promoting and protecting women's human rights and empowerment.

¹⁹ Adopted in 2005. Many African countries are signatories to the Declaration.

FIGURE I: Summary of the Multi - Sectoral Framework



CHAPTER FOUR:

GUIDELINES FOR THE ADOPTION AND USE OF THE MULTI-SECTORAL APPROACH TO WOMEN'S RIGHTS

Introduction

This chapter provides guidelines for the adoption and use of the multi-sectoral approach set forth in the previous chapter at national and local levels. It takes a step by step approach to guide the user in:

- Developing political will necessary for buy-in and participation of different stakeholders;
- Establishing a high level coordination mechanism;
- Determining sector and ministerial responsibility
- Setting up a Technical and Advisory Services Unit;
- Establishing an effective monitoring and accountability framework;
- Ensuring Women's rights are integrated into national plans and budgets; and
- Developing the right partnerships.

As noted previously, the steps are not meant to be prescriptive but should be adapted to be most effective in the local context.

Developing Political Will

Step One: Develop a Strategy for Developing and Nurturing Political Will on Women's Rights

The reality in many African countries is that while governments make many commitments to promote and protect women's rights, this is not translated into effective programmes, with clear targets and adequate budget allocation that can impact the lives of women. There is urgent need to fast track implementation and to convert the policy commitments made on women's rights into tangible and measurable benefits for women, in terms of improved services and resources, opportunities for participation and empowerment, and access to justice. Acceleration of implementation on women's rights will not happen without political will. In this context political will means commitment from the most senior levels of government to take forward issues on women's rights despite competing agendas. The envisaged political will must go beyond rhetoric to commitment of adequate resources, leading by example, and demanding accountability from different government departments and leaders. It is this kind of political will that is often lacking in Africa.

However nurturing political will on women's rights will not be easy or straight forward, given existing negative societal attitudes towards women's rights, structural rigidities within government systems, It is therefore advisable to develop an agreed national (and departmental or local government) strategy for generating, nurturing and sustaining the political will and leadership at the highest levels of government, development partners and among important stakeholders. There include religious and traditional leaders and their institutions.

Participation in the development of the strategy is key to eventual buy-in and ownership of the strategy. The Minister for Women Affairs, who by default, is most likely to kick-start the national process for the adoption of the multi-sectoral approach to women's rights may consult with a

few influential government leaders, and where appropriate development partners. Many countries now have donor coordination groups on gender which would be a good entry point. The United Nations Country Team, under the leadership of the Resident coordinator and the Gender Theme Group (or working group on gender) may be another entry point. The purpose of the consultations would be generate interest and ideas for developing national consensus on and political will for a multi-sectoral approach to women's rights.

Some of the key actions that may be considered during the development of the strategy and mobilising of the requisite political will include:

- Developing a concept note on what a multi-sectoral approach means, highlighting its relevance and importance for achieving the national development goals, and outlining suggestions for a road map towards the adoption of such an approach. The concept note will then become the background and advocacy tool in subsequent consultations. This Handbook is a good resource for the concept note.
- Consultations within the Executive, especially the head of state, and cabinet level colleagues is also important
- Ensure that organizations working on women's issues in the different sectors, and women generally, particularly rural women, are mobilized to engage directly with political leadership on these issues. Advocacy is most effective and sustainable when it is done directly by those affected rather than done on their behalf. This will require strong partnerships with women's organizations. More is said about this later in this chapter.
- Make it easy for the relevant government and non-government leaders to understand what exactly is expected of them. Be ready with technical support to show what concrete actions can be taken.
- Link government's delivery on women's rights to commitments made in the ruling Party's manifesto; thus action of women's rights becomes action on promises made during elections.

Ultimately, nurturing political will is a constant process which requires tenacity and a sophisticated understanding of the drivers of change within government and the broader society. It also has resource implications. Be prepared, therefore, to be constantly implementing the strategy to nurture political commitment as a crucial foundation for the success of the multi-sectoral approach on women's rights.

Establishing a High Level Coordination Mechanism

The following steps are proposed for setting up the High Level Coordination Mechanism.

Step One: Consultations to Get Stakeholder Buy-in

The success of a multi-sectoral approach is dependent on different sectors playing their respective roles in a coordinated manner, as part of a national coherent strategy to deliver on women's rights. The establishment of a high level coordination mechanism with representation from different sectors is important. Consensus on its composition would be one of the indicators of a successful consultative process.

In the initial consultations outlined above the National machinery for women and partners will be concentrating on individual and smaller meetings. The next step is to organise national workshop as a forum for open dialogue, and consensus building. Participation at this initial meeting

should be as inclusive as possible. Invitations should go to all ministries, Parliament, donor agencies, UN System in the country and civil society organizations working in the different fields (particularly women's organizations). The main objectives of the workshop would be (among others) to:

- Reaffirm the need for urgent action on women's rights – a presentation with statistics starkly revealing the slow progress or worsening situation of women may be provided to achieve this.
- Introduce the multi-sectoral approach as a means of fast-tracking implementation on women's rights – a presentation on the framework described in this Handbook may be provided. In addition to this, a presentation from someone who has experienced success with the multi-sectoral approach in HIV and AIDS or in education may be provided as a way of sharing the benefits of such an approach.
- Get feedback and buy-in on the use of the multi-sectoral approach with suggestions on how best it can be implemented in the country concerned.
- Provide space for small group sessions in which each sector or ministry works with CSOs working in that sector to discuss the obligations under the Protocol on women's rights in Africa and under CEDAW that fall within the sector/ministry mandate. The analysis will highlight the extent to which the ministry and the different CSOs have integrated women's rights in their respective programmes. The small group should also identify relevant on-going work and the gaps and propose preliminary strategies for strengthening the Ministry's contribution to women's rights. The results of the small groups will be an important starting point for the intra-ministerial planning process (explained in greater detail below)
- Get suggestions on the high level coordination mechanism; whether there is an appropriate existing mechanism or whether a new one should be created.
- Consensus on broad contribution of each sector/ministry to the achievements of national women's rights goals, based on existing mandates.
- Get agreement on key next steps to take the process forward, including intra-ministerial consultations and planning for a subsequent workshop in which each sector ministry can discuss what they are doing with respect to the various provisions in the Protocol.

Step Two: Put the High Level Coordinating Mechanism in Place

For cross-sectoral and inter-ministerial coordination to occur there needs to be a mechanism of sufficient seniority to compel accelerated action on women's rights within and across sectors/ministries. During the consultation workshop, some ideas will be provided on such a mechanism. Depending on the context, it may be desirable to find an existing high-level mechanism and strengthen its capacity rather than creating something new. For example, many countries already have an inter-ministerial coordination mechanism at the Permanent Secretary/Chief Directors level that addresses concerns within government that occur across sectors and ministries. In this case, the mandate of such a committee would simply be expanded to include coordination and accountability of government's commitments on women's rights. It may be useful to commission an assessment of existing inter-ministerial coordination mechanisms to determine if they would be appropriate.

Some of the factors to consider would be:

- Membership – Representation from all or enough ministries or other key government institutions. Sufficient levels of seniority (e.g. Minister, Chief Director/Permanent Secretary);

- Status of Chair – Should be someone who has sufficient seniority or power within government to mobilize political commitment and ensure that participating sectors and ministries give this the necessary attention it deserves.
- Commitment of the Chair – Should be someone who at best will provide personal leadership to ensure this agenda moves forward and at worst will not systematically undermine the process.

If none of the existing mechanisms are appropriate, then government can create a new one with clear terms of reference. Clarity on the terms of reference is important to ensure that there isn't a misconception that the committee is taking over the role of the women's machinery.

Some of the roles to include in the terms of reference will include:

1. Facilitating and coordinating the development of a national policy and action plan on achieving women's rights.
2. Ensuring that each sector or ministry has clearly identified its priority actions with respect to the country's commitments on women's rights and has an action plan for implementing these actions.
3. Ensuring that mechanisms are in place to foster collaboration where two or more sectors/ministries are required to work together.
4. Reviewing quarterly and annual progress reports from the different ministries/sectors and making appropriate recommendations on gaps or areas that require extra attention. If the committee is meeting every quarter most of the reports will simply be progress on activities. However, each year, each sector should produce an annual report that not only details what the Sector/Ministry has achieved but also the possible impact of these activities on women and enjoyment of their rights. The annual report and the quarterly progress report are critical because they provide the primary mechanism by which the Committee can hold Sectors/Ministries accountable.

To ensure substantive discussion of the reports, it may be useful for the women's machinery to ensure that a team from the technical and advisory services unit¹ reviews the progress and annual reports, appreciates progress made, comments on gaps and makes suggestions whether further action is required. The women's machinery should forward to the Committee both the progress reports, feedback from the technical team and the strategic issues arising out of the report for discussion at the meeting.

5. Spearheading the creation of multi-disciplinary training programmes to strengthen overall government capacities to deliver on commitments for women's rights
6. Ensuring women's rights has adequate attention in the national poverty reduction and budgeting processes.

Step Three: Provide support for effective functioning of the Committee

Once an inter-ministerial or cross-sectoral committee has been identified or established, it is important to provide it with support so that it may effectively play its role in coordinating action on women's rights. The institutional set up for administrative support to the inter-ministerial committee would not have to change if it is an existing committee. If the committee is new, however, administrative support should be located within an institution such as the President or Prime

¹ See Component Four of the Framework in Chapter 3 of this Handbook. More is said about this team in this Chapter.

Minister's office which has the clout to convene meetings and follow up action.

If the inter-ministerial committee is an existing mechanism it probably meets regularly. If it is a new mechanism, its Terms of Reference should provide for meetings at least every quarter. The first meeting will be very important in setting the tone for subsequent meetings. It would be expected to adopt the terms of reference, elect its Chair, Deputy and a Secretary, and agree on the methods of work. The meeting should also consider and agree on a short-term workplan for itself and guidelines to the different sector ministries/agencies on:

- Development of sector action plans with the requisite cost estimates on women's rights within their respective mandates
- Undertaking sector capacity assessments and identifying the capacity development and other technical support required for each sector to fulfil its responsibilities on women's rights;
- Setting up a working group within each sector or ministry which will coordinate the sector's work on women's rights and report to the coordinating mechanism through the Permanent Secretary/Chief Director of each ministry; and the frequency and formats of the progress reports and mechanism for feedback as well as sharing information on good practices, achievements and challenges.

Putting in Place a Technical and Advisory Services Unit

The following steps are proposed for establishing a Technical and Advisory Services Unit.



Each step is looked at in more detail below.

Step One: Establish a Technical Team

Ideally, coordination of technical support will be led by the women's machinery. However, it is recognized that even the best women's machineries on the continent are under staffed and over worked and the technical staff in particular tend to be overburdened. Accordingly, it may be useful to put together a technical team that draws on expertise outside of the women's machinery. This would include gender experts from academia, research institutions, and women's organizations. To be able to support the different sector ministries, the team should have gender expertise in various sectors such as health, law, agriculture and specific issues such as gender budgeting. Once in place, the Women's Machinery may find it necessary to provide the team with some form of briefing and training on CEDAW, the Women's Protocol, the multi-sectoral framework and the specific expertise they will be providing in this respect.

Step Two: Determine what Technical Support is required

The second step once the technical team is in place is to get an assessment of the priority technical support needs of both the inter-ministerial coordination committee and the individual

sectors/ministries. The key here is “priority.” The capacity needs will be many but given limitations in time and overloaded work schedules it is important for the members of the technical and advisory services unit to assist the individual ministries in assessing internal capacity strengths and gaps, and developing appropriate responses. In the end, the technical support and capacity building needs from the different ministries should be compiled into an overall report to enable an analysis of how to be the basis of an overall capacity development strategy for women’s rights. A consultant may be engaged to coordinate the capacity assessment and strategy development under the supervision of the national women’s machinery and reporting to the coordinating mechanism.

Step Three: Develop a Plan for Providing the Technical Support

Once the overall report on capacity needs is completed, the technical team must determine how to provide the technical support. In some instances it may be most expedient to provide technical assistance. In other instances, it may make more sense to provide training or a combination of the two: both technical assistance and training. In some instances it may also be appropriate to provide training across sectors for commonly requested support such as gender budgeting. Once it is clear how the technical support will be provided, the team will then have to determine who can provide it. Having a pool of external expertise that can be called on with minimum bureaucracy at short notice can be very useful in this respect. Finally, if the technical support is outsourced the issue will be who will pay for it. Ideally, the beneficiary institution should pay but the reality is that many ministries will not have initially included this in their budgets. There will, therefore, be a need for the women’s machinery together with inter-ministerial committee to discuss potential support from development partners in this respect. More is said about this in the discussion on Partnerships.

Too often a lack of capacity has been used as an excuse for inaction by government institutions on women’s rights. The effective provision of technical support will be, therefore, a key component in ensuring that all sectors and ministries are able to fulfil their respective roles in implementing government’s commitment’s on women’s rights.

Developing operational plans by individual ministries

As stated in the previous chapter, the division of roles and responsibilities among the different government ministries/sectors is largely determined by their respective mandates and comparative advantage. During the consultations with individual ministries and at the national workshop, the broad responsibilities with begin to emerge. In fact some ministries will already be performing some of the identified roles.

This section therefore suggests steps for each Ministry or sector to further develop their contribution to women’s rights more concretely into programmes and work plans with key results, and budget.

Step One: Establish a Working Group on women’s rights in each sector or ministry

As noted before, during the first meeting of the inter-ministerial committee, each member will be tasked to go back and form a working group that will be responsible for ensuring that the sector or ministry fulfils its obligations. The members of this working group should be drawn from the different departments/sections of the ministry and ideally should be senior enough to provide the necessary leadership for planning, budgeting and action on women’s rights in the Ministry. A

key member in this respect will be the gender focal point of the Ministry if such a position exists.

The terms of reference (TOR) for the working group may include that the following:

- To analyse the mandate of the ministry and clearly identify its obligations with respect to women's rights are clearly identified. The Working Group may request assistance from the National Women's Machinery or the Technical and advisory Unit.
- To develop strategies and an action plan with specific targets, progress indicators, a monitoring plan and cost estimates as the vehicle for compliance
- To mobilize internal departmental support for the action plan, and to promote its integration into the ministry/sector annual and medium-term plans, programs and national development plans (e.g. poverty and growth strategies) with clear budget lines;
- To assess capacity needs, and a capacity development plan, with the support of the Advisory and Technical Services Unit
- To receive periodic (quarterly) reports from the different departments on progress in the implementation of the action plans, and
- To submit to the Permanent Secretary, and through Her/him to the inter-ministerial High level Coordination Mechanism periodic reports on progress.

Step Two: Prepare Sector/Ministerial Action Plan on Women's Rights

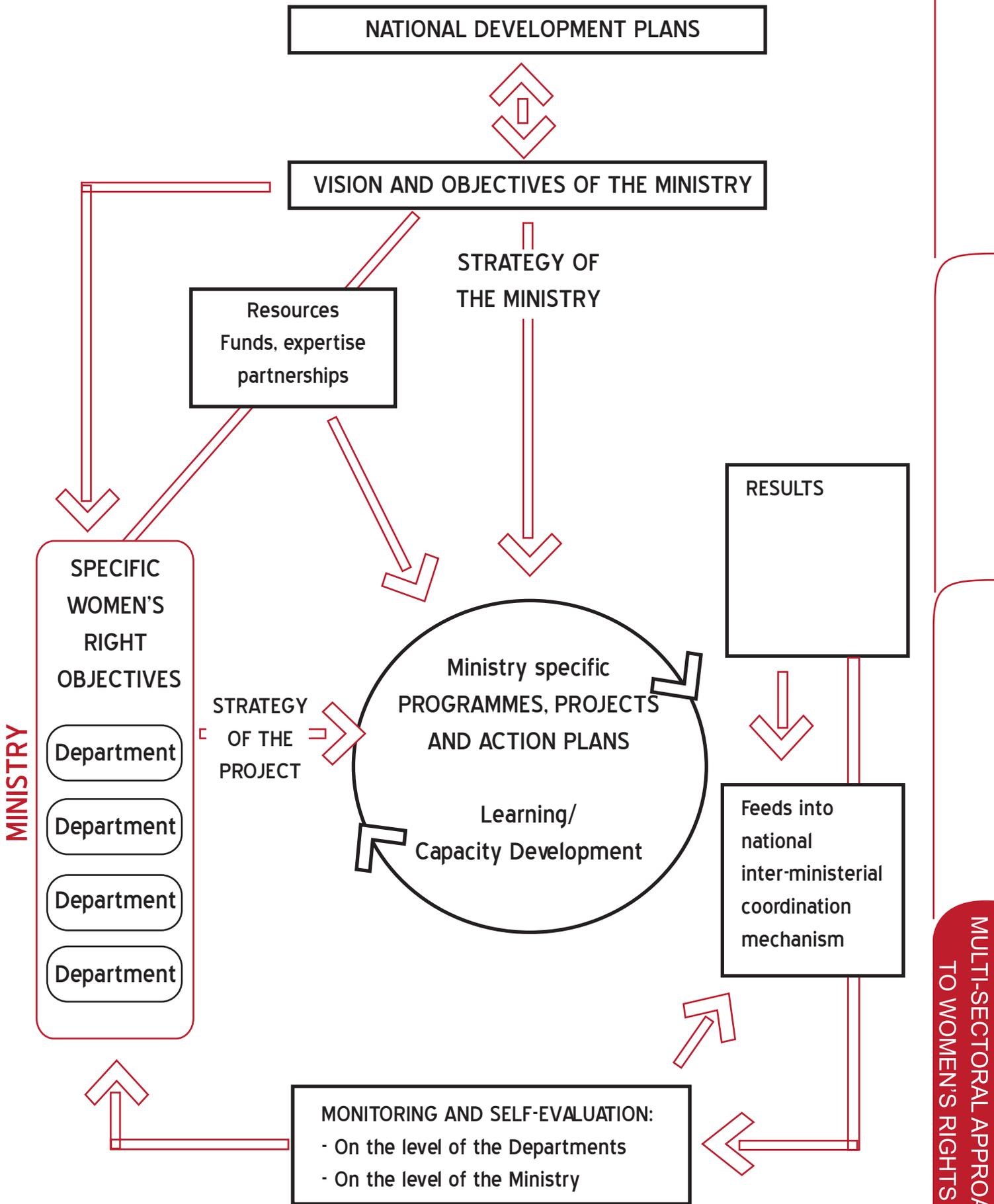
The multi-sectoral approach is premised on the idea that each sector/ministry has a role to play in the protection of women's rights depending on their specific mandate. However, the process of determining the strategy for action on women's rights by each ministry should be done in a manner that fosters internal ownership by all departments/sections of the ministry, and builds the institution's capacity. It is suggested that the Permanent Secretary should organize a 2-3 day workshop for all directors and other senior staff drawn from all departments and sections of the ministry.

During this initial workshop, participants should get a briefing on CEDAW and the Protocol to ACHPR on Women's Rights, with a special focus on the provisions relevant to the mandate of the ministry. In addition, participants may be taken through relevant portions of the national Constitution and other pertinent laws on women's rights. Ultimately, the aim of the workshop is for participants to know and understand what their governments have committed to with respect to women's rights, and the obligations of the ministry.

During the workshop participants will:

- Discuss how each department of the ministry can contribute to fulfilling the ministry's responsibilities on women's rights
- Determine what each section/department is already doing with respect to these responsibilities; and
- Agree on short-term and medium targets or results that they can commit to achieve within current and future resources, and
- Nominate representatives to the working group (see above) who will be charged with completing the action plan for the departments and the entire ministry.
-

A Dynamic Intra-Ministerial/Sector Process of Integration of Women's Rights



Establishing an effective monitoring and accountability framework

As noted previously, the annual reports should go beyond a mundane list of activities. They should also provide possible impacts of the sector's policies and programmes on the lives of women. In order for this to happen, sectors will have to ensure that women's rights are integrated into their existing monitoring and evaluation systems. Among other things this will require the collection of sex disaggregated data. This is likely to be one of the areas in which technical support will be needed across the sectors.

If well prepared, the annual reports from sector ministries also become important source material for preparation of the periodic reports required under the key women's rights Conventions. For example, CEDAW requires State Parties to submit a report every four years on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention. Similarly, under the Women's Protocol to the African Charter, state parties are required to detail, as part of their periodic report under the Charter, the measures they have taken to give effect the provisions to the Protocol.

A multi-sectoral approach to periodic reporting

Women's human rights are multi-dimensional in nature as is reflected in the AU Protocol on Women's Rights, CEDAW and in Solemn Declaration on Gender Equality in Africa. These human rights instruments accordingly require a multi-sectoral approach and the involvement of the different sector ministries and civil society organizations in periodically reporting on the progress made in implementation and on the challenges.

The CEDAW Committee, for instance, requires state parties to explicitly outline in their periodic reports the process through which the report was prepared. Most state parties whose reports have been examined by the CEDAW Committee in recent years already indicate a consultative and inclusive process of preparing the country reports.

A multi-sectoral approach to reporting that involves the different government ministries, in collaboration with CSOs) has several advantages including:

- Allowing the report to be owned by different stakeholders, and to reflect the national consensus on progress made in implementation of the treaty obligations;
- Enabling the national machinery for women, often the primary organ of government preparing the report, to tap into the expertise and data sources of the different sectors;
- Laying a basis for multi-sectoral participation in and contribution to the implementation of CEDAW and the Protocol on Women's Rights in Africa by exposing the gender gaps in the different sectors – almost a process of “self-assessment” by the different sectors;
- Strengthening the level of awareness, intra-ministerial capacities, and coordination necessary for implementation of the commitments on women's rights
- Acting as a mechanism for information sharing among the different sectors on their respective obligations, actions taken, the good practices from different sectors, and the gaps including capacity that need to be tackled.

Below are some suggested steps for implementing a multi-sectoral reporting process. It is extracted from a review of country reports

1. Proposal and Work plan Development – joint planning for the periodic report by senior of-

officials of the different sector ministries is important for the political buy-in, and for committing the resources (personnel, time, and funds) or agreeing on a strategy for mobilizing the resources.

2. Setting up of CEDAW Reporting Technical Working Group – with representation from sector ministries to coordinate and implement the reporting process. The representative of each sector ministry should ideally be leader of her/his ministry's team working on the report. The technical working group ensures sharing of information and coordination of effort from a technical point of view, and keeps the senior management of their respective ministries informed and engaged. The National machinery for women will in most countries act as the secretariat for the technical working group, and plays the convening and coordination role at the senior management/ministerial level. For some countries 1-2 consultants are recruited on a full time basis to support the work of the working group, including training, development of tools for data collection and analysis, and putting together the draft and final report.
3. Training of the sector teams on CEDAW and AU Protocol reporting – the need for this training will vary depending on the individual country situation, but is certainly necessary for initial country reports, and in case of staff turnover in the membership of the technical working group, and in the national machinery for women. In the case of CEDAW, -_UN Women – will facilitate training by current and former CEDAW Committee members at the request of countries preparing for reporting. In most countries similar training can be organized and supported by UN Country Teams through their Gender Theme Groups or by individual UN organizations with gender expertise like UN Women . Some development partners will support government to engage gender experts to facilitate the training.

In the case of the AU Protocol on the Rights of Women in Africa, and the Solemn Declaration on Gender Equality, the African Union Women, Gender and Development Directorate can be requested for support. Additionally UN organizations and other development partners as outlined above will support a request for training.

What is important is that both the coordinating machinery and all sector representatives on the technical working group understand the legal obligations of the state under the treaty; and the standards for reporting expected of the country. The training should not only explain the substantive articles for each sector but utilize the relevant general recommendations /concluding remarks by the CEDAW Committee, African Commission on Human and Peoples' Rights, and/or the AU Assembly.

4. Data collection (from secondary sources) and Analysis on the Status of CEDAW Implementation – Each sector/ministry team will pull together the statistics and information relevant to their sector obligation; analyse the data and prepare the findings specifying actions taken (legislative, policy, programme, resources allocated etc.,. the positive results; and the gaps and challenges.
5. Compilation of preliminary findings and report by sector teams
6. Joint workshop and peer review of sector findings by the entire technical working group
7. CEDAW Data Collection and Mini Studies – It is possible that the technical working group identifies areas on which there is no data, or where the data is inadequate to satisfy the reporting standards. In order to bridge the data gaps it may be necessary to commission studies in those areas.
8. Preparation of draft Combined CEDAW Country Report – the compilation of the draft report based on the sector reports and the feedback from the technical review may be done by the national machinery for women, or an expert recruited for the purpose who will work under

the guidance of the machinery.

9. National Stakeholders Finalization and Adoption Workshop – the draft report should be presented to a broader multi-sector constituency including civil society organizations, research and academic institutions for validation and ownership. In some case the report is also presented at cabinet level prior to submission to the treaty monitoring body.

Women's Human Rights in National Development Plans and Budgets

As noted earlier, most countries have national development strategies or PRS² that reflect priority government action for the medium-term. National budgets and donor assistance are increasingly aligned with the priorities set forth in these strategies. If commitments on women's rights are to be reflected as part of government priorities, then they must be included in the PRS, the medium-term expenditure framework, and the national annual budget. A key role for the inter-ministerial High Level Coordinating Committee is to ensure that this happens.

In many countries, the responsibility of developing and monitoring the PRS will lie with a national planning commission or the Ministry of Planning. Integrating women's rights in the national development framework should be a key role of this Ministry or Commission, and the High Level Coordinating Committee in its oversight function should hold such institution accountable. The different sector or line ministries also contribute to development of the PRS, so they are equally accountable. Ensuring that women's rights are included within government's priorities as reflected in the PRS and national budget is a complex but critical to the multi-sector approach, and ultimately to the realization of women's rights.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa obligates state parties to integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life.² States parties further agree to take all appropriate measures to (among other measures):

1. Introduce the gender perspective in the national development planning procedures;
2. Ensure participation of women at all levels in the conceptualization, decision-making, implementation and evaluation of development policies and programmes.

Almost all African countries have developed poverty reduction and growth strategies, which serve as the medium-term development plans, and are the basis for medium term expenditure frameworks, and annual budgets. Gender equality advocates, national machineries for women and development partners combine effort to support government in this exercise, and after many years of attempting to mainstream gender into poverty reduction strategies (PRS), lessons have been learned about what is most effective. Various resource materials, including good practice case studies advises that:

1. Gender must be addressed across all the dimensions of poverty, including opportunities, capability to take advantage of such opportunities, vulnerabilities and empowerment
2. Document the experience of poverty for both men and women for all four dimensions of poverty. This will require a range of data collection methods that combine both qualitative and quantitative approaches. They may include for instance household surveys, time use studies, focus group discussions and stakeholder analyses. It is particularly important to ensure the voices of men and women living in poverty are included in this process. Analysis of the data collected should feed into the poverty diagnostics and the identification of priorities for

² Article 2(1)(c)

gender equality across the sectors.

3. Integrate gender responsive priorities into the policy responses and priority actions in the PRS.
4. Ensure that gender equality and women's rights targets and indicators across the sectors are explicitly included in the implementation framework and have the appropriate cost estimates. CEDAW³, the Protocol on women's rights and other human rights instruments are very good sources for defining indicators based on the obligations assumed by each country. The Protocol specifically obligates state parties to take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes.⁴
5. Integrate adequate mechanisms for monitoring the gender and women's rights targets in the monitoring and evaluation framework of the PRS.
6. Build institutional capacity for gender-sensitive monitoring and evaluation by increasing the ability of relevant agencies to conduct gender analysis and promoting the participation of both men and women in the process.

Gender Budgeting

While CEDAW makes no specific reference to the budgetary resources required for its implementation, it does impose the general obligation on States Parties to take 'all appropriate measures' to eliminate discrimination against women. On this basis it is clear that where the failure of the State to allocate appropriate resources is frustrating effective implementation of the Convention, it has failed to comply. Further, despite the absence of a specific reference to resources in the Convention, the Committee has indicated that States have obligations to use budgetary measures to fulfil women's equality. For example, the Committee has explained that the duty to fulfil Article 12 of the Convention (relating to women and health) involves an obligation on States Parties to take, inter alia, budgetary measures to the maximum extent of resources to ensure that women realize their right to equality in health care (General Recommendation 24, para. 17).⁵

All measures that African countries have assumed through ratification of human rights instruments will require budgetary allocation and release of funds to different government bodies for compliance. In some cases the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women is specific. For example in Article 19(e) the Protocol requires state parties to: "provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women"⁶

The manner in which government generates revenue and allocates expenditure affects women and men differently. Budgets are a means in which government reflects its priorities. Gender budgeting is a means by which the process of developing a budget reflects both the voices of women as well as men and the content of the budget reflects the commitments government has made on gender equality and women's rights. One of the key obligations that the inter-ministerial committee can hold all sectors and ministries accountable on is to ensure that they have gender-sensitive budgets. This will enable each sector or ministry to:

- Increase transparency by detailing where spending actually goes;

³ Including general recommendations and concluding remarks

⁴ Article 19(e) Protocol on Women's Rights

⁵ Diane Elson (2006), *Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW*, United Nations Development Fund for Women (UNIFEM), 13

⁶ Article 4(i)

- Increase their focus on women by disaggregating the way expenditure is distributed between men and women
- Ensure that public expenditure does not perpetuate existing inequalities between men and women; and
- More explicitly fund programmes to address the gender gaps identified.

The capacity to do gender budgeting should be provided by the Ministry of Finance and the women's machinery. In many cases, the Ministry of Finance will first have to develop its own capacity to understand the concept and how to put it practice. Together with the women's machinery, they can develop a plan for capacity building and reviewing sector budgets to ensure they are adequately engendered. Many tools and resources documents are available to provide guidance in this respect. For more information on gender budgeting, please see www.gender-budgets.org.

Integrating women's rights and gender equity into the PRS and the national budget are crucial to accelerating government's commitments on women's rights. Having a high level inter-ministerial committee that has the clout and mandate to ensure government action on women's rights within and across sectors will be vital in ensuring that the PRS and budget processes are engendered.

Developing Government-Led Partnerships with the United Nations System, Development Partners and Civil Society

Implementing a multi-sectoral approach to fast tracking government's commitments on women's rights will require that government has effective partnerships with various actors. This section of the Handbook focuses on partnerships including with parliament, civil society and donor agencies.

Parliament

National and lower level assemblies⁷ have a crucial role to play in the implementation and monitoring of government's commitments with respect to women's rights. They have an important role in ensuring the respect, promotion and protection of women's rights in the country. Some of the key roles they may play include:

- Ensuring that all legislation is in conformity with the Governments' obligations as set forth in international conventions such as CEDAW and the Protocol to ACHPR on women's rights. They would, therefore, have to engage gender experts to review the bills that are placed before them to ensure that the provisions promote gender equality and equity and none of the provisions is likely to bring about any form of discrimination against men and women in law and in practice.
- During the budgeting process, reviewing the extent to which ministry and sector budget proposals and programs incorporate women's rights considerations. CSOs can also play a critical role in this process by providing information, data and case studies that give a human face to the legislative processes. Each parliamentary standing committee can make important contribution within their respective mandates as oversight to the different sectors with

⁷ For example, state/regional assemblies in the case of federal governments, and local governments in decentralised systems of government

regard to women's rights issues. The committees in parliament would be expected to assess the extent to which ministry and sector budget proposals and programs incorporate CEDAW considerations and compare with the actual application/use of the resources.

- Raise on the floor of parliament important questions to the Executive on steps taken to comply with human rights obligations.

Members of parliament should also be invited to participate in the periodic meetings of the inter-ministerial coordination committee group as resourceful persons as well as targets for the lobby work.

Civil Society Organizations (CSOs)

CSOs are important partners in development. In countries the world over, CSOs, particularly women and human rights organizations are in the forefront advocating for equality for all in all spheres of life. They are involved in offering direct services like legal aid, advocacy for law and policy reform, legal and human rights awareness and education, training and mobilizing resources to increase access to credit facilities for women and men in order to empower individuals and communities to use the law to defend and protect their rights. CSOs work at all levels - international, regional, national and at the local levels- by transposing global issues into action at the local level and vice versa. They have therefore, developed significant technical expertise in the implementation and monitoring of the international conventions on women's rights such as CEDAW. CSOs could play the following roles in the process of accelerating government delivery on women's rights commitments through a multi-sectoral approach:

- Mobilize women to engage directly with political leadership on women's rights issues.
- Support popularization and awareness raising on the Protocol and CEDAW.
- Coordinate the participation of women in the PRS and budget processes.
- Participate in building capacities at different levels and in relevant institutions, including ministries and local governments involved in the implementation of programmes on women's rights.
- Participate in the inter-ministerial coordination committee as a resource group or stakeholders.
- Participate in and support the collection of data and documentation of best practices and impact of the various programs and activities on the lives of women and society as a whole.
- Engage in the writing of the periodic reports to be submitted to the inter-ministerial coordination committee
- Advocate for additional resources to implement commitments on women's rights.
- Build strong constituencies that engage in coordinated activities for the implementation of commitments on women's rights.

To enlist CSO buy-in and participation, the women's machinery may consider the following:

- Include CSOs in the initial consultation workshop on the CEDAW, the Protocol and the multi-sectoral approach;

- Include gender experts from women's organizations on the technical team;
- Meet with key CSOs and actors within the women's movement to specifically enlist their help and explore how fast tracking government's commitment on women's rights addresses issues of concern to them.

Donor agencies and the United Nations

United Nations organizations and the donor community are also key players in the implementation framework. They work in and interact with different sectors of government, and with civil society. Almost all are committed to supporting government to realise its development priorities, including gender equality and women's rights, and some have institutional gender policies and guidelines for integrating gender equality in their respective development assistance. What then African governments have to do is merely to request for this support, and involve the UN System and development partner community in the consultations, and communicate to them government's commitment to a multi-sectoral approach to women's rights. Some of the important roles that the UN System and other development partners can play include:

- Providing funding for capacity building and implementation of programmes.
- Providing technical support to inter-ministerial coordinating committee and individual ministries as they develop their plans and programs.
- Sharing good practices, knowledge and lessons learned from different countries in which they have operations, and supporting learning and exchange visits to such countries

To enlist the support of UN to play the above roles, the Minister in charge of the Women's Machinery in collaboration with the UN Resident Coordinator should meet with the heads of UN agencies to:

- Explain the multi-sector approach and enlist their commitment to support the overall approach and particularly its use within their sectors e.g. WHO in Health; FAO and WFP in Agriculture, ILO with Labour.
- Invite the Agencies to participate in the national consultation workshops; and
- Request for a coordinated UN financial package to support women's rights.

A similar approach can be used with respect to the multi and bi-lateral donors. The Minister may approach the Heads of Agencies to have the same discussion as with the UN Heads of Agencies. Further elaboration on the specific roles of each donor can be agreed upon within the donor/government sector group on gender, if such exists. If such a group does not exist, then the Minister may ask the head of agencies to create one to coordinate further dialogue and mobilize resource and technical expertise for implementing the multi-sectoral approach.

Parliament, CSOs and donor agencies are key players in the multi-sectoral approach to implementing government's commitments on women's rights. The technical team in the women's machinery will have to provide leadership in finding opportunities for these partners to support the work of the inter-ministerial coordinating committee and the various sectors/ministries. The technical team will also have to ensure there is effective collaboration and coordination between all the actors. In this manner, the uncoordinated efforts of many can be combined into a joint single effort.

ANNEXES

ANNEX 1: The Convention on the Elimination of All Forms of Discrimination Against Women	36
ANNEX 2: African Governments that Have Ratified CEDAW	46
ANNEX 3: Countries that have Ratified the Protocol to the ACHPR on Women’s Right	47
ANNEX 4: Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa	48
ANNEX 5: The Millennium Development Goals	60
ANNEX 6: Solemn Declaration on Gender Equality in Africa	61
ANNEX 7: SADC Protocol on Gender and Development	64
ANNEX 8: Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (International Conference on the Great Lakes Region)	81
ANNEX 9: Chart with indicative Possibilities of the division of roles	96
ANNEX 10: Functions that may be included in the TORs of the coordinating mechanism	97
ANNEX 11: Examples of some of the functions of the technical and advisory unit	98
ANNEX 12: Possible partners in fast tracking Delivery on Women’s rights and their roles	99

ANNEX 1:

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development

of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article I

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. 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.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity

and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

- (b) To have access to adequate health care facilities, including information, counseling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned;
 - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other

States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

ANNEX 2:

AFRICAN GOVERNMENTS THAT HAVE RATIFIED CEDAW

1. Algeria
2. Angola
3. Benin
4. Botswana
5. Burkina Faso
6. Burundi
7. Cameroon
8. Cape Verde
9. Central African Republic
10. Chad
11. Comoros
12. Congo
13. Cote d'Ivoire
14. Democratic Republic of the Congo
15. Djibouti
16. Egypt
17. Equatorial Guinea
18. Eritrea
19. Ethiopia
20. Gabon
21. Gambia
22. Ghana
23. Guinea
24. Guinea-Bissau
25. Kenya
26. Lesotho
27. Liberia
28. Libyan A. Jamahiriya
29. Madagascar
30. Malawi
31. Mali Mauritania
32. Mauritius
33. Morocco
34. Mozambique
35. Namibia
36. Niger
37. Nigeria
38. Rwanda
39. Sao Tome and Principe
40. Senegal
41. Seychelles
42. Sierra Leone
43. South Africa
44. Swaziland
45. Togo
46. Tunisia
47. Uganda
48. United Republic of Tanzania
49. Zambia
50. Zimbabwe

ANNEX 3:

COUNTRIES THAT HAVE RATIFIED THE PROTOCOL TO THE ACHPR ON WOMEN'S RIGHTS

1. Angola
2. Benin
3. Burkina Faso
4. Cape Verde
5. Comoros
6. Djibouti
7. Democratic Rep. of Congo
8. Gambia
9. Ghana
10. Guinea-Bissau
11. Libya
12. Lesotho
13. Liberia
14. Mali
15. Malawi
16. Mozambique
17. Mauritania
18. Namibia
19. Nigeria
20. Rwanda
21. South Africa
22. Senegal
23. Seychelles
24. Tanzania
25. Togo
26. Zambia
27. Zimbabwe

ANNEX 4:

PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA

The States Parties to this Protocol,

CONSIDERING that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter, and that the Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, endorsed by resolution AHG/Res.240 (XXXI) the recommendation of the African Commission on Human and Peoples' Rights to elaborate a Protocol on the Rights of Women in Africa;

CONSIDERING that Article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

FURTHER CONSIDERING that Article 18 of the African Charter on Human and Peoples' Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;

NOTING that Articles 60 and 61 of the African Charter on Human and Peoples' Rights recognize regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

RECALLING that women's rights have been recognized and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;

NOTING that women's rights and women's essential role in development, have been reaffirmed in the United Nations Plans of Action on the Environment and Development in 1992, on Human Rights in 1993, on Population and Development in 1994 and on Social Development in 1995;

RECALLING ALSO United Nations Security Council's Resolution 1325 (2000) on the role of Women in promoting peace and security;

REAFFIRMING the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;

FURTHER NOTING that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all Member States of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender-based violence against women;

RECOGNISING the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

BEARING IN MIND related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional Instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

CONCERNED that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

FIRMLY CONVINCED that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

DETERMINED to ensure that the rights of women are promoted, realized and protected in order to enable them to enjoy fully all their human rights;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purpose of the present Protocol:

- a) "African Charter" means the African Charter on Human and Peoples' Rights;
 - b) "African Commission" means the African Commission on Human and Peoples' Rights;
- "Assembly" means the Assembly of Heads of State and Government of the African Union;
 - "AU" means the African Union;
 - "Constitutive Act" means the Constitutive Act of the African Union;
 - "Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;
 - "Harmful Practices" means 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;
 - "NEPAD" means the New Partnership for Africa's Development established by the Assembly;
 - "States Parties" means the States Parties to this Protocol;
 - "Violence against women" means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; 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;
 - "Women" means persons of female gender, including girls;

Article 2

Elimination of Discrimination Against Women

1. States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:

- a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;

- b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;
 - c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
 - d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
 - e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.
2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 3

Right to Dignity

- Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights;
- Every woman shall have the right to respect as a person and to the free development of her personality;
- States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women;
- States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

Article 4

The Rights to Life, Integrity and Security of the Person

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.
2. States Parties shall take appropriate and effective measures to:
 - a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
 - b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
 - c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
 - d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women;
 - e) punish the perpetrators of violence against women and implement programmes for the rehabilita-

tion of women victims;

f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;

g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;

- Prohibit all medical or scientific experiments on women without their informed consent;
- Provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
- Ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women.
- Ensure that women and men enjoy equal rights in terms of access to refugee status, determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents;

Article 5

Elimination of Harmful Practices

States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

- Creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
- Prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalization and para-medicalization of female genital mutilation and all other practices in order to eradicate them;
- Provision of 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;
- Protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

Article 6

Marriage

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

- No marriage shall take place without the free and full consent of both parties;
- The minimum age of marriage for women shall be 18 years;
- Monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
- Every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognized;

- The husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
- A married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
- A woman shall have the right to retain her nationality or to acquire the nationality of her husband;
- A woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;
- A woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;
- During her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

Article 7

Separation, Divorce and Annulment of Marriage

States Parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:

- Separation, divorce or annulment of a marriage shall be effected by judicial order;
- Women and men shall have the same rights to seek separation, divorce or annulment of a marriage;
- In case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance;
- In case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

Article 8

Access to Justice and Equal Protection before the Law

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- Effective access by women to judicial and legal services, including legal aid;
- Support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
- The establishment of adequate educational and other appropriate structures with particular attention to women and to sensitize everyone to the rights of women;
- That law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- That women are represented equally in the judiciary and law enforcement organs;
- Reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

Article 9

Right to Participation in the Political and Decision-Making Process

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
 - a) Women participate without any discrimination in all elections;
 - b) Women are represented equally at all levels with men in all electoral processes;
 - c) Women are equal partners with men at all levels of development and implementation of State policies and development programmes.
2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

Article 10

Right to Peace

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.
2. States Parties shall take all appropriate measures to ensure the increased participation of women:
 - a) in programmes of education for peace and a culture of peace;
 - b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
 - In the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
 - In all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
 - In all aspects of planning, formulation and implementation of post conflict reconstruction and rehabilitation.
3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

Article 11

Protection of Women in Armed Conflicts

- States Parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations which affect the population, particularly women.
- States Parties shall, in accordance with the obligations incumbent upon them under the international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.
- States Parties undertake to protect 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 humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.

- States Parties shall take all necessary measures to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

Article 12

Right to Education and Training

1. States Parties shall take all appropriate measures to:

a) Eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;

b) Eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;

- Protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;

- Provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;

- Integrate gender sensitization and human rights education at all levels of education curricula including teacher training.

2. States Parties shall take specific positive action to:

a) promote literacy among women;

b) promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;

c) promote the enrolment and retention of girls in schools and other training institutions and the organization of programmes for women who leave school prematurely.

Article 13

Economic and Social Welfare Rights

States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:

a) promote equality of access to employment;

b) promote the right to equal remuneration for jobs of equal value for women and men;

c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;

d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognized and guaranteed by conventions, laws and regulations in force;

e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;

- Establish a system of protection and social insurance for women working in the informal sector and sensitize them to adhere to it;

g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;

- h) take the necessary measures to recognize the economic value of the work of women in the home;
- i) guarantee adequate and paid pre and post-natal maternity leave in both the private and public sectors;
- j) ensure the equal application of taxation laws to women and men;
- k) recognize and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
- l) recognize that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;
- m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

Article 14

Health and Reproductive Rights

1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:
 - The right to control their fertility;
 - The right to decide whether to have children, the number of children and the spacing of children;
- c) the right to choose any method of contraception;
- d) the right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognized standards and best practices;
 - The right to have family planning education.
2. States Parties shall take all appropriate measures to:
 - a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;
 - b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;
 - c) protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Article 15

Right to Food Security

- a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;
- b) establish adequate systems of supply and storage to ensure food security.

Article 16

Right to Adequate Housing

Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.

Article 17

Right to Positive Cultural Context

1. Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.

2. States Parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Article 18

Right to a Healthy and Sustainable Environment

1. Women shall have the right to live in a healthy and sustainable environment.

2. States Parties shall take all appropriate measures to:

a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;

- promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;

- protect and enable the development of women's indigenous knowledge systems;

c) regulate the management, processing, storage and disposal of domestic waste;

ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Article 19

Right to Sustainable Development

Women shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take all appropriate measures to:

a) introduce the gender perspective in the national development planning procedures;

b) ensure participation of women at all levels in the conceptualization, decision-making, implementation and evaluation of development policies and programmes;

- promote women's access to and control over productive resources such as land and guarantee their right to property;

- promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;

- take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and

- ensure that the negative effects of globalization and any adverse effects of the implementation of

trade and economic policies and programmes are reduced to the minimum for women.

Article 20

Widows' Rights

States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a) that widows are not subjected to inhuman, humiliating or degrading treatment;
- b) a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;
- c) a widow shall have the right to remarry, and in that event, to marry the person of her choice.

Article 21

Right to Inheritance

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

Article 22

Special Protection of Elderly Women

The States Parties undertake to:

- Provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;
- Ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

Article 23

Special Protection of Women with Disabilities

The States Parties undertake to:

- Ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
- Ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

Article 24

Special Protection of Women in Distress

The States Parties undertake to:

- Ensure the protection of poor women and women heads of families including women from marginalized population groups and provide them an environment suitable to their condition and their special physical, economic and social needs;
- Ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

Article 25

Remedies

States Parties shall undertake to:

- Provide for appropriate remedies to any woman whose rights or freedoms, as herein recognized, have been violated;
- Ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.

Article 26

Implementation and Monitoring

- States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realization of the rights herein recognized.
- States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognized.

Article 27

Interpretation

The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

Article 28

Signature, Ratification and Accession

1. This Protocol shall be open for signature, ratification and accession by the States Parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the AU.

Article 29

Entry into Force

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification.
2. For each State Party that accedes to this Protocol after its coming into force, the Protocol shall come into force on the date of deposit of the instrument of accession.
3. The Chairperson of the Commission of the AU shall notify all Member States of the coming into force of this Protocol.

Article 30

Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the AU who shall transmit the same to the States Parties within thirty (30) days of receipt thereof.

3. The Assembly, upon advice of the African Commission, shall examine these proposals within a period of one (1) year following notification of States Parties, in accordance with the provisions of paragraph 2 of this article.
4. Amendments or revision shall be adopted by the Assembly by a simple majority.
5. The amendment shall come into force for each State Party, which has accepted it thirty (30) days after the Chairperson of the Commission of the AU has received notice of the acceptance.

Article 31

Status of the Present Protocol

None of the provisions of the present Protocol shall affect more favourable provisions for the realization of the rights of women contained in the national legislation of States Parties or in any other regional, continental or international conventions, treaties or agreements applicable in these States Parties.

Article 32

Transitional Provisions

Pending the establishment of the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application and implementation of this Protocol.

Adopted by the 2nd Ordinary Session of the Assembly of the Union

Maputo , 11 July 2003

ANNEX 5:

THE MILLENNIUM DEVELOPMENT GOALS

Goals	Targets
GOAL 1: ERADICATE EXTREME POVERTY & HUNGER	<ul style="list-style-type: none"> · Halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day · Achieve full and productive employment and decent work for all, including women and young people · Halve, between 1990 and 2015, the proportion of people who suffer from hunger
GOAL 2: ACHIEVE UNIVERSAL PRIMARY EDUCATION	<ul style="list-style-type: none"> · Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling
GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN	<ul style="list-style-type: none"> · Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015
GOAL 4: REDUCE CHILD MORTALITY	<ul style="list-style-type: none"> · Reduce by two thirds, between 1990 and 2015, the under-five mortality rate
GOAL 5: IMPROVE MATERNAL HEALTH	<ul style="list-style-type: none"> · Reduce by three quarters the maternal mortality ratio · Achieve universal access to reproductive health
GOAL 6: COMBAT HIV/AIDS, MALARIA AND OTHER DISEASES	<ul style="list-style-type: none"> · Have halted by 2015 and begun to reverse the spread of HIV/AIDS · Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it · Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss
GOAL 7: ENSURE ENVIRONMENTAL SUSTAINABILITY	
GOAL 8: DEVELOP A GLOBAL PARTNERSHIP FOR DEVELOPMENT	<ul style="list-style-type: none"> · Address the special needs of least developed countries, landlocked countries and small island developing states · Develop further an open, rule-based, predictable, non-discriminatory trading and financial system · Develop further an open, rule-based, predictable, non-discriminatory trading and financial system · Deal comprehensively with developing countries' debt · In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries · In cooperation with the private sector, make available benefits of new technologies, especially information and

ANNEX 6: SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA

We, the Heads of State and Government of Member States of the African Union, meeting in the Third Ordinary Session of our Assembly in Addis Ababa, Ethiopia, from 6-8 July 2004:

Reaffirming our commitment to the principle of gender equality as enshrined in Article 4 (I) of the Constitutive Act of the African Union, as well as other existing commitments, principles, goals and actions set out in the various regional, continental and international instruments on human and women's rights, including the Dakar Platform for Action (1994), the Beijing Platform for Action (1995), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW - 1979), the African Plan of Action to Accelerate the Implementation of the Dakar and Beijing Platforms for Action for the Advancement of Women (1999); the Outcome Document of the Twenty-third Special Session of the United Nations General Assembly Special Session on the Implementation of the Beijing Platform for Action (2000); UN Resolution 1325 (2000) on Women, Peace and Security; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003);

Standing by our Decision on gender parity taken at the Inaugural Session of the AU Assembly of Heads of State and Government in July 2002 in Durban, South Africa implemented during the Second Ordinary Session of the Assembly in Maputo, Mozambique, 2003 through the election of five female and five male Commissioners;

Noting with satisfaction that our Decision on gender parity is a historic achievement that does not yet exist in any other continent or regional organizations;

Re-affirming our commitment to continue, expand and accelerate efforts to promote gender equality at all levels;

Determined to build on the progress that we have achieved in addressing issues of major concern to the women of Africa;

Taking cognizance of the landmark decision to adopt the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa during the Second Ordinary Session of the Assembly in Maputo, Mozambique, 2003;

Noting the decision of the Chairperson of the African Union Commission to transform the African Women's Committee on Peace and Development (AWCPD) into the African Union Women's Committee (AUWC), which will be located in the Gender Directorate and serve as an Advisory Body to the Chairperson on Gender and Development;

Recognizing that major challenges and obstacles to gender equality still remain and require concerted and collective leadership and efforts from all of us including networks working on gender and development;

Deeply concerned about the status of women and the negative impacts on women of issues such as the high incidence of HIV/AIDS among girls and women, conflict, poverty, harmful traditional practices, high population of refugee women and internally displaced women, violence against women, women's exclusion from politics and decision-making, and illiteracy, limited access of girls to education;

Aware of the policies and programmes we have put in place to curb the spread of HIV/AIDS pandemic as well as the current challenges in this campaign;

Concerned that, while women and children bear the brunt of conflicts and internal displacement,

including rapes and killings, they are largely excluded from conflict prevention, peace-negotiation, and peace-building processes in spite of African women's experience in peace-building;

Aware of the fact that low levels of women's representation in social, economic and political decision-making structures and feminization of poverty impact negatively on women's ability to derive full benefit from the economies of their countries and the democratization process;

Aware of the digital divide between the North and the South, men and women and the role of information telecommunication technologies (ICTS) in the advancement of the gender issue as stated in the e-gender Forum Declaration of Tunis, May 2004 in preparation for the World Summit on Information Society (WSIS) 2005;

Hereby Agree to:

Accelerate the implementation of gender specific economic, social, and legal measures aimed at combating the HIV/AIDS pandemic and effectively implement both Abuja and Maputo Declarations on Malaria, HIV/AIDS, Tuberculosis and Other Related Infectious Disease. More specifically we will ensure that treatment and social services are available to women at the local level making it more responsive to the needs of families that are providing care; enact legislation to end discrimination against women living with HIV/AIDS and for the protection and care for people living with HIV/AIDS, particularly women; increase budgetary allocations in these sectors so as to alleviate women's burden of care;

1. Ensure the full and effective participation and representation of women in 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 African Union;
2. Launch, within the next one year, a campaign for systematic prohibition of the recruitment of child soldiers and abuse of girl children as wives and sex slaves in violation of their Rights as enshrined in the African Charter on Rights of the Child;
3. Initiate, launch and engage within two years sustained public campaigns against gender based violence as well as the problem of trafficking in women and girls; Reinforce legal mechanisms that will protect women at the national level and end impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour of the African society;
4. Expand and Promote the gender parity principle that we have adopted regarding the Commission of the African Union to all the other organs of the African Union, including its NEPAD programme, to the Regional Economic Communities, and to the national and local levels in collaboration with political parties and the National parliaments in our countries;
5. Ensure the active promotion and protection of all human rights for women and girls including the right to development by raising awareness or by legislation where necessary;
6. Actively promote the implementation of legislation to guarantee women's land, property and inheritance rights including their rights to housing;
7. Take specific measures to ensure the education of girls and literacy of women, especially in the rural areas, to achieve the goal of "Education for All" (EFA);
8. Undertake to Sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa by the end of 2004 and to support the launching of public campaigns aimed at ensuring its entry into force by 2005 and usher in an era of domesticating and implementing the Protocol as well as other national, regional and international instruments on

gender equality by all States Parties;

9. Establish AIDS Watch Africa as a unit within the Office of the Chairperson of the Commission who should render annual report on HIV/AIDS situation in the continent during annual Summits; and promote the local production of anti-retroviral drugs in our countries;
10. Accept to establish an African Trust Fund for Women for the purpose of building the capacity of African women and further request the African Union Commission to work out the modalities for the operationalization of the Fund with special focus on women in both urban and rural areas;
11. Commit ourselves to report annually on progress made in terms of gender mainstreaming and to support and champion all issues raised in this Declaration, both at the national and regional levels, and regularly provide each other with updates on progress made during our Ordinary Sessions;
12. We request the chairperson of the African Union Commission to submit, for our consideration, an annual report, during our ordinary sessions, on measures taken to implement the principle of gender equality and gender mainstreaming, and all issues raised in this Declaration both at the national and regional levels.

ANNEX 7:

SADC PROTOCOL ON GENDER AND DEVELOPMENT

PREAMBLE

We, the Heads of State or Government of:

1. The Republic of Angola
2. The Republic of Botswana
3. The Democratic Republic of Congo
4. The Kingdom of Lesotho
5. The Republic of Madagascar
6. The Republic of Malawi
7. The Republic of Mauritius
8. The Republic of Mozambique
9. The Republic of Namibia
10. The Republic of Seychelles
11. The Republic of South Africa
12. The Kingdom of Swaziland
13. The United Republic of Tanzania
14. The Republic of Zambia
15. The Republic of Zimbabwe

CONVINCED that the integration and mainstreaming of gender issues into the Southern African Development Community (SADC) Programme of Action and Community Building Initiatives is key to the sustainable development of the SADC region;

NOTING that Member States undertook, in the SADC Treaty (Article 6(2)), not to discriminate against any person on the grounds of, inter alia, sex or gender;

NOTING further that all SADC Member States are convinced that gender equality and equity is a fundamental human right and are committed to gender equality and equity and have signed and ratified or acceded to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;

RECALLING that Member States reaffirmed their commitment to the Nairobi Forward Looking Strategies (1985); Convention on the Rights of the Child (1989); the Africa Platform of Action; the Beijing Declaration and its Platform for Action (1995); and United Nations Resolution 1325 on Women, Peace and Security (2000); and resolved, through the SADC Declaration on Gender and Development (1997) and its Addendum on the Prevention and Eradication of Violence Against Women and Children (1998); to ensure the elimination of all gender inequalities in the region and the promotion of the full and equal enjoyment of rights;

TAKING COGNISANCE of the decision on gender parity taken at the inaugural session of the

African Union Assembly of Heads of State and Government in July 2002 in Durban, South Africa, and the adoption of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa during the Second Ordinary Session of the Assembly of the African Union in Maputo, Mozambique in 2003;

RECOGNISING that Member States are obliged to meet their commitments and set targets under the said instruments, and that the fragile gains made face new threats as a result of, inter alia, HIV and AIDS, globalization, human trafficking, especially of women and children, the feminization of poverty, and gender based violence;

RECOGNISING further that social, cultural and religious practices, attitudes and mindsets continue to militate against the attainment of gender equality and equity which are central to democracy and development;

RECALLING that Article 26 of the SADC Addendum on the Prevention and Eradication of Violence Against Women and Children recognizes that urgent consideration must be given to the adoption of legally binding SADC instruments;

DETERMINED to consolidate and create synergy between the various commitments on gender equality and equity made at regional, continental and international levels into one comprehensive regional instrument that enhances the capacity to report effectively on all instruments and also addresses new challenges; and

COMMITTED to drawing up a plan of action setting specific targets and timeframes for achieving gender equality and equity in all areas, as well as effective monitoring and evaluation mechanisms for measuring progress.

HEREBY AGREED as follows:

PART ONE

DEFINITIONS, GENERAL PRINCIPLES AND OBJECTIVES

ARTICLE 1

DEFINITIONS

1. In this Protocol, terms and expressions defined in Article 1 of the Treaty establishing SADC shall bear the same meaning unless the context otherwise requires.
2. In this Protocol, unless the context otherwise requires:
 - “affirmative action” means a policy programme or measure that seeks to redress past discrimination through active measures to ensure equal opportunity and positive outcomes in all spheres of life;
 - “AIDS” means Acquired Immune Deficiency Syndrome;
 - “care-giver” means any person who provides emotional, psychological, physical, economic, spiritual or social care and support services to another;
 - “child” means every human being below the age of eighteen;
 - “discrimination” means any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise, by any person of human rights, and fundamental freedoms in the political, economic, social, cultural, civil or any other field;
 - “equality” means state of being equal in terms of enjoyment of rights, treatment, quantity or

value, access to opportunities and outcomes, including resources;

- “gender” means the roles, duties and responsibilities which are culturally or socially ascribed to women, men, girls and boys;
- “gender based violence” means all acts perpetrated against women, men, girls and boys on the basis of their sex which cause or could cause them physical, sexual, psychological, emotional or economic harm, including the threat to take such acts, 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 or other forms of conflict;
- “gender equality” means the equal enjoyment of rights and the access to opportunities and outcomes, including resources, by women, men, girls and boys;
- “gender equity” means the just and fair distribution of benefits, rewards and opportunities between women, men, girls and boys;
- “gender mainstreaming” means the process of identifying gender gaps and making women’s, men’s, girls’ and boys’ concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that they benefit equally;
- “gender sensitive” means acknowledging and taking into account the specific gender needs of both men and women at all levels of planning, implementation, monitoring and evaluation;
- “gender stereotypes” means the beliefs held about characteristics, traits and activity domains that are deemed appropriate for women, men, girls and boys based on their conventional roles both domestically and socially;
- “health” means a complete state of physical, mental, spiritual and social well-being of an individual and not merely the absence of disease or infirmity;
- “HIV” means Human Immunodeficiency Virus;
- “human trafficking” means the recruitment, transportation, harbouring or receipt of persons, by means of threat, abuse of power, position of vulnerability, force or other forms of coercion, abduction, fraud or deception to achieve the consent of a person having control over another person for the purpose of amongst other things, sexual and financial exploitation;
- “informal sector” means the portion of a country’s economy that lies outside of any formal regulatory environment;
- “multiple roles of women” means the several responsibilities that women shoulder in the reproductive, productive and community management spheres;
- “National Gender means national structures with the mandate
- “Machineries” of executing and monitoring gender and related policies and programmes in line with national, regional and international commitments;
- “quasi-judicial proceedings” means administrative proceedings that are undertaken for the settlement of specific rights or obligations which may require discretion and decision and which may be the subject to notice and hearing requirements and judicial review”;
- “sex” means the biological differences between females and males;
- “sexual harassment” means any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another whether or not such sexual advance or request arises out of unequal power relations;

- “sexual and means the universal human rights relating
- reproductive rights” to sexuality and reproduction, sexual integrity and safety of the person, the right to sexual privacy, the right to make free and responsible reproductive choices, the right to sexual information based on scientific enquiry, and the right to sexual and reproductive health care;
- “social safety nets” means the measures taken or applied to mitigate the effects of poverty, gender based violence and other social ills; and
- “State Party” means a Member State that is a Party to this Protocol.

ARTICLE 2

GENERAL PRINCIPLES

1. For the purposes of this Protocol, the following principles shall apply:

(a) States Parties shall harmonize national legislation, policies, strategies and programmes with relevant regional and international instruments related to the empowerment of women and girls for the purpose of ensuring gender equality and equity;

(b) States Parties shall decide all matters relating to the implementation of this Protocol by consensus; and

(c) States Parties shall cooperate in facilitating the development of human, technical and financial capacity for the implementation of this Protocol.

2. States Parties shall adopt the necessary policies, strategies and programmes such as affirmative action to facilitate the implementation of this Protocol. Affirmative action measures shall be put in place with particular reference to women and girls, in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life.

ARTICLE 3

OBJECTIVES

The objectives of this Protocol are:

(a) to provide for the empowerment of women, to eliminate discrimination and to achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects;

(b) to harmonize the implementation of the various instruments to which SADC Member States have subscribed to at the regional, continental and international levels on gender equality and equity which, amongst others, are the Convention on the Elimination of all Forms of Discrimination Against Women (1979); Convention on the Rights of the Child (1989); the International Conference on Population and Development (1994); the Beijing Declaration and its Platform For Action (1995); the SADC Declaration on Gender and Development (1997) and its Addendum (1998); the Millennium Development Goals (2000); the UN Security Council Resolution 1325 on Women, Peace and Security (2000); the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003); the United Nations Convention on the Rights of People with Disabilities (2008); or any other legal instruments that may be relevant to this Protocol, in order to accelerate implementation;

(c) to address emerging gender issues and concerns;

(d) to set realistic, measurable targets, time frames and indicators for achieving gender equality and equity;

(e) to strengthen, monitor and evaluate the progress made by Member States towards reaching the targets and goals set out in this Protocol; and

(f) to deepen regional integration, attain sustainable development and strengthen community building.

PART TWO

CONSTITUTIONAL AND LEGAL RIGHTS

ARTICLE 4

CONSTITUTIONAL RIGHTS

1. States Parties shall endeavour, by 2015, to enshrine gender equality and equity in their Constitutions and ensure that these rights are not compromised by any provisions, laws or practices.
2. States Parties shall implement legislative and other measures to eliminate all practices which negatively affect the fundamental rights of women, men, girls and boys, such as their right to life, health, dignity, education and physical integrity.

ARTICLE 5

AFFIRMATIVE ACTION

States Parties shall put in place affirmative action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation.

ARTICLE 6

DOMESTIC LEGISLATION

1. States Parties shall review, amend and or repeal all laws that discriminate on the ground of sex or gender by 2015.
2. States Parties shall enact and enforce legislative and other measures to:
 - (a) ensure equal access to justice and protection before the law;
 - (b) abolish the minority status of women by 2015;
 - (c) eliminate practices which are detrimental to the achievement of the rights of women by prohibiting such practices and attaching deterrent sanctions thereto; and
 - (d) eliminate gender based violence.

ARTICLE 7

EQUALITY IN ACCESSING JUSTICE

States Parties shall put in place legislative and other measures which promote and ensure the practical realization of equality for women. These measures shall ensure:

- (a) equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts, and national reconciliation processes;
- (b) equal legal status and capacity in civil and customary law, including, amongst other things, full contractual rights, the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit;

(c) the encouragement of all public and private institutions to enable women to exercise their legal capacity;

(d) that positive and practical measures are taken to ensure equality for women complainants in the criminal justice system;

(e) the provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal system;

(f) that women have equitable representation on, and participation in, all courts including traditional courts, alternative dispute resolution mechanisms and local community courts; and

(g) accessible and affordable legal services for women.

ARTICLE 8

MARRIAGE AND FAMILY RIGHTS

1. States Parties shall enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage.

2. Legislation on marriage shall ensure that:

- no person under the age of 18 shall marry unless otherwise specified by law which takes into account the best interests and welfare of the child;
- every marriage takes place with the free and full consent of both parties;
- every marriage, including civil, religious, traditional or customary, is registered in accordance with national laws; and
- during the subsistence of their marriage the parties shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount.

3. States Parties shall enact and adopt appropriate legislative and other measures to ensure that where spouses separate, divorce or have their marriage annulled:

- they shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount; and
- they shall, subject to the choice of any marriage regime or marriage contract, have equitable share of property acquired during their relationship.

4. States Parties shall put in place legislative and other measures to ensure that parents honour their duty of care towards their children, and maintenance orders are enforced.

5. States Parties shall put in place legislative provisions which ensure that married women and men have the right to choose whether to retain their nationality or acquire their spouse's nationality.

ARTICLE 9

PERSONS WITH DISABILITIES

States Parties shall, in accordance with the SADC Protocol on Health and other regional and international instruments relating to the protection and welfare of people with disabilities to which Member States are party, adopt legislation and related measures to protect persons with disabilities that take into account their particular vulnerabilities.

ARTICLE 10

WIDOWS' AND WIDOWERS' RIGHTS

1. States Parties shall enact and enforce legislation to ensure that:
 - (a) widows are not subjected to inhuman, humiliating or degrading treatment;
 - (b) a widow automatically becomes the guardian and custodian of her children when her husband dies, unless otherwise determined by a competent court of law;
 - (c) a widow shall have the right to continue to live in the matrimonial house after her husband's death;
 - (d) a widow shall have access to employment and other opportunities to enable her to make a meaningful contribution to society;
 - (e) a widow shall have the right to an equitable share in the inheritance of the property of her husband;
 - (f) a widow shall have the right to remarry any person of her choice; and
 - (g) a widow shall have protection against all forms of violence and discrimination based on her status.
2. States Parties shall put in place legislative measure to ensure that widowers enjoy the same rights as widows under sub-Article 1.

ARTICLE 11

THE GIRL AND BOY CHILD

1. States Parties shall adopt laws, policies and programmes to ensure the development and protection of the girl child by:
 - (a) eliminating all forms of discrimination against the girl child in the family, community, institutions and at state levels;
 - (b) ensuring that girls have equal access to education and health care, and are not subjected to any treatment which causes them to develop a negative self-image;
 - (c) ensuring that girls enjoy the same rights as boys and are protected from harmful cultural attitudes and practices in accordance with the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child;
 - (d) protecting girls from economic exploitation, trafficking and all forms of violence including sexual abuse; and
 - (e) ensuring that girl children have equal access to information, education, services and facilities on sexual and reproductive health and rights.
2. States Parties shall put in place legislative and other measures to ensure that the boy child enjoys the same rights as the girl child under sub-Article 1.

PART THREE

GOVERNANCE

ARTICLE 12

REPRESENTATION

1. States Parties shall endeavour that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women including the use of affirmative action measures as provided for in Article 5.
2. States Parties shall ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation.

ARTICLE 13

PARTICIPATION

1. States Parties shall adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in all electoral processes including the administration of elections and voting.
2. States Parties shall ensure the equal participation of women and men in decision making by putting in place policies, strategies and programmes for:
 - (a) building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
 - (b) providing support structures for women in decision-making positions;
 - (c) the establishment and strengthening of structures to enhance gender mainstreaming; and
 - (d) changing discriminatory attitudes and norms of decision making structures and procedures.
3. States Parties shall ensure the inclusion of men in all gender related activities, including gender training and community mobilization

PART FOUR

EDUCATION AND TRAINING

ARTICLE 14

GENDER EQUALITY IN EDUCATION

1. States Parties shall, by 2015, enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.
2. States Parties shall by 2015 adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, amongst others.

PART FIVE

PRODUCTIVE RESOURCES AND EMPLOYMENT

ARTICLE 15

ECONOMIC POLICIES AND DECISION MAKING

1. States Parties shall, by 2015, ensure equal participation, of women and men, in policy formulation and implementation of economic policies.
2. States Parties shall ensure gender sensitive and responsive budgeting at the micro and macro levels, including tracking, monitoring and evaluation.

ARTICLE 16

MULTIPLE ROLES OF WOMEN

States Parties shall conduct time use studies by 2015 and adopt policy measures to ease the burden of the multiple roles played by women.

ARTICLE 17

ECONOMIC EMPOWERMENT

1. States Parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefit and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.
2. States Parties shall, by 2015, review their national trade and entrepreneurship policies, to make them gender responsive.
3. States Parties shall, by 2015, and with regard to the affirmative action provisions in Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

ARTICLE 18

ACCESS TO PROPERTY AND RESOURCES

States Parties shall, by 2015, review all policies and laws that determine access to, control of, and benefit from, productive resources by women in order to:

end all discrimination against women and girls with regard to water

rights and property such as land and tenure thereof;

(b) ensure that women have equal access and rights to credit, capital, mortgages, security and training as men; and

(c) ensure that women and men have access to modern, appropriate and affordable technology and support services.

ARTICLE 19

EQUAL ACCESS TO EMPLOYMENT AND BENEFITS

1. States Parties shall, by 2015, review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.
2. States Parties shall review, adopt and implement legislative, administrative and other appropriate measures to ensure:

- (a) equal pay for equal work and equal remuneration for jobs of equal value for women and men;
 - (b) the eradication of occupational segregation and all forms of employment discrimination;
 - (c) the recognition of the economic value of, and protection of, persons engaged in agricultural and domestic work; and
 - (d) the appropriate minimum remuneration of persons engaged in agricultural and domestic work.
3. States Parties shall enact and enforce legislative measures prohibiting the dismissal or denial of recruitment on the grounds of pregnancy or maternity leave.
 4. States Parties shall provide protection and benefits for women and men during maternity and paternity leave.
 5. States Parties shall ensure that women and men receive equal employment benefits, irrespective of their marital status including on retirement.

PART SIX

GENDER BASED VIOLENCE

ARTICLE 20

LEGAL

1. States Parties shall:
 - (a) by 2015, enact and enforce legislation prohibiting all forms of gender based violence; and
 - (b) ensure that perpetrators of gender based violence, including domestic violence, rape, femicide, sexual harassment, female genital mutilation and all other forms of gender based violence are tried by a court of competent jurisdiction.
2. States Parties shall, by 2015, ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual offences, which shall include:
 - (a) emergency contraception;
 - (b) ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV; and
 - (c) preventing the onset of sexually transmitted infections.
3. States Parties shall, by 2015, review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence to:
 - (a) eliminate gender bias; and
 - (b) ensure justice and fairness are accorded to survivors of gender based violence in a manner that ensures dignity, protection and respect.
4. States Parties shall put in place mechanisms for the social and psychological rehabilitation of perpetrators of gender based violence.
5. States Parties shall, by 2015:
 - (a) enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to survivors, with the aim of re-integrating them into society;
 - (b) put in place mechanisms by which all relevant law enforcement authorities and institutions may

eradicate national, regional and international human trafficking networks;

(c) put in place harmonized data collection mechanisms to improve data collection and reporting on the types and modes of trafficking to ensure effective programming and monitoring;

(d) establish bilateral and multilateral agreements to run joint actions against human trafficking among origin, transit and destination countries; and

(e) ensure capacity building, awareness raising and sensitization campaigns on human trafficking are put in place for law enforcement officials.

6. States Parties shall ensure that cases of gender based violence are conducted in a gender sensitive environment.

7. States Parties shall establish special counselling services, legal and police units to provide dedicated and sensitive services to survivors of gender based violence.

ARTICLE 21

SOCIAL, ECONOMIC, CULTURAL AND POLITICAL PRACTICES

1. States Parties shall take measures including legislation, where appropriate, to discourage traditional norms, including social, economic, cultural and political practices which legitimize and exacerbate the persistence and tolerance of gender based violence with a view to eliminate them.

2. States Parties shall, in all sectors of society, introduce and support gender sensitization and public awareness programmes aimed at changing behaviour and eradicating gender based violence.

ARTICLE 22

SEXUAL HARASSMENT

1. States Parties shall, by 2015, enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.

2. States Parties shall ensure equal representation of women and men in adjudicating bodies hearing sexual harassment cases.

ARTICLE 23

SUPPORT SERVICES

1. States Parties shall provide accessible information on services available to survivors of gender based violence.

2. States Parties shall ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services to redress cases of gender based violence.

3. States Parties shall provide accessible, affordable and specialized legal services, including legal aid, to survivors of gender based violence.

4. States Parties shall provide specialized facilities, including support mechanisms for survivors of gender based violence.

5. States Parties shall provide effective rehabilitation and re-integration programmes for perpetrators of gender based violence.

ARTICLE 24

TRAINING OF SERVICE PROVIDERS

States Parties shall introduce, promote and provide:

- (a) gender education and training to service providers involved in gender based violence including the police, the judiciary, health and social workers;
- (b) community sensitization programmes regarding available services and resources for survivors of gender based violence; and
- (c) training for all service providers to enable them to offer services to people with special needs.

ARTICLE 25

INTEGRATED APPROACHES

States Parties shall adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence, by half by 2015.

PART SEVEN

HEALTH AND HIV AND AIDS

ARTICLE 26

HEALTH

States Parties shall, by 2015, in line with the SADC Protocol on Health and other regional and international commitments by Member States on issues relating to health, adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care, in particular, to:

- (a) reduce the maternal mortality ratio by 75% by 2015;
- (b) develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men; and
- (c) ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.

ARTICLE 27

HIV AND AIDS

1. States Parties shall take every step necessary to adopt and implement gender sensitive policies and programmes, and enact legislation that will address prevention, treatment, care and support in accordance with, but not limited to, the Maseru Declaration on HIV and AIDS.
2. States Parties shall ensure that the policies and programmes referred to in sub-Article 1 take account of the unequal status of women, the particular vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.
3. States Parties shall, by 2015:
 - develop gender sensitive strategies to prevent new infections;
 - ensure universal access to HIV and AIDS treatment for infected women, men, girls and boys;

- develop and implement policies and programmes to ensure appropriate recognition of the work carried out by care givers, the majority of whom are women, the allocation of resources and the psychological support for care-givers as well as promote the involvement of men in the care and support of people living with HIV and AIDS.

PART EIGHT

PEACE BUILDING AND CONFLICT RESOLUTION

ARTICLE 28

PEACE BUILDING AND CONFLICT RESOLUTION

1. States Parties shall endeavour to put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes by 2015 in accordance with United Nations Security Council Resolution 1325 on Women, Peace and Security.
2. States Parties shall, during times of armed and other forms of conflict take such steps as are necessary to prevent and eliminate incidences of human rights abuses, especially of women and children, and ensure that the perpetrators of such abuses are brought to justice before a court of competent jurisdiction.

PART NINE

MEDIA, INFORMATION AND COMMUNICATION

ARTICLE 29

GENERAL PRINCIPLES

1. States Parties shall ensure that gender is mainstreamed in all information, communication and media policies, programmes, laws and training in accordance with the Protocol on Culture, Information and Sport and other regional and international commitments by Member States on issues relating to media, information and communication.
2. States Parties shall encourage the media and media-related bodies to mainstream gender in their codes of conduct, policies and procedures, and adopt and implement gender aware ethical principles, codes of practice and policies in accordance with the Protocol on Culture, Information and Sport.
3. States Parties shall take measures to promote the equal representation of women in the ownership of, and decision making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision making positions by 2015.

ARTICLE 30

GENDER IN MEDIA CONTENT

1. States Parties shall take measures to discourage the media from:
 - (a) promoting pornography and violence against all persons, especially women and children;
 - (b) depicting women as helpless victims of violence and abuse;
 - (c) degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and

(d) reinforcing gender oppression and stereotypes.

2. States Parties shall encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes.
3. States Parties shall take appropriate measures to encourage the media to play a constructive role in the eradication of gender based violence by adopting guidelines which ensure gender sensitive coverage.

ARTICLE 31

UNIVERSAL ACCESS TO INFORMATION, COMMUNICATION AND TECHNOLOGY

States Parties shall put in place information and communication technology policies and laws in the social, economic and political development arena for women's empowerment, regardless of race, age, religion, or class. These policies and laws shall include specific targets developed through an open and participatory process, in order to ensure women's and girl's access to information and communication technology.

PART TEN

FINAL PROVISIONS

ARTICLE 32

REMEDIES

States Parties shall:

- (a) provide appropriate remedies in their legislation to any person whose rights or freedoms have been violated on the basis of gender; and
- (b) ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided by law.

ARTICLE 33

FINANCIAL PROVISIONS

1. States Parties shall ensure gender sensitive budgets and planning, including designating the necessary resources towards initiatives aimed at empowering women and girls.
2. States Parties shall mobilize and allocate the necessary human, technical and financial resources for the successful implementation of this Protocol.

ARTICLE 34

INSTITUTIONAL ARRANGEMENTS

1. The institutional mechanisms for the implementation of this Protocol shall comprise the:
 - (a) Committee of Ministers Responsible for Gender/Women's Affairs;
 - (b) Committee of Senior Officials Responsible for Gender/Women's Affairs; and
 - (c) SADC Secretariat.
2. The Committee of Ministers responsible for Gender/Women's Affairs shall:
 - (a) ensure the implementation of this Protocol; and

(b) supervise the work of any committee or sub-committee established under this Protocol.

3. The Committee of Senior Officials shall:

(a) report to the Committee of Ministers on matters relating to the implementation of the provisions contained in this Protocol;

(b) supervise the work of the Secretariat;

(c) clear the documents prepared by the Secretariat to be submitted to the Committee of Ministers;

(d) invite the Secretariat to make presentations on gender and development to the Committee of Ministers, as and when necessary; and

(e) liaise closely with both the Committee of Ministers and the Secretariat.

4. The SADC Secretariat shall:

(a) facilitate and monitor reporting by States Parties on the implementation of the Protocol;

(b) coordinate the implementation of this Protocol;

(c) identify research needs and priorities in gender/women's affairs areas; and

(d) provide technical and administrative assistance to the Committee of Ministers and the Committee of Senior Officials.

ARTICLE 35

IMPLEMENTATION, MONITORING AND EVALUATION

1. States Parties shall ensure the implementation of this Protocol at the national level.

2. States Parties shall ensure that national action plans with measurable time frames are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented.

3. States Parties shall collect and analyse baseline data against which progress in achieving targets will be monitored.

4. States Parties shall submit reports to the Executive Secretary of SADC once every two years, indicating the progress achieved in the implementation of the measures agreed to in this Protocol.

5. The Executive Secretary of SADC shall submit the progress reports to Council and Summit for consideration.

ARTICLE 36

SETTLEMENT OF DISPUTES

1. States Parties shall strive to resolve any dispute regarding application, interpretation or implementation of the provisions of this Protocol amicably.

2. Any dispute arising from the application, interpretation or implementation of this Protocol, which cannot be settled amicably, shall be referred to the SADC Tribunal, in accordance with Article 16 of the Treaty.

ARTICLE 37

WITHDRAWAL

1. A State Party may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Executive Secretary.

2. Such State Party shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective, but shall remain bound by the obligations under this Protocol for a period of twelve (12) months from the date of notice.

ARTICLE 38

AMENDMENTS

1. A proposal for the amendment of this Protocol shall be submitted to the Executive Secretary of SADC by any State Party that is party to the Protocol.
2. The Executive Secretary of SADC shall submit a proposal for amendment of the Protocol to Council after:
 - (a) all Member States that are parties to the Protocol have been notified of the proposal; and
 - (b) thirty days have elapsed since notification to the Member States that are parties to the Protocol.
3. An amendment to this Protocol shall be adopted by a decision of three-quarters of the Member States that are Parties to the Protocol.

ARTICLE 39

SIGNATURE

This Protocol shall be signed by the duly authorized representatives of Member States.

ARTICLE 40

RATIFICATION

This Protocol shall be ratified by the Signatory States in accordance with their constitutional procedures.

ARTICLE 41

ENTRY INTO FORCE

This Protocol shall enter into force thirty (30) days after the deposit of the Instruments of Ratification by two-thirds of the Member States

ARTICLE 42

ACCESSION

This Protocol shall remain open for accession by any Member State.

ARTICLE 43

DEPOSITARY

1. The original texts of this Protocol and all Instruments of Ratification and Accession shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States.
2. The Executive Secretary of SADC shall notify the Member States of the dates on which Instruments of Ratification and Accession have been deposited under paragraph 1.
3. The Executive Secretary of SADC shall register the Protocol with the Secretariat of the United Nations, the Commission of the African Union and such other organization as the Council may determine.

IN WITNESS WHEREOF, WE, the Heads of State or Government or duly Authorized Representatives of SADC Member States have signed this Protocol.

1. The Republic of Angola
2. The Republic of Botswana
3. The Democratic Republic of Congo
4. The Kingdom of Lesotho
5. The Republic of Madagascar
6. The Republic of Malawi
7. The Republic of Mauritius
8. The Republic of Mozambique
9. The Republic of Namibia
10. The Republic of Seychelles
11. The Republic of South Africa
12. The Kingdom of Swaziland
13. The United Republic of Tanzania
14. The Republic of Zambia
15. The Republic of Zimbabwe

ANNEX 8:
**PROTOCOL ON THE PREVENTION AND SUPPRESSION OF SEXUAL VIOLENCE AGAINST
WOMEN AND CHILDREN**
INTERNATIONAL CONFERENCE ON THE
GREAT LAKES REGION

Preamble

We, heads of State and government of the Member States of the International Conference on the Great Lakes Region;

Considering our Declaration on Peace, Security, Democracy and Development in the Great Lakes Region adopted and signed on 20th November 2004 in Dar-es-Salaam, particularly Article 6 under which the Member States expressed deep concern for sexual violence and the exploitation of women and girls and their use as sexual slaves;

Reaffirming our commitment to its implementation on behalf of our peoples, particularly its Article 67 under which the Member States committed themselves to set up, amongst other things, regional mechanisms aimed at providing legal assistance to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation;

Expressing our commitment to comply with Resolution 1325 of the Security Council of the United Nations with respect to the protection of women and children during armed conflict;

Conscious of the high prevalence and widespread incidence of sexual violence in the Great Lakes Region and its destructive impact on the lives, health, physical, sexual, psychological, social, and economic well-being of women and children;

Deeply concerned by the context in which sexual violence is perpetrated in the Great Lakes Region by deliberately targeting women and children as a means of projecting the motives of armed conflict which has a spill over effect in the region;

Mindful that sexual violence is a form of gender-based violence which seriously inhibits the ability of women to contribute to, and benefit from, development, and to enjoy human and peoples rights and fundamental freedoms, in private or public life, in peace time or during situations of armed conflict contrary to the relevant international instruments, including the Charter of the United Nations 1945, Security Council Resolution 1325, the Universal Declaration of Human Rights 1948, Convention on the Prevention and Punishment of the Crime of Genocide 1948, Convention on the Elimination of All Forms of Discrimination Against Women 1979, General Recommendation 19 on Violence Against Women, Convention on the Rights of the Children 1989, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000, the African Charter on Human and Peoples' Rights 1981, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003;

Agree as follows:

Article 1

Definitions

In this Protocol, unless the context otherwise requires, the following mean:

1. **Children:** every human being below the age of eighteen years, unless under the law applicable

to the children, majority is attained earlier;

2. Crimes Against Humanity: any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

a. Murder;

b. Extermination;

c. Enslavement;

d. Deportation or forcible transfer of population;

e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

f. Torture;

g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime in international criminal law;

i. Enforced disappearance of women and children;

j. The crime of apartheid in relation to women and children; and

k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or the physical health of women and children;

3. Gender: the social relations between men and women, within the context of society;

4. Genocide: any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

a. Killing members of the group;

b. Causing serious bodily or mental harm to members of the group;

c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

d. Imposing measures intended to prevent births within the group; and

e. Forcibly transferring children of the group to another group;

5. Sexual violence: any act which violates the sexual autonomy and bodily integrity of women and children under international criminal law, including, but not limited to:

a. Rape;

b. Sexual assault;

c. Grievous bodily harm;

d. Assault or mutilation of female reproductive organs;

e. Sexual slavery;

f. Enforced prostitution;

- g. Forced pregnancy;
- h. Enforced sterilization;
- i. Harmful practices, inclusive of all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and children, such as their right to life, health, dignity, education and physical integrity, as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- j. Sexual exploitation or the coercion of women and children to perform domestic chores or to provide sexual comfort;
- k. Trafficking in, and smuggling of, women and children for sexual slavery or exploitation;
- l. Enslavement by the exercise of any or all of the powers attaching to the right of ownership over women and includes the exercise of such power in the course of trafficking in women and children;
- m. Forced abortions or forced pregnancies of women and girl children arising from the unlawful confinement of a woman or girl child forcibly made pregnant, with the intent of affecting the composition of the identity any population or carrying out other grave violations of international law, and as a syndrome of physical, social, and psychological humiliation, pain and suffering and subjugation of women and girls;
- n. Infection of women and children with sexually transmitted diseases, including HIV/AIDS; and
- o. Any other act or form of sexual violence of comparable gravity;

Sexual violence also includes gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, as defined by the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, in General Recommendation 19;

6. Trafficking in persons: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

7. War crimes: grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- a. Willful killing;
- b. Torture or inhuman treatment, including biological experiments;
- c. Willfully causing great suffering, or serious injury to body or health;
- d. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- e. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- f. Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- g. Unlawful deportation or transfer or unlawful confinement; and

h. Taking of hostages;

8. **Women:** human beings of the female sex.

Article 2

Objectives

The objectives of this Protocol are to:

1. Provide protection for women and children against the impunity of sexual violence in the specific context of the Great Lakes Region;
2. Establish a legal framework under which Member States undertake to prosecute and punish the perpetrators of crimes of sexual violence in the Great Lakes Region;
3. Provide a legal basis for the surrender of persons and fugitives charged with committing offences of sexual violence, without prejudice to the Protocol on Judicial Cooperation;
4. Make provision for the establishment of a regional mechanism for providing legal, medical, material and social assistance, including counseling and compensation, to women and children who are victims and survivors of sexual violence in the Great Lakes Region.

Article 3

Principles for Addressing Sexual Violence

1. Member States agree that the principles for dealing with sexual violence under this Protocol shall derive from contemporary developments relating to the criminalization of sexual violence and the punishment of the perpetrators of sexual violence under international criminal law.
2. Member States guarantee that sexual violence shall be punishable in times of peace and in situations of armed conflict.
3. Member States agree that measures taken by them to protect women and children from sexual violence shall be based on the principles contained in the instruments referred to in the Preamble of this Protocol.
4. Member States are encouraged to ratify and domesticate the Convention on the Elimination of All Forms of Discrimination Against Women, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
5. Member States shall comply with, and implement, the Convention on the Rights of the Child.

Article 4

Categories and Constituent Elements of Sexual Violence Crimes

1. The Crime of Sexual Violence

Member States shall punish any person who, with intent, knowledge, recklessness, or negligence, violates the sexual autonomy and bodily integrity of any woman or child, by committing, aiding or abetting the commission of any of the acts of sexual violence referred to in Article 1(5) (6) of this Protocol.

2. Sexual Violence in relation to Trafficking in Women and Children

Member States shall punish any person who, with intent, knowledge, recklessness, or negligence, aids or abets the commission, of any of the acts of trafficking in relation to such a woman or child, as defined in Article 1(7) of this Protocol.

3. Sexual Violence in relation to the Crime of Genocide

Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6), in connection with the commission of the crime of genocide as defined in Article 1(4) of this Protocol and the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Sexual Violence in relation to Crimes Against Humanity

Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6) in connection with the commission of crimes against humanity as defined in Article 1(2) of this Protocol and in other relevant international instruments.

5. Sexual Violence in relation to War Crimes

Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6) in connection with the commission of war crimes as defined in Article 1(8) of this Protocol and the Geneva Conventions of 12 August 1949.

Article 5

Maximum Sentence

1. Member States encourage a maximum sentence of imprisonment as provided by national legislation for any person convicted of a crime of sexual violence against any woman or child, without prejudice to the imposition of a higher term of imprisonment or other more severe punishment for such a crime.
2. Member States shall ensure that persons convicted of sexual violence shall be subject to social correction and rehabilitation whilst serving their sentences.

Article 6

Regional Responses to Sexual Violence

1. Under this Protocol, Member States agree that each Member State may, together with supporting material, transmit a written request for the arrest and surrender of a person accused of a crime of sexual violence from a Member State to the territory of the requesting Member State.
2. Such a request shall be transmitted through the diplomatic channels of the Member States.
3. Member States agree that the requested State shall cooperate with the requesting State and shall forthwith comply with the request for the arrest and surrender of an accused person to the jurisdiction of the requesting State.
4. Member States agree to simplify the procedures for lodging complaints of sexual violence by

women, children, and other interested parties.

5. Member States agree that criminal procedures for the prosecution of persons accused of crimes of sexual violence shall be sensitive to the emotional state of the victims and survivors of such crimes. Under these procedures, such victims and survivors shall give evidence in camera, or by video links, and they shall neither be compelled nor required to give evidence in open criminal proceedings, nor shall the casting of aspersions on their character and integrity be permitted as part of the defence of any person charged with a crime of sexual violence.
6. Member States accept that no statutory limitations shall apply to sexual violence crimes in the Great Lakes Region and hence assume responsibility for ensuring that the victims and survivors of sexual violence are compensated, by the perpetrators.
7. Member States shall establish legal and medical procedures for assisting the victims and survivors of sexual violence, and a fund for sensitizing the perpetrators on the wrongfulness of their sexual behaviour.
8. The responsibility of Member States under paragraph (6) of this Article may entail the creation of a special facility under the fund for reconstruction and development, the purpose of which shall be to provide social and legal assistance, medical treatment, counseling, training, rehabilitation and reintegration of the survivors and victims of sexual violence, including those who may not be able to identify the perpetrators of sexual violence.
9. Member States agree to set up a special regional facility for training and sensitizing judicial officers, police units, social workers, medical officers and other categories of persons who handle cases of sexual violence in the Great Lakes Region.
10. Member States agree to harmonize all relevant national laws and criminal procedures in accordance with the provisions of this Protocol.

Article 7

Final Provisions

1. This Protocol shall be an integral part of the Pact and shall not be subject to separate signature and ratification by the Member States.
2. For any Member State which has ratified the Pact in terms set out in Article 30 of the Pact, this Protocol shall automatically enter into force at the same time as the Pact in accordance with Article 33 of the Pact.
3. Nothing contained in this Protocol shall be construed to be contrary to the provisions of the Pact, the Constitutive Act of the African Union, and the Charter of the United Nations.

Annex to the Protocol
On the Prevention and Suppression of Sexual Violence against
Women and Children
Model Legislation on the Prevention and Suppression of Sexual Violence against Women and Children
Nairobi
5-7 September 2006

Prevention and Suppression of Sexual Violence Against
Women and Children Act
Chapter ... of the Laws of the Republic of

An Act to give effect to the Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children and to make provision for an administrative framework for the implementation of the said Protocol and other related matters.

BE IT ENACTED by the Parliament of the Republic as follows:-

ARRANGEMENT OF SECTIONS

Section

Title

Part One

- Definitions

Part Two: Legal Effect

Part Three: Prevention

- Powers of the Minister
- Establishment of the Committee
- Functions of the Committee
- Compensation Commission

Part Four: Offences and Punishment

- The Offence of Sexual Violence
- The Offence of Sexual Violence in relation to Trafficking in Women and Children
- The Offence of Sexual Violence in relation to the Crime of Genocide.
- The Offence of Sexual Violence in relation to Crimes Against Humanity
- The offence of Sexual Violence in relation to War Crimes
- Maximum Sentence

Part Five Miscellaneous Final Provisions

TITLE

S.1. This Act may be cited as the Prevention and Suppression of Sexual Violence Against Women and Children Act.

PART ONE

Definitions

S.2. In this Act, unless the context otherwise requires:

1. "Children" shall mean every human being below the age of eighteen years, unless under the law applicable to the children, majority is attained earlier;
2. "Civil Society" shall mean Civil Society referred to in S. 5(1)(k) and S. 6(7)(8)(9) of this Act;
3. "Committee" shall mean the Committee for the Protection of Women and Children from Sexual Violence referred to in S. 5 of this Act;
4. "Commission" shall mean the Compensation Commission for Sexual Violence Claims referred to in S. 7 of this Act;
5. "Crimes Against Humanity" shall mean any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - Murder;
 - Extermination;
 - Enslavement;
 - Deportation or forcible transfer of population;
 - Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - Torture;
 - Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime in international criminal law;
 - Enforced disappearance of women and children;
 - The crime of apartheid in relation to women and children;
 - Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or the physical health of women and children;
6. "Gender" shall mean the social relations between men and women, within the context of society;
7. "Genocide" shall mean any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of the group;
 - Causing serious bodily or mental harm to members of the group;
 - Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - Imposing measures intended to prevent births within the group;
 - Forcibly transferring children of the group to another group;
8. “Fund” shall refer to a fund established under Section 4 for supporting and compensating victims of sexual offences as well as strengthening existing institutions and other appropriate mechanisms involved in the work of suppressing sexual violence.
9. “Minister” shall mean the Minister referred to in S. 4 of this Act;
10. “Protocol” shall mean the Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children;
11. “Sexual” violence shall mean any act which violates the sexual autonomy and bodily integrity of women and children under international criminal law, including, but not limited to:
- rape;
 - sexual assault;
 - grievous bodily harm;
 - assault or mutilation of female reproductive organs;
 - sexual slavery;
 - enforced prostitution;
 - forced pregnancy;
 - enforced sterilization;
 - Harmful practices, inclusive of all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and children, such as their right to life, health, dignity, education and physical integrity, as defined in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa;
 - Sexual exploitation or the coercion of women and children to perform domestic chores or to provide sexual comfort;
 - Trafficking in, and smuggling of, women and children for sexual slavery or exploitation;
 - Enslavement by the exercise of any or all of the powers attaching to the right of ownership over women and includes the exercise of such power in the course of trafficking in women and children;
 - Forced abortions or forced pregnancies of women and girl children arising from the unlawful confinement of a woman or girl child forcibly made pregnant, with the intent of affecting the composition of the identity any population or carrying out other grave violations of international law, and as a syndrome of physical, social, and psychological humiliation, pain and suffering and subjugation of women and girls;
 - Infection of women and children with sexually transmitted diseases, including HIV/AIDS; and.
 - Any other act or form of sexual violence of comparable gravity;

12. "Senior Public Official" shall refer to a Senior Public Official referred to in S. 4(3) of this Act;
13. "Sexual violence" shall also mean gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, as defined by the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, in General Recommendation 19;
14. "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
15. "United Nations Agencies" shall mean mandated Agencies of the United Nations referred to in S. 6(7)(8)(9);
16. "War crimes" shall mean grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
- Wilful killing;
 - Torture or inhuman treatment, including biological experiments;
 - Wilfully causing great suffering, or serious injury to body or health;
 - Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - Unlawful deportation or transfer or unlawful confinement;
 - Taking of hostages;
17. "Women" shall mean human beings of the female sex.

PART TWO

Legal Effect

S.3 Subject to the provisions of this Act:

1. The Protocol shall have legal effect within, and throughout, the Republic;
2. The Protocol shall provide the legal means for preventing and suppressing the perpetration of sexual violence against women and children, whether in private or in public and in times of peace or situations of armed conflict;
3. All laws, procedures and regulations of the Republic, which apply to sexual violence against women and children, shall be construed to conform to the provisions of the Protocol;
4. No person shall commit any act of sexual violence against any woman or child;
5. Any person whosoever commits an act of sexual violence against a woman or child shall be

prosecuted and, if found guilty, shall be punished in accordance with the provisions of the Protocol or under any existing law of the Republic which provides for a greater penalty than that provided for in the Protocol;

6. Provided that the criminal liability of any person charged with a crime of sexual violence shall, in all appropriate circumstances, be determined by reference to the interpretation of such a crime according to the prevailing principles of international criminal law;
7. Prosecution of crimes of sexual violence as well as any claims brought by the victims or survivors of such crimes shall not be time barred by any statute of limitation in force in the Republic.

PART THREE

PREVENTION

Powers of the Minister

S.4 The Minister shall be responsible for the legal and administrative implementation of this Act. For this purpose, the Minister shall:

1. Prescribe by statutory instrument regulations for the implementation of this Act consistent with the Protocol;
2. Ensure the protection of women and children from sexual violence in conjunction with the Committee for the Protection of Women and Children from Sexual Violence as established under S 5;
3. Appoint a senior public official as Chairperson of the Committee for the Protection of Women and Children from Sexual Violence;
4. Appoint members of the Compensation Commission for Sexual Violence Claims under S. 7;
5. Nominate suitably qualified persons from the Judiciary, Police, Social Work Units, Medical Personnel and other Units dealing with sexual violence, to receive specialized training and sensitization from a special regional facility established under Article 6(9) of the Protocol;
6. Harmonize all relevant national laws and criminal procedures in accordance with the provisions of the Protocol, acting upon the advice of the Committee for the Protection of Women and Children from Sexual Violence;
7. Transmit, with supporting material, written requests for the arrest and surrender, from a Member State to the Republic, of a person charged with a crime of sexual violence, in accordance with the provisions of Article 6(1)(2) of the Protocol;
8. Receive, with supporting material, written requests for the arrest and surrender, to a Member State from the Republic, of a person accused of a crime of sexual violence, in accordance with the provisions of Article 6(1)(2) of the Protocol;
9. Upon receiving such a request, forthwith facilitate the arrest and surrender of an accused person to the jurisdiction of the requesting State in accordance with the provisions of Article 6(3) of the Protocol;
10. Ensure that persons convicted of sexual violence shall be socially corrected and rehabilitated from sexual violence against women and children whilst serving their sentences;
11. Ensure that the Committee receives funds allocated from the regional fund for reconstruction and development under Article 6(8) of the Protocol, for the provision of social and legal assistance, medical treatment, counselling, training, rehabilitation and reintegration of all the survivors and victims of sexual violence.

Committee for the Protection of Women and Children from Sexual Violence

S.5 There is hereby established a Committee for the Protection of Women and Children from Sexual Violence.

1. The Committee shall consist of:

- (a) A Chairperson of the Committee, who shall be nominated by the Minister in accordance with Article 4 (3);
- (b) A member of the Judiciary;
- (c) A member of the Police Force;
- (d) A representative of the Ministry responsible for Foreign Affairs;
- (e) A representative Ministry responsible for Home Affairs;
- (f) A representative Ministry responsible for Social Affairs, or Social Rehabilitation;
- (g) Two representatives of the Ministry responsible for Women or Gender and Youth;
- (h) A representative of the Ministry responsible for Legal Affairs;
- (i) A representative of the Ministry responsible for Finance or Economic Development;
- (j) A representative of each of the Agencies of the United Nations operating in the Republic;
- (k) Such representatives of Women and Children's Civil Society organizations as the Committee may decide;
- (l) Such number of the representatives of women and children as the Committee may decide.

2. The Committee shall be a permanent body, which shall sit in session at least once a week.

3. The Chairperson shall convene and preside over the meetings of Committee at least once a week.

4. The Committee shall elect a Secretary who shall maintain an official record of the proceedings of the Committee.

5. The Committee shall elaborate and adopt such internal procedures as it may deem fit, provided that such procedures shall be conducive to the protection of women and children from sexual violence.

6. The Committee shall establish such specialized Sub-Committees, as it may deem expedient provided that it shall establish a Sub-Committee for women and another Sub-Committee for children.

Functions of the Committee

S.6 The functions of the Committee shall be to:

1. Coordinate the protection of women and children from sexual violence under S. 4(3);
2. Advise the Minister on the harmonization of all relevant national laws and criminal procedures in accordance with the provisions of the Protocol;
3. Facilitate the ratification, where necessary, and the domestic implementation and mainstreaming within the Republic, of the Convention on the Elimination of All Forms of Discrimination Against Women 1979 together with General Recommendation 19 on Violence Against Women, the Pro-

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003;

4. Secure the ratification, where necessary, and the domestic implementation and mainstreaming of the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child 1999;
5. Secure the implementation and mainstreaming of Security Council Resolution 1325 (2000);
6. Assess the protection needs of women and children and sensitize the public on the incidence of sexual violence and its detrimental consequences on the physical, mental, psychological, and health welfare of women and children;
7. Coordinate the protection of women and children from sexual violence between the relevant Ministries of Government, Agencies of the United Nations, the African Union, and Civil Society, throughout the Republic;
8. Determine and establish procedures and channels of engagement and cooperation between the organs of Government, Agencies the United Nations, the African Union, and Civil Society for the purpose of enhancing effectiveness of the protection of women and children from sexual violence;
9. Serve as the official focal body representing the organs of Government, Agencies of the United Nations, the African Union, and Civil Society, responsible for providing and monitoring the protection of women and children from sexual violence;
10. Serve as the focal point for lodging complaints of sexual violence by women and children or other interested persons or organizations, on behalf of women and children;
11. To present, on behalf of such complainants, claims of compensation to the Sexual Violence
12. Compensation Claims Commission under S. 7.;
13. Advise and assist victims or survivors of sexual violence on the legal and medical procedures relating to their claims, treatment, counseling and rehabilitation;
14. Ensure that criminal procedures for the prosecution of persons charged with crimes of sexual violence shall be sensitive to the emotional state of the victims or survivors of such crimes and that such victims and survivors shall give evidence in camera, or by video links; (14) To monitor criminal proceedings relating to sexual violence and to ensure that in such proceedings, the victims or survivors of sexual violence shall neither be compelled nor required to give evidence in open criminal proceedings, and that the casting of aspersions on their character and integrity shall not be permitted as part of the defence of any person charged with a crime of sexual violence;
15. To monitor and supervise the implementation of the Protocol under this Act.

Commission for Compensation of Victims of Sexual Violence

S.7 There is hereby established a Compensation Commission for Sexual Violence Claims.

1. The Commission shall consist of five persons appointed by the Minister under S. 4(4) and the majority of the members shall be women.
2. The Minister shall appoint a Chairperson of the Commission from amongst its Members.
3. Members of the Commission shall be women of high integrity who shall be qualified in the fields

of journalism, law, medicine, psychology, and sociology.

4. Members of the Commission and shall enjoy security of tenure.
5. The Commission shall receive assessed claims for compensation from the Committee in accordance with S. 6(11) and shall determine the quantum of compensation to be paid to individual victims or survivors who lodged such claims to the Committee under S. 6(10).
6. The Commission shall also determine the person or organ responsible for paying such compensation in whole or in part.

PART FOUR

OFFENCES OF SEXUAL VIOLENCE AND PUNISHMENT FOR COMMITTING SUCH OFFENCES

The Offence of Sexual Violence

S.8 A person commits an offence of sexual violence under this Act if, with intent, knowledge, recklessness, or negligence, he or she violates the sexual autonomy and bodily integrity of any woman or child, by committing, aiding or abetting the commission of any of the acts of sexual violence referred to in S. 2(10) (12) of this Act.

The Offence of Sexual Violence in relation to Trafficking in Women and Children

S.9 A person commits an offence of sexual violence under this Act if, with intent, knowledge, recklessness, or negligence, he or she aids or abets the commission, of any of the acts of trafficking in relation to such a woman or child, as defined in Article 2(13) of this Act.

The Offence of Sexual Violence in relation to the Crime of Genocide.

S. 10. A person commits an offence of sexual violence if he or she violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in S.2(10)(12) in connection with the commission of the crime of genocide as defined in S.2(7) of this Act and the Convention on the Prevention and Punishment of the Crime of Genocide.

The Offence of Sexual Violence in relation to Crimes Against Humanity

S.11 A person commits an offence of sexual violence under this Act if he or she violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in S.2(10)(12) in connection with the commission of crimes against humanity as defined in S.2(5) of this Act.

The offence of Sexual Violence in relation to War Crimes

S.12 A person commits an offence of sexual violence under this Act if he or she violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article S.2(10)(12) in connection with the commission of war crimes as defined in S. 2(15) of this Act and the Geneva Conventions of 12 August 1949.

Maximum Sentence

S.13 Any person who commits an offence under this Act shall be liable to punishment for a maximum sentence of life imprisonment without prejudice to the imposition of a more severe punishment for such a crime under any other law in force in the Republic.

PART FIVE

Miscellaneous Final Provisions

S.14 Nothing contained in this Act shall affect the Republic's international obligations concerning the protection of women and children.

S. 15 This Act shall come into effect on such a date as the Minister may decide.

**ANNEX 9:
CHART WITH INDICATIVE
POSSIBILITIES OF THE DIVISION OF ROLES**

Art	Obligations	Ministry	Sector
1	Definition of discrimination against women	Guides all + specifically Justice: Does the constitution guarantee equality between women and men in the enjoyment of their rights? Does the definition of discrimination include discrimination by private actors? Does it include violence against women?	Guides all Law and Order
2	Acceleration of equality between men and women	All Ministries - To adopt, implement and enforce temporary measures (affirmative action measures) aimed at accelerating de facto equality between men and women in the different fields (e.g. political participation, education, health and economic empowerment).	All sectors
3	Suppression of trafficking in women and the exploitation of the prostitution of women	Justice To legislate and enforce laws against trafficking in women and girls. Internal Affairs (police/immigration) To efficiently and effectively investigate trafficking of women, and the exploitation of women. Where prostitution is illegal, to investigate and prosecute both prostitutes and their clients. Education To include in the curricula of schools and tertiary institutions information on trafficking. Economic Planning To formulate and implement policies for women's economic empowerment and reduce their vulnerability to trafficking and prostitution. Women Affairs Provide technical backstopping in gender analysis and mainstreaming, and coordination.	Law and Order Law and Order Social Services Economic development National Machinery for the advancement
4	Participation in Political and public life	Justice Provide and enforce a legal and judicial framework to support women's participation in politics and public life of the country. Political Affairs Organize free and fair elections with no intimidation, corruption, and violence. Organize civic education and other programs that promote women's participation in politics, including vying for elective office. Identify and address factors that negatively affect women's ability to successfully stand for parliamentary and local government elections. Civil Service Employ and promote women to take up decision-making positions on a basis of equality with men. Identify and address factors that negatively affect women's ability to successfully vie for promotion to senior public offices, including diplomatic missions.	Law and order Governance

ANNEX 10:

FUNCTIONS THAT MAY BE INCLUDED IN THE TORS OF THE COORDINATING MECHANISM

- Establishing and convening an inter-ministerial/sectoral women's rights technical working group that would meet at least twice a year. The technical working group will review substantive progress reports and plans, including expenditure reports from the different ministries/sectors and make appropriate recommendations.
- Acting as a repository of the annual and periodic reports and minutes of the inter-ministerial women's rights technical working group. These records will form part of the data for the preparation of the country's periodic reports to be submitted to the CEDAW Committee, the African Commission on Human and Peoples' Rights, and the Summit of Heads of State and Government of the African Union as required under the respective human rights instruments.
- Making recommendations to different ministries . Assisting ministries to develop internal capacities for the fulfilment of their respective obligations under CEDAW. \
- Undertaking studies, analyses in order to regularly collect information on the situation of women, particularly with regard to the right to equality and non-discrimination.
- Ensuring opportunities for civil society and private sector participation and coordination in the CEDAW process. For instance, develop guidelines for identifying representatives from civil society and the private sector to participate in the activities of the inter-ministerial CEDAW committee/ working group.
- Ensuring that CEDAW is widely disseminated in different languages and the concluding comments and General Recommendations of the CEDAW Committee on the country report are popularized.
- Establishing and overseeing the work of a multi-disciplinary technical team for the preparation of the country's periodic reports.
- Ensuring timely submission of the periodic reports.
- Organizing and coordinating the process of reporting back to the women and the country in general about the progress made in implementing CEDAW and highlighting those areas where more effort is required.
- Documenting good practices and unique factors that contribute to accelerating the implementation of CEDAW and eliminating discrimination against women.
- Liaising with other bodies like the inter-religious organizations and Chambers of Commerce that have the capacity to influence attitudes and behaviour patterns of large numbers of people.
- Following developments at the international and regional levels, for example in bodies such as the African Union, the UN Women, the UN Human Rights Committee, and SADC to obtain information, learn from their experiences and seek for technical support.

ANNEX 11:

EXAMPLES OF SOME OF THE FUNCTIONS OF THE TECHNICAL AND ADVISORY UNIT

- Ensuring appropriate gender training for top-level government management
- Encouraging gender training at all levels of government;
- Developing methods and tools for gender mainstreaming such as gender impact assessment, guidelines for gender training, and for gender audit across all government activities;
- Collecting and disseminating of best practice models of gender mainstreaming;
- Coordinating the development and regular updating of national action plans to implement the Beijing Platform for Action and reporting on their implementation to parliaments and international bodies;
- Cooperating with the mass media to mobilize public opinion on gender issues.

ANNEX 12:

POSSIBLE PARTNERS IN FAST TRACKING DELIVERY ON WOMEN S RIGHTS AND THEIR ROLES

1. The Role of Parliament

National and lower level assemblies have a crucial role to play in the implementation and monitoring of CEDAW. First of all they need to ensure that all legislation is CEDAW compliant. The model therefore envisages representatives of the standing and sessional committees of parliament engaging gender experts to review the bills that are placed before them to ensure that the provisions promote gender equality and equity and none of the provisions is likely to bring about any form of discrimination against men and women in law and in practice. Parliament has the overall responsibility to support and enact legislation that promotes equality and condemns discrimination against women. Legislation should promote positive action on the part of government to minimize acts that are discriminatory or whose effects are discriminatory. Members of parliament can also be invited to participate in the periodic meetings of the inter-ministerial CEDAW committee/working group as resourceful persons as well as targets for the lobby work. The sessional committees in parliament would be expected to assess the extent to which ministry and sector budget proposals and programs incorporate CEDAW considerations and compare with the actual application/use of the resources. In this way the members of parliament (MPs) would render support to the process by giving it a political face. CSOs can also play a critical role in this process by providing information, data and case studies that give a human face to the legislative processes. It is essential for the MPs to visualize the actual people who benefit from these programs and those affected by the policies and legislation adopted.

2. The Role of Civil Society Organizations

Civil society organizations (CSOs) are important partners in development. In countries the world over, CSOs, particularly women and human rights organizations are in the forefront advocating for equality for all in all spheres of life. They are involved in offering direct services like legal aid, advocacy for law and policy reform, legal and human rights awareness and education, training and mobilizing resources to increase access to credit facilities for women and men in order to empower individuals and communities to use the law to defend and protect their rights. CSOs work at all levels- international, regional, national and at the local levels- by transposing global issues into action at the local level and vice versa. They have therefore, developed significant technical expertise in the implementation and monitoring of CEDAW. Civil society organizations could play the following roles in the process of adapting the model:

- Mobilize and sensitize communities on the rights of women, and raise awareness about CEDAW and the obligations that state parties have under the Convention.
- Participate in building capacities at different levels and in relevant institutions, including ministries and local governments involved in the implementation of CEDAW.
- Participate in the inter-ministerial CEDAW committee/working group meetings as a resource group or stakeholders.
- Participate in and support the collection of data and documentation of best practices and impact of the various programs and activities on the lives of women and society as a whole.
- Engage in the writing of the periodic reports to be submitted to the CEDAW committee
- Advocate for additional resources to implement CEDAW.

- Build strong constituencies that engage in coordinated activities for the implementation of CEDAW.

3. The role of Donor agencies and the United Nations

United Nations agencies and the donor community have a role to play to appreciate the value added by the multi-sectoral and integrated approach so that they are in a better position to support different countries to apply/adapt the model. First, they need support the dissemination of information about CEDAW in the most appropriate forms and to facilitate the documentation and sharing of best practices and strategies. As gender equality is a cross cutting goal of the Millennium Development Goals donor partners and the international organizations need to participate in the process by mobilizing and contributing to the resources envelope in order to create a better world for all people- men, women and children- in all parts of the world. Support can also be provided to the coordinating body and individual ministries as they develop their plans and programs. They can support building capacities for data collection, and for managing the monitoring and feedback processes. They can assist countries to prepare their delegates for the review meetings of the CEDAW Committee.

The donor community and the UN agencies can facilitate linkages between coordinating bodies of different countries. This would promote experience sharing and tapping into other resources that would support the implementation of CEDAW.

4. The Role of UNIFEM

In particular UNIFEM that has spearheaded the process of developing the model will specifically have the following roles to play to popularize the model:

- Mobilize resources and provide technical support to governments and civil society organizations in the select countries to pilot the model.
- Assist the country to develop a baseline on the status of women in the select countries for piloting the model.
- Widely disseminate and promote the model within UNIFEM and in non-pilot countries in Africa.
- Work with the pilot countries to monitor and document the process, gains and achievements resulting from the adoption of a multi-sectoral and integrated approach to the implementation of CEDAW.
- Organize cross-regional learning events to promote the sharing of experiences and increase women's exposure.
- Provide technical support and backstopping to country teams in the pilot phase to prepare timely and substantive country reports.
- Work with other United Nations (UN) bodies to persuade them to give the multi- sectoral and integrated approach to the elimination of gender inequality their full support.
- Develop a strategy for engaging with various UN bodies to ensure that they embrace CEDAW wholly and they also identify specific articles that they would take the lead to promote and devise means of supporting their implementation their work or that of the partner organizations.
- Take advantage of the 25th anniversary of CEDAW to raise global and local consciousness on the areas of CEDAW that need urgent and further action if the targets of the MDGs are to be achieved by the year 2015.



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