

ACRONYMS

AU	African Union
SADC	Southern African Development Community
COMESA	Common Market for Eastern and Southern Africa

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PREFACE

Volume II of the Compendium is a compilation of key regional human rights instruments that address women's empowerment and gender equality which call upon Member States to promote and protect women's human rights.

Notwithstanding the existence of various regional documents that include gender sensitive provisions, this Compendium is focused mainly on those instruments that have been adopted by the African Union, Southern African Development Community and Common Market for Eastern and Southern Africa.

The Compendium should be seen as a user-friendly tool and a source of information for government officials, human rights practitioners, academics, students, and civil society organisations, amongst others, in their quest for the full realisation of human rights. The promotion and protection of human rights can only be achieved through widespread knowledge, understanding and awareness of principles and standards of human rights as well as by holding institutions, including the State, accountable for their actions, commitments and responsibilities as signatories to these instruments.

This document aims to serve as a reference for all stakeholders in their efforts to protect and promote women's rights and gender equality and to guard against any infringements; it is hoped that the provisions contained under the specific Articles will guide their plans of action.

Message of the Minister of Gender Equality, Child Development and Family Welfare

It gives me great pleasure to be associated with the launching of this compendium on the occasion of the International Women's Day. In December 1948, the United Nations adopted the Universal Declaration of Human Rights as the first ever human rights instrument that sets out the foundation of equality between both men and women. The United Nations called upon international communities to disseminate, display, read and expound the declaration extensively.



Most of us know or have heard of the Declaration. But it is not the only Instrument which

promotes the protection of human rights. In this spirit, my Ministry has come up with a compendium in two volumes. This compendium's aim is to transform regional and international human rights instruments into living documents.

Today there is widespread acknowledgement that women's empowerment and gender equality are essential to environmental, social and economic progress. This was recognized in various documents, the latest being the Millennium Development Goals of 2000.

Furthermore, the Rio+20 outcomes reaffirmed the centrality of gender equality and women's empowerment for sustainable development and of gender-sensitive indicators to measure and accelerate progress.

More recently, Member States of the United Nations' General Assembly called for "the goal of gender equality and women's empowerment to be considered as a priority in the elaboration of the post-2015 development agenda and for the integration of a gender perspective into the new development framework".

The women's agenda is the agenda of half of the world's population and has to be an integral part of Government's actions to score high on any Sustainable Development Goals.

Women's rights, women's empowerment and gender equality have to be embedded in the post-2015 agenda for far-reaching and inclusive change to be achieved.

It is in this spirit and also in this era of globalisation that my ministry has deemed it fitting to facilitate access to all relevant instruments which would certainly popularise the knowledge, know-how and understanding these documents carry. My Ministry aims at equipping all Mauritians with the necessary tools to ensure that no citizen faces injustice and abuse due to ignorance of their human rights. By empowering our citizens, my Ministry aims at empowering the present generation with tools to sensitise future generations on the pertinence of a gender inclusive society.

Our nation has over the years strived to reach where it has today with regard to human rights by signing conventions and treaties so as to ensure the welfare and well-being of all Mauritians. My Ministry will continue its efforts towards spreading knowledge amongst the population, on the premise that knowledge is power.

Together let us make the 21st century the century to empower women and girls, and achieve equality between women and men, paving the way to a better life for all. It is hoped that this publication will, undoubtedly, benefit all in gaining knowledge and reflecting on the new avenues of change for a better tomorrow.

Honorable (Mrs). M.F.M Martin
Minister of Gender Equality, Child Development and Family Welfare

Brief Definition of Terminology

Gender- The socially learned roles and responsibilities assigned to women and men in a given culture as well as the societal structures that support and perpetuate these.

Gender Equality implies the provision of equal conditions for women and men to enjoy their human rights. Gender equality is often understood as equality of opportunity, and women are not discriminated against in their access to opportunities.

Gender Equity- The conditions of fairness in relations between women and men, the outcome of which leads to their equal access to power and resources; equal rights and status; and level of responsibility.

Gender Sensitive- Being aware of the differences in women's and men's needs, interests, roles, responsibilities and constraints.

Gender Analysis- A step-by-step approach for considering gender issues in the whole process of programming or organisational development. The aim of gender analysis is to ensure that developmental programmes fully integrate the roles, needs and participation of women and men. Gender analysis is enriched by gender disaggregated data and sensitive to the way that roles and responsibilities are divided and valued according to sex.

Source :

Gender Mainstreaming as defined by the UN ECOSOC agreed conclusions (1997/2) is “ Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality”.

Definition of Terminology used in International/Regional Language Treaties

Accession: “Accession” or “acceding to” refers to the act by which a State signifies its agreement to be legally bound by the terms of a particular treaty.

Having an identical legal effect as “ratification”, it is, however, not, preceded by an act of “signature”. Formal procedures for accession differ in light of the national legislative requirements of the State.

Acceding to a human rights treaty requires that a national organ of a State (Parliament/ Head of State or Government, or a combination of these) follows domestic approval procedures and formally to be a party to the treaty. Then, the instrument of accession is signed by the State’s responsible authority, and deposited with the United Nations Secretary-General in New York.

Adoption: “Adoption” is the formal act by which the form and content of a proposed treaty text are formulated and agreed upon.

Treaties negotiated within an international organisation such as the United Nations are usually adopted by a resolution of a representative organ of the organisation.

Article: An “Article” sets out the obligations of States to be bound by it. The term ‘provision’ is often used as an alternative when referring to the content of particular articles.

Charter: A “Charter” is usually used in formal and solemn instruments, such as the treaty founding an international organisation.

Convention: The term “Convention” represents a formal agreement between States. The generic term ‘Convention’ is also associated with the generic term “Treaty”.

Declaration: “Declarations” are used for different international instruments. An International Human Rights Declaration is not legally binding. However, it indicates the aspirations of State parties.

Deposit: After a treaty has been concluded, the written instruments providing formal evidence of a State’s consent to be bound are placed in the custody of a depository. The depository then accepts all notifications and documents related to the treaty, examine whether all formal requirements are met, deposit them, register the treaty and notify all relevant acts to the parties concerned.

Entry into Force: Following adoption, a treaty does not enter into force. It is the provisions of the Treaty that set the date on which the treaty enters into force, often at a specified time following its ratification or accession by a fixed number of states. A treaty only enters into force for those States that gave the required consent.

Optional Protocol: A “Protocol” is an additional legal instrument on any existing or emerging issue relevant to the original Treaty that complements and adds to a treaty. A protocol is “optional” because it is not automatically binding on States that have already ratified the original treaty; States must independently ratify or accede to a protocol.

Ratify/Ratification: ‘Ratification’ is an act by which a State signifies an agreement to be legally bound by the terms of a particular treaty. To ratify a treaty, the State first signs it and then fulfils its own national legislative requirements. Once the appropriate national organ of the country – Parliament, Senate, the Crown, Head of State or Government, or a combination of these – follows domestic constitutional procedures and makes a formal decision to be a party to the treaty. The instrument of ratification, a formal sealed letter referring to the decision and signed by the State’s responsible authority, is then prepared and deposited with the United Nations Secretary-General in New York.

Signature: “Signature” by the State shows preliminary endorsement of the instrument.

However, Signing does not lead to a binding legal obligation. It shows the intention of the State to examine the Treaty at the national level, and consider ratifying it. Signing does not commit a State to ratification, but obliges the State to refrain from acts that would defeat the purpose of the Treaty.

Thus, by signing a Treaty, a State expresses, in principle, its intention to become a Party to the Treaty. However, signature does not, in any way, oblige a State to take further action (towards ratification or not), whereas, Ratification involves the legal obligation for the ratifying State to apply the Treaty.

State party: A “State party” to a Treaty represents a country that has ratified or acceded to the said Treaty, and is bound by the provisions in the instrument.

Treaty: A “Treaty” is a formally concluded and ratified agreement between States.

The term is used to refer to instruments binding at international law, concluded between international entities (States or organisations). The Vienna Conventions on the Law of Treaties stipulates that a treaty must be a binding instrument.

Special Rapporteur- 37 Special Rapporteurs are appointed for a three-year period by the UN Human Rights Council with specific country or thematic mandates to conduct fact-finding missions in countries where there are alleged violations of human rights or victims of human rights with a view to assessing and verifying complaints.

FIFTH REGIONAL CONFERENCE ON WOMEN- AFRICAN PLATFORM FOR ACTION AND THE DAKAR DECLARATION

Fifth African Regional Conference on Women

The Fifth African Regional Conference on Women was held in Dakar, Senegal, from 16 - 23 November 1994. It was an opportunity for the African continent to come up with a common position for the advancement of women. The outcome of the Conference was the formulation and adoption of the African Plan of Action. The African Plan of Action (APA) is a document aimed at helping the implementation of the Dakar and Beijing Platforms for Action through national, sub regional and African plans of action.

<http://www.un.org>

MAJOR EXTRACT OF DECLARATION

DAKAR DECLARATION

We, the Ministers and representatives of African Governments participating at the Fifth African Regional Conference on Women held in Dakar (Senegal) from 16 to 23 November 1994, for consideration and adoption of the African Platform for Action, in preparation for the Fourth World Conference on Women to be held in Beijing from 4 to 15 September 1995,

Having reviewed and appraised the regional implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the year 2000,

Appreciative of the fact that there has been an overall sensitization of African leaders, policy makers, development agencies and women regarding the need to incorporate a gender perspective in all activities of the development process,

Conscious that in spite of the progress made, obstacles still remain in the implementation of the Nairobi Forward-looking Strategies,

Reaffirming our commitment to the realisation of the Nairobi Forward- looking Strategies for the promotion and advancement of women through accelerated action for equality, development and peace,

Realising that equality is not only the absence of discrimination but also the equal enjoyment of rights, responsibilities and opportunities by women and men,



- The United Nations General Assembly mandated UN Regional Commissions to follow up on the implementation of the BPfA within their respective regions.
- For the African continent, the Economic Council for Africa was mandated to conduct the exercise through the submission of national progress reports covering the period under examination.
- Regional Conferences on the Integration of Women in Development:
 - 1st -Nouakchott, Mauritania, 1977
 - 2nd -Lusaka, Zambia, 1979
 - 3rd -Arusha, United Republic of Tanzania, 1984
 - 4th Abuja, Nigeria, 1989



Recognising that there can be no equality and development without peace and that peace can only be achieved with the full involvement of women as equal partners with men at all levels of decision-making, diplomacy and mechanisms for peace and conflict resolution and reconciliation,

Aware that since the adoption of the Nairobi Forward-looking Strategies, some African countries have undergone a series of crises which combined with several other internal and external factors to impede the effective implementation of the Nairobi Forward-looking Strategies, especially political instability related in particular to religious extremism, lack of resolute political will and commitment, lack of resources, poor economic performance due to unfavourable terms of trade and ineffective policies, effects of structural adjustment programmes and heavy debt burden, frequent natural disasters such as droughts and famines and the absence of women in decision-making levels,

Recalling the “Abuja Declaration on Participatory Development: The Role of Women in Africa in the 1990s” which assessed the current situation of women in Africa within the context of the Nairobi Forward-looking Strategies and which noted that the condition of African women has in most cases deteriorated particularly in the field of higher and technical education, health, employment, decision-making and economic empowerment,

Recognizing the crucial roles that women play in the critical areas that enhance their advancement particularly in culture, the family and in the socialization process; ensuring their reproductive rights and improving their health status; in the protection and management of the environment and natural resources; in the quest for peace and in conflict prevention, resolution and management; in their political empowerment and in the realisation of their legal and human rights particularly women with special needs,

Determined to implement recommendations for the accelerated advancement of women and the girl-child emanating from recent world conferences, inter alia, the World Conference on Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights and the International Conference on Population and Development,

Aware of the recent major political changes in Africa, particularly the dismantling of apartheid in South Africa as well as other processes of democratization taking place in the continent,

Aware also of the fact that African women have become more active participants in the development process in various capacities,

Determined to support women fully so that they can contribute to and participate more effectively in all the political and economic changes now taking place in Africa,

1. Declare our commitment to forge a new ethic for sustainable development based on the equal and active participation of women, men and youth as agents of change at family, community, national and international levels;
2. Commit ourselves to integrating women's concerns in:

(a) Balancing political, economic, cultural and social policy options;

- (b) Harmonising and reconciling economic growth with social equity;
 - (c) Emphasizing the interdependence and partnership of women, men and youth of Africa, in an atmosphere of peace and well-being;
3. Recognise that women have great potential which if mobilized and harnessed will make it possible to overcome the obstacles which have impeded the full and effective implementation of the Nairobi Forward-looking Strategies since 1985;
 4. Uphold the fact that the African Platform for Action is the outcome of a regional country based review of the progress of the implementation of the Nairobi Forward-looking Strategies, and broad consultations at national, sub-regional and regional levels, with inputs from grass-roots communities;
 5. Recognise that the African Platform for Action provides the African Common Position on the advancement of women, as well as a framework for committed and concerted action at regional, sub-regional and national levels for the accelerated achievement of the objectives of the Nairobi Forward-looking Strategies during the rest of the 1990s and into the twenty-first century;
 6. Adopt the African Platform for Action as a renewed commitment by African Governments and as a blueprint to further accelerate the implementation of the Nairobi Forward-looking Strategies in line with the Abuja Declaration on Participatory Development; The Role of Women in Africa in the 1990s, the Convention on the Elimination of All Forms of Discrimination against Women, and declarations at international and regional levels;
 7. Calls upon the United Nations institutions and international development partners and NGOs to commit themselves to the successful implementation of the African Platform for Action.

I. STATEMENT OF MISSION

1. The African Platform for Action is a synthesis of regional perspectives and priorities and a framework for action for the formulation of policies and implementation of concrete and sustainable programmes for the advancement of women. It is developed in consonance with the Nairobi Forward-looking Strategies, the Abuja Declaration and the Kampala Action Plan. The Platform for Action aims to accelerate the social, economic and political empowerment of all women at all levels and at all stages of their lives under the guidance of the following principles:
 - (a) The operating principle of the African Platform for Action is the integration of the gender perspective in all policies, plans and actions directed towards the achievement of equality, development and peace. The underlying assumption is that international instruments that have been developed for human rights should be applicable to all sectors of society. To this end, this African Platform for Action aims to establish/strengthen sustainable mechanisms including information systems at all levels for the promotion of legal literacy and the advancement of women;

- (b) Equal partnership between women and men is the ultimate goal of the Nairobi Forward looking Strategies, the Convention of the Elimination of All Forms of Discrimination against Women and all other relevant regional and international policy instruments on human and women's rights;
- (c) To this end, it is important to ensure a fuller and more active participation of women in policy formulation and decision-making processes of government;
- (d) There is need to achieve/accelerate the economic, social and political empowerment of women at all levels, enabling them as citizens, on an equal footing with men, to participate at the level of decision-making, becoming active contributors to and beneficiaries of all aspects of national development;
- e) The imperative of a successful search for peace which is crucial for the African region cannot be overemphasized. Women and children are the major victims of ethnic and civil strife including religious extremism and in the ongoing process of conflict prevention, management and resolution; women should be closely and actively involved and consulted at the national, sub-regional and regional levels;
- (f) Priority action should be taken for protecting the human rights of girls and ensuring that they get nurture, care, education and opportunities for achieving their full potentials equally with their brothers.

II. GLOBAL AND REGIONAL PERSPECTIVES

A. Global perspective

2. In accordance with the proclamation of the United Nations General Assembly, 1975 was designated as International Women's Year (IWY), when the first intergovernmental Conference on Women was convened in Mexico City with the themes of Equality, Development and Peace. The Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace and the World Plan of Action for the implementation of the objectives of International Women's Year were the major outcomes of the Conference. Since the 1970s, all United Nations agencies have been mandated by their governing bodies to incorporate a gender perspective and gender responsible policies and plans as a priority area in their programmes. The United Nations declared 1976-1985 as a Decade for Women to be devoted to effective and sustained national, regional and international action to implement the World Plan of Action and related resolutions. In 1979, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women. In July 1980, the second World Conference on Women was convened in Copenhagen to assess the progress made since the first World Conference and to outline actions to be taken during the second half of the Decade for Women. Three subthemes were added to the theme of equality, development and peace, namely education, employment and health. To mark the end of the Women's Decade, the United Nations convened the third World Conference on Women in Nairobi in July 1985. The Nairobi Conference adopted the Nairobi Forward-looking Strategies for the Advancement of Women up to the year 2000.

3. Since the adoption of Nairobi Forward-looking Strategies for the Advancement of Women in 1985, major political, economic, social and cultural changes have taken place. These have had both positive and negative effects on women and it is against the backdrop of the impact of these global changes on the African region that this Platform for Action has been formulated.
4. The gender perspective and its incorporation in all policy decisions is of paramount importance in engendering equality, development and peace. Overall, many Governments have globally adopted strategies for the enhancement of women's status and skills, their mainstreaming and their involvement in key decision-making. However, what is still lacking in most countries, is the total political commitment and the necessary resource allocation without which the Nairobi Forward-looking Strategies will remain unfulfilled aspirations.
5. The expectations for greater global security and a just, equitable and non-discriminatory international economic order have not been realised. In addition, international financial institutions and new world trade arrangements and agreements have assumed larger roles in global affairs and have failed to halt the economic decline in many African countries.

There has been a reduction in external assistance flow and the depressed demand for African primary commodities has significantly reduced export earnings. In addition, the heavy debt burden has exacerbated the already depressed economic situation. Regrettably, the interdependent world economy continues to be marked by uncertainty, imbalance, and recessions and eventually this has led to the continuing marginalization of developing countries. Numerous interrelated global factors therefore impinge on the lives of women in Africa, affecting both their productive and reproductive roles. The emergence of the political democratization process has ushered in competitive multi-party system whose positive impact on women is yet to be felt.

B. Regional perspective

6. The first Regional Conference on the Integration of Women in Development was held in Nouakchott, Mauritania in 1977 to review progress made by African member States, intergovernmental and non-governmental organisations operating in Africa in the implementation of the Regional Plan of Action adopted at the World Conference on Women in Mexico City in 1975. The second Regional Conference for the Integration of Women in Development was held in Lusaka, Zambia in 1979 to review the progress made for the Integration of Women in Development and to prepare for the second World Conference on Women in Copenhagen, Denmark, in July 1980. The third Regional Conference on Women was held in Arusha, United Republic of Tanzania in 1984 to review and appraise progress achieved and obstacles encountered in attaining the goals for women; to adopt forward looking strategies for the advancement of women in Africa to the year 2000; and to arrive at a common African position for the forthcoming Nairobi World Conference on Women.

7. The fourth Regional Conference on Women was held in Abuja, Nigeria, in November 1989 to provide a forum for a thorough review and assessment of the extent of implementation of the Arusha Strategies by Governments, United Nations bodies, NGOs, etc.; consider emerging socio-economic problems that are affecting the lives of African women, and to reassess the priorities stated in the Arusha Strategies and make appropriate recommendations for the future. It adopted the Abuja Declaration on Participatory Development: The Role of Women in Africa in the 1990s whose objectives aimed at defined targets to be achieved in various sectors by the year 2000 in the areas of education, science and technology, agriculture and food production, environment, decision-making and mainstreaming, population issues, women and culture, etc.
8. Other regional milestones that have impacted upon the political, socio- economic and cultural status of women in Africa have included, inter alia:
 - (a) The Lagos Plan of Action and Final Act of Lagos (1980);
 - (b) The Kilimanjaro Programme of Action on Population and Self-Reliant Development (1984);
 - (c) The African Charter on Popular Participation and Transformation (1990);
 - (d) The Abuja Treaty establishing the African Economic Community (1991);
 - (e) The Dakar/Ngor Declaration on Population, Family and Sustainable Development (1992);
 - (f) The Ouagadougou Declaration on the Education of Girls (1993);
 - (g) The Regional Conference on Women and Peace, and the Kampala Action Plan on Women and Peace (1993) which was adopted by the Council of Ministers of OAU at its sixtieth session held in Tunis in June 1994;
 - (h) Resolution CM/Res. 1550 (LX) on the preparation of the fourth World Conference on Women adopted by the Council of Ministers of OAU at its sixtieth session held in Tunis in June 1994;
 - (i) Resolution CM/Res. 1551 (LX) on population and development adopted by the Council of Ministers of OAU in July 1994.
9. In most of Africa, technological backwardness, natural disasters especially drought, disruptions from civil wars and political conflicts have contributed to the depressed economic activity and growth resulting in low per capita incomes. As a result, more countries have been pushed into the least developed country (LDC) category with extremely low income levels. Economic growth has also been constrained by external debt which at the end of 1993 stood at US\$ 285.4 billion, with interest on arrears representing nearly 40 per cent. The debt structure has hardly changed over the last five years. The impact on economic growth has been mixed due to the inadequacy of external support and internal conflicts which have derailed the attainment of these objectives, resulting in their failure to reflect long-term development goals and the neglect of regional planning. This has adversely affected income levels and distribution and the capacity to deliver basic services.
10. These recurrent crises have affected the tempo and level of all economic development of Africa. Women, more than men tend to bear the disproportionate burden of such crises, and they become greatly disadvantaged in participating effectively in any development ventures because of some negative practices emanating from traditional, cultural, religious and attitudinal constraints. Women, who make up more than 50 per cent of the populations affected by these crises,

must contribute effectively to solving the numerous problems posed by these adverse conditions.

11. Indications of the Uruguay Round of Multilateral Trade Negotiations which were finally concluded in December 1993 and adopted and signed in April 1994 are that it will have negative effects on Africa's economic performance, depending on the region's ability to manage change and optimize technology for more efficient use of factors of production in an effort to raise its competitive status in international markets. It is also certain that agricultural subsidies will increase the food import bills of African countries. This will greatly affect the socio-economic status of women because of their total involvement with agricultural sector activities.

The emergence of trade blocs and regional markets could also make it more difficult for the African region to maintain its traditional relationships with its European partners for much-needed resources. Accordingly, it is imperative that African Governments develop and adopt strategies to address this situation.

12. Economic decline, recession and the resultant economic restructuring in the face of external debt have led Governments to focus on the more pressing and immediate problems often to the neglect of longer-term issues that have direct bearing on the advancement of women. At the same time, pre-existing conditions of inequality between men and women, inter alia, in health and nutrition, levels of literacy and training, access to education and economic opportunity, and in participation in decision-making, have sometimes been exacerbated both by the crises and by the policies adopted to cope with them. In other words, such policies have compounded further the already disadvantaged situation of the women because they do not take account of their specific roles and concerns. They will also impact most adversely, the younger generation of women who will inherit this legacy. The policies do not effectively address the impact of restructuring on women and their multiple roles.
13. There is a democratization process sweeping the whole continent and women have been active participants as candidates for election, as voters and as observers of the election process in many countries. A good number of women have entered parliament through their own efforts, affirmative action and through the support of women and men, women's groups, non-governmental associations and organisations of women. Unfortunately, the number of African countries in political crisis, extremism and turmoil is on the increase. In addition, African Governments have yet to undertake comprehensive and concrete steps to promote pragmatically the integration of women as equal partners, particularly in politics, in popular participation and in key decision-making. There is need therefore to monitor the impact of democratization on women locally and nationally and to ensure that there are provisions for women's education and sensitization at all stages of their life, for more effective political participation.
14. Despite the commemoration of the International Year of the Family (IYF) in May 1994, the integrity of the African family is being seriously undermined by persistent socioeconomic crises. The massive rural-urban migration and brain drain, consisting mostly of young men and women, has severely affected the socio-psychological and financial security of many families. In many African rural

and urban communities, the number of female-headed households has steadily increased to a regional average of around 35 per cent. Rural/urban migration has also increased crime and violence, drug abuse, homelessness, unfavourable environmental conditions and sexual exploitation of women, young girls and boys.

15. Women's health and reproductive rights are central to the realisation of their potential. The improvement of their health and their ability to exercise control over their fertility is a major step in enabling them to make the necessary choices in the other areas. African women's inability to control their own fertility is associated with the unacceptably high levels of infant, child and maternal mortality through a variety of appropriate, affordable and accessible services and the persistence of traditional mentalities hampering contraceptive practices.
16. African Governments are faced with new development challenges represented by the adolescent population. By the year 2000 there will be some 170 million youth - those aged 15-24 - in Africa. In some African countries, nearly two thirds of the cases of septic abortions come from the 15-19 age groups. Adolescent sexuality and fertility is high risk from the health standpoint. It contributes significantly to girls' inability to attain high levels of education, and to unsafe abortion which leads to maternal mortality and morbidity. The hidden costs of adolescent sexuality and fertility are also enormous and they strain many health service delivery systems of many African Governments. This situation should be addressed urgently with appropriate policies and services.
17. The unprecedented increase in the number of refugees and displaced persons in the region is one of the major consequences of the protracted internal strife, civil wars and political instability in many countries of the region. According to UNHCR, the current refugee population in Africa is estimated at 7 million out of a world total of 20 million most of whom are women and children and there are also 25 million internally displaced persons.
18. Women form a large percentage of refugees and displaced persons in the Continent. Refugee and displaced women are particularly vulnerable and special attention should be paid to their protection needs. They also represent a useful resource whose potential should be tapped in the search of durable solution to the refugee problems. The refugee women's and girl's access to health, education and shelter should not be affected as the result of their need to flee from the areas of conflict.
19. Women's health should be viewed within a global approach dealing with all the health problems affecting them in their life cycle. Mortality problems relating to malaria, malnutrition, anaemia, tuberculosis, maternal ailments and sexually transmitted diseases such as AIDS, still remain preoccupying. Worldwide, AIDS is a health, social, economic and political issue. Africa is in the front line of the world-wide epidemic, with its younger generation being most at risk. The full dimensions of the epidemic in the region are still uncertain but it is already a grave problem in many countries in East, Central and Southern Africa. According to WHO, the number of new HIV infections among women in most African countries outnumber men by six to five, and more than 6 million women of childbearing age have been infected. One out of every three pregnant women attending antenatal clinics in

some major African urban centres is infected. Thus young women are being most seriously debilitated by the impact of the AIDS pandemic.

The economic and social consequences of AIDS affect women the most with serious repercussions on the elderly women who are left to care for orphans when they are least capable. The subordinate position of women and adolescent girls, with younger women being the least empowered, and their lack of access to information, education and communication, health facilities, training, independent income, property and legal rights make them particularly vulnerable to the AIDS infection. They lack knowledge about the disease and the measures that have to be taken to protect themselves against HIV infection in spite of the key role they play and will continue to play in their response. Consequently, it is necessary to place emphasis on decreasing women's vulnerability to HIV/AIDS. The young of Africa not only face a bleak economic future, but are at present at risk from the spectre of the AIDS pandemic which continues to take a tremendous toll on those below 25 years of age. Education and information campaigns which target the sexual and reproductive health of the young must be increased and strengthened, made more accessible and culturally appropriate. However, besides HIV/AIDS, Africa continues to experience high mortality rates caused by other diseases such as malaria, sickle cell anaemia, tuberculosis, and ailments related to malnutrition.

20. During the last decade, African Governments have slowly started to show an increasing tendency to see the political and socio-economic participation of women as a key factor and catalyst in the processes and linkages that engender and encourage equality, health and development and peace for the accelerated advancement of women. In this respect, practically all Governments have established and given support to national machineries to discharge their responsibilities of coordinating and monitoring the incorporation of the gender perspective in overall national development activities. In addition, most African countries have enacted legislation against discriminatory practices with regard to education, employment as well as legislation in favour of paid maternity leave for women. Very few countries have adopted relevant legislative framework to ensure fair share of family responsibilities between men and women as stipulated in International Labour Convention No. 156 on Workers with family responsibilities.
21. Overall therefore, despite regional and individual efforts made by member States, the international community and local and international NGOs to improve the status of African women, only modest progress has been made and critical gaps still exist in several areas. The more glaring gaps are in relation to, inter alia, gender disparity in access to education, employment, health services, access to - and control of - productive resources and technology; underrepresentation in particular in the higher political, economic, social and decision-making levels; inadequacy of national machineries, policy and programmes for the enrichment of the women's cause; lack of availability and use of gender-disaggregated data; de jure and de facto discrimination with respect to employment opportunities; marital and family status; lack of awareness on the part of both women and men regarding the issue of women's legal and human rights; and lack of understanding of the legal and administrative systems and mechanisms for redress. A more detailed analysis of these gaps is given in the following section.

III. CRITICAL AREAS OF CONCERN

22. In the regional review of the process and progress of implementation of the Nairobi Forward-looking Strategies, several gaps and critical areas of concern have been identified at the national and regional levels. Others have been identified through technical workshops convened at national, sub regional and regional levels, with inputs from grass-roots communities, women and women's organisations, national and international NGOs, intergovernmental bodies and United Nations agencies. The intention is to reflect a road based consensus on the critical areas of concern as well as the criteria used in the process of identifying these areas. They constitute the core of the African Platform for Action, namely:
- (a) Women's poverty, insufficient food security and lack of economic empowerment;
 - (b) Inadequate access to education, training, science and technology;
 - (c) Women's vital role in culture, the family and socialization;
 - (d) Improvement of women's health, reproductive health including family planning and population-related programmes;
 - (e) Women's relationship and linkages to environment and natural resource management;
 - (f) Involvement of women in the peace process;
 - (g) The political empowerment of women;
 - (h) Women's legal and human rights;
 - (i) Mainstreaming of gender-disaggregated data;
 - (j) Women, communication, information and arts;
 - (k) The girl-child. It should be noted that these critical areas of concern are interdependent in terms of how they affect the implementation of the Nairobi Forward-looking Strategies. Further, the order of presentation reflects the concerns of women in the African region but they are all of equal priority.

A. Women's poverty, insufficient food security and lack of economic empowerment

23. Poverty in Africa manifests itself in various forms and has its essential origin in lack of income, exclusion from the market and social and political life, unequal distribution of wealth and income from global, regional, sub-regional to local levels, economic recession, drought and other disasters, heavy debt burden, structural adjustment programmes that are incompatible with sustainable development, rapid population growth, armed conflicts and civil strife and these in turn are linked to the general political, economic and social conditions of a given country.

24. More than a third of the people of Africa live in abject poverty and are unable to meet their most basic needs. In 1991, this number was estimated at about 250 million. Notably, the poor are usually associated with high levels of malnutrition, illiteracy, poor sanitation and limited participation in socio-economic activities. For example, in 1993, infant mortality rate in Sub-Saharan Africa averaged 103 per 1,000 live births as compared to 71 per 1,000 for all developing countries. In the same year, under-5 mortality rates were estimated at 160 per 1,000 live births in sub-Saharan Africa. Between 1985 and 1990, only 51 per cent of urban population in Africa had access to sanitation facilities compared to 16 per cent for the rural population. During the same period, access to safe water covered only 68 per cent in the urban areas and 26 per cent in the rural areas. For all Africa, calories per capita per day averaged 2,100 in 1993 while protein per capita per day was 53 grams compared to a world average of 2,600 calories and 71 grams respectively. The agricultural sector can contribute up to 50 per cent of the GDP, while the agricultural population can make up to 85 per cent of the total. There is also a big gap between urban and rural areas, as regards incomes, food intakes, etc.
25. The heavy burden of poverty falls disproportionately on women especially female-headed households whose proportion is increasing and is now around 35 per cent. Feminization of poverty has therefore become a reality. Although women constitute more than half of the population, have limited access, ownership and co-ownership to land and housing, they nevertheless provide 60 to 80 per cent of the food supply.
26. In formal employment, they are concentrated in low pay, low grade sectors with poor promotion prospects. Women are the backbone of both cash crop and subsistence farming, yet their non-marketed productive and reproductive activities are neither marketable nor recognised as economic outputs. They are thus denied the tools and means of sustainability and still confront considerable discrimination that constitutes a major obstacle to increased productivity.
27. To compound all this, many African countries are also experiencing critical situations in terms of food security, accessibility and distribution. Once a net exporter of food, since the 1980s the region has become a net importer and hunger and malnutrition continue to be a critical issue, affecting women and children. Since 1960, the population in Africa has increased at an annual rate of 3 per cent while food production grew by only an average of 1.8 per cent with the food self-sufficiency ratio dropping from 100 per cent in 1960 to 81 per cent in the 1990s. Approximately 25 per cent of food requirements are imported including food aid, with the annual food imports being equivalent to roughly 30 per cent of Africa's agricultural export earnings. The scarce exported agricultural products are marketed at very low prices while the limited foreign exchange earnings accruing from such commodities are diverted from more important uses to pay for food imports.

Security and self-sufficiency are therefore not related to food alone, but to the general and pervasive problem of poverty, unequal distribution of income, weaker purchasing power and unfavourable terms of trade as well as the burden of external debt servicing.

28. Women in Africa, as the main providers and traditional managers of food at the family and household level, can play a key role in the equitable distribution and redistribution of scarce resources. Strengthening of women's potential for management of food and food aid resources can ensure that women's priorities, and their families' well-being, are better served. This increased food security at household level would, in turn, contribute to the global aim of national food security.
29. Women in Africa must be empowered to participate in economic structures and policy formulation and in the productive process itself. It is now recognised that the contribution of rural women in Africa is critical in development. The African Platform for Action, in line with the Nairobi Forward-looking Strategies and the Abuja Declaration, emphasizes the economic empowerment of women through stimulating, consolidating and coordinating the entrepreneurial spirit and skills of African women and providing adequate access to both formal and informal sector resources. Women's empowerment will enhance their capacity to realistically alter the direction of change for their well-being as well as of society as a whole. It is also crucial to engage the younger generation of women as active partners for change. Consequently, strategies and actions are needed in order to move away from the current welfare orientation to address the economic empowerment of women, and in particular strengthen and support their participation in trade and industry; stem the growing disparity between rural and urban conditions; and move towards environmentally sustainable actions for poverty alleviation through sustainable development. The actions proposed by the Platform are based on the recognition of women's own responses to increasingly difficult and changing productive and economic circumstances based on their know-how, initiatives and capacities.

EIGHTH AFRICAN REGIONAL CONFERENCE ON WOMEN **(BEIJING+15)**

The Eighth African Regional Conference on Women also referred to as the Beijing +15 regional reviews took place in Banjul, The Gambia on 16-20 November 2009. The main purpose of the Conference was to undertake a specific examination of the progress made by the African continent since the Fourth World Conference on Women held in Beijing in 1995, but more specifically within the time frame of 2005- 2009. The regional review focused on the 12 areas of concern of BPfA but more specifically on the outcomes of the 1999 and 2004 regional reviews process. The Banjul Declaration on the Strategies for Accelerating the Implementation of the Dakar and Beijing Platforms for Action was adopted.

<http://www.un.org>

Full text

Banjul Declaration on the Strategies for Accelerating the Implementation of the Dakar and Beijing Platforms for Action

From Commitment to Action

We, African Ministers Responsible for Gender and Women's Affairs, meeting in Banjul (Gambia) from 19 to 20 November 2009 for the *fifteen-year* review of the implementation of the Dakar and Beijing Platforms for Action under the overall theme "*From Commitment to Action*";

Building on the 1999 and 2004 reviews of the Dakar and Beijing Platforms for Action which led to the adoption of sub-regional and national action plans to redress gender imbalances, and which emphasized the need for gender-sensitive, participatory and inclusive poverty reduction strategies and the promotion and protection of the human rights of women, with emphasis on the definition, development and implementation of legal and policy frameworks;

Acknowledging the progress that has been achieved, in particular in women's representation in decision-making, and gender parity in education;



The 6th African Regional Conference on Women also referred to as the Mid Term Review of the Implementation of the Dakar and Beijing Platforms for Action was held from 22-26 November 1999 in Addis Ababa, Ethiopia.

- The major outcome of the exercise was the identification of the problems encountered by member States in the implementation of the Dakar and Beijing Platforms for Action PFA and proposals on the way forward for the subsequent five years.

- The 7th African Regional Conference on Women was held on 6-14 October 2004 in Addis Ababa, Ethiopia. The meeting was to assess the implementation of the regional 1994 Dakar Platform for Action on Women covering period 2000-2004



Endorsing the findings, conclusions and recommendations of the fifteen-year review of the implementation of the Dakar and Beijing Platforms for Action made by the expert session held from 16 to 18 November 2009 in Banjul, The Gambia during the Eighth Africa Regional Conference on Women (Beijing + 15), which confirm that progress in the implementation of the 12 critical areas of concern has been uneven;

Inspired by international, regional and sub-regional declarations, protocols and conventions, including the 2000 Millennium Declaration, which aim to promote and strengthen women's empowerment and accelerate the attainment of gender equity and equality as part of overall human rights;

Recognising the interrelationships among gender equality, women's empowerment, human rights, economic growth and sustainable development;

Further recognise the Meeting of the African Union experts responsible for gender and women's affairs and take note of outcomes of the African Women's NGOs Consultative Meeting held on the margins of the Eighth African Regional Conference on Women (Beijing + 15);

Concerned that new challenges posed by climate change and environmental degradation; food and energy crises; financial and economic crises; and the feminization of trafficking and migration can negatively affect the progress made;

Recognising that progress towards gender equality, gender equity and women's empowerment can be achieved by addressing the structural and root causes of gender inequality through the enactment and enforcement of constitutional and legal instruments, taking into account the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Convention on the Rights of the Child, and other international, regional and sub-regional instruments such as the Southern Africa Development Community (SADC) Protocol on Gender and Development;

Convinced of the need to establish and strengthen institutional mechanisms for gender mainstreaming and budgeting in all policies and programmes, rooted in a human-centred vision of development and the promotion and protection of women's human rights;

Affirming the critical importance of the principles, objectives and goals of the Dakar and Beijing Platforms for Action for women's advancement, gender equality, gender equity, sustainable development and poverty eradication in Africa, which will contribute to the achievement of the Millennium Development Goals (MDGs);

Stressing the importance of committed and effective leadership at all levels and the role of women and men in promoting the required changes in attitudes, behaviours and practices that limit women's and girls' rights, capabilities and access to opportunities;

Encouraging the regional economic communities and other sub-regional statutory organs to be fully engaged in the implementation and monitoring of the Dakar and Beijing Platforms for Action;

Appreciating the importance of establishing partnerships with all stakeholders, including ministries of finance and economic planning and other line ministries, civil society, the private sector, workers' organisations, community and religious leaders, research and academic institutions, local governments, the media, the international community, and men and boys, and calling upon them to further support national efforts to address the critical areas of concern of the Dakar and Beijing Platforms for Action and to consider women as a strategic driving force;

1. *Emphasize* our commitment to fully implement international, regional and sub-regional agreements and initiatives whose objectives are in line with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Dakar and Beijing Platforms for Action and the Millennium Development Goals;
2. *Are committed* to renewing and intensifying our resource mobilization efforts, improving national strategies, and enhancing institutional, financial and human resources in order to accelerate the achievement of the goals of the Dakar and Beijing Platforms for Action as well as the Millennium Development Goals between now and 2015;
3. *Are committed* to focusing our actions on the following strategic areas:

Economic empowerment of women through poverty reduction, employment creation, social protection and use of information and communications technology:

- 1.1 Promote the sustainable economic empowerment of women by ensuring and reinforcing their right and access to timely and relevant information, training, ownership and control of productive resources; promoting entrepreneurship; creating employment opportunities for women through skills and business development and enhanced employability; and improving the agricultural productivity of rural women by providing them with advanced and appropriate technologies.
- 1.2 Nurture the economic independence of women from an early age by adopting a holistic approach and ensuring that young women, in particular those with disabilities, have access to secondary and tertiary education and professional training, including access to information and communications technology, and science and technology; using incentives and social protection measures to reduce the dropout rate among girls, particularly poor girls and pregnant adolescents; and protecting the girl-child from violence and early and forced marriage.
- 1.3 Develop and strengthen monitoring, evaluation and information systems, as well as capacities for analysing linkages between gender and economic development by focusing on sex-disaggregated data collection, production, analysis and dissemination; and undertaking studies on the formal, informal and agricultural sectors.

Peace, security and development

- 2.1 Develop and implement a comprehensive action plan that will include domestication of relevant international and regional resolutions and protocols, including United Nations Security Council resolutions S/RES/1325 (2000), S/RES/1820 (2008), S/RES/1888 (2009), and S/RES/1889 (2009) on women, peace and security;

advocacy for change using the media and traditional communication channels; reform of legal and judicial systems and security institutions; research; and adoption of an early warning system;

- 2.2 Promote capacity-building and peer-learning in conflict prevention and resolution, and in human rights protection and promotion for government officials, parliamentarians, women, men, youth, media, security services, the judiciary, and community leaders;
- 2.3 Adopt measures such as the provision of psychological support and the creation of reparation and compensation funds to secure the full reintegration and rehabilitation of victims; promote the effective reintegration of ex-combatants; strengthen protection and assistance to women refugees, internally displaced women and children, and female returnees; and protect girls and women from trafficking.

Violence against women

Adopt and implement a multi-sectoral plan to address gender-based violence, within the framework of the United Nations Secretary-General's "UNite to End Violence against Women and Girls" campaign, with particular emphasis on its Africa component, and underpinned by the following actions:

- (i) Enactment and strengthening of laws to address violence against women; social mobilization, including the launching of zero-tolerance campaigns; literacy, including legal and functional literacy for women and men, as well as education for girls and women; partnership with civil society; provision of social support and compensation to victims of violence; creation and/or strengthening of networks of women lawyers; provision of psychological support to women affected by violence; and targeted actions for men and boys to act as agents and partners of change.
- (ii) Capacity-building, including the training of law enforcement agents and health services personnel for the effective application and enforcement of relevant laws and policies; provision of adequate support to social welfare institutions, the police and the judiciary; enhanced outreach services, especially at the community level; and sensitization of parliamentarians.
- (iii) Integration of monitoring and evaluation mechanisms into sub-regional and national action plans based on in-depth studies of the structural causes of violence against women. Development of relevant indicators and set baseline as well as undertake national prevalence surveys to assist in measuring progress and ensuring accountability.

Representation and participation of women in all areas of decision-making

- 4.1 Adopt and implement affirmative action measures, notably quotas for gender parity, and set up institutional mechanisms supported by adequate resources to increase women's representation in decision-making bodies, as provided for in international, regional and sub-regional instruments, and underpinned by constitutional guarantees and legislative provisions on gender parity.

- 4.2 Reform the electoral systems and internal leadership selection procedures of the public sector and political parties/organisations, in order to increase women's participation; encourage private sector institutions to become more gender-responsive, and promote gender parity in leadership and decision-making.
- 4.3 Develop capacity enhancement programmes to transform negative socio-cultural attitudes and perceptions towards female leadership; strengthen networking and collaboration among women's groups; and enhance inter-generational communication.
- 4.4 Ensure responsibility and accountability at the highest level of leadership, in both the public and the private sectors, using monitoring and evaluation systems such as the African Peer Review Mechanism, when applicable, and involving the media and civil society.
- 4.5 Foster and enhance solidarity among women to support women running for office at local, national, regional and global levels.

Sexual and Reproductive Health and HIV/AIDS

- 5.1 Strengthen health systems with measures and incentives to retain medical personnel; avoid the brain drain; train middle-level health providers; facilitate their presence in rural areas; promote sexual and reproductive health services in order to better address the consequences of unsafe abortions; and provide sex education and services for the sexual and reproductive health of the youth;
- 5.2 Reduce maternal mortality by two thirds by 2015 through effective and coordinated community management of pregnancy-related interventions and increased availability of emergency obstetric care services and skilled attendance during pregnancy, delivery, and post-delivery, as underscored by the 2009 African Union Campaign on Accelerated Reduction of Maternal Mortality in Africa (CARMMA);
- 5.3 Reposition reproductive health including family planning as a development priority in order to increase access to family planning, especially in rural areas, based on culturally sensitive approaches, community mobilization and men's engagement; and ensure that adequate budgets are available to sustain and expand maternal and child health and family planning services, as well as the prevention of obstetric fistula and early detection of reproductive cancers at all levels of health-care delivery systems;
- 5.4 Mainstream gender into integrated maternal and child health services, including sexually transmitted infections and HIV and AIDS programmes, to address the vulnerability of women and girls, ensure their access to prevention, treatment and care, and facilitate access to and use of female and male condoms.

Climate change and food security

- 6.1 Develop gender-responsive policies on climate change which focus on agriculture, water resource management, energy, forest use and management, as well as transportation and technology transfer for improved food security.

- 6.2 Develop agricultural policies and programmes that address the differentiated impacts of climate change, in particular the impact on women.
- 6.3 Support the integration of gender into existing and upcoming scientific research on climate change with a particular focus on the collection and use of sex- and gender-disaggregated data, and the development of knowledge-sharing and peer-learning networks at sub-regional and regional levels.
- 6.4 Call on the upcoming Copenhagen Conference on Climate Change to take full account of gender dimensions and come up with gender-responsive measures.

Financing for gender equality

- 7.1 Institutionalize gender-responsive budgeting aligned with national development priorities and poverty reduction programmes, to support the financing of gender equality at subnational and national levels.
- 7.2 Develop financing mechanisms, including alternative sources of funding, and ensure the allocation of funds at subnational and national levels; establish a stimulus package that targets women; and monitor the effective utilization and impact of financing on gender equality.
- 7.3 Develop capacity-building programmes for the training and mentoring of parliamentary and government authorities on gender-responsive budgeting.
- 7.4 Strengthen national gender mechanisms by transforming gender focal points into gender teams that perform planning, budgeting, implementation and monitoring functions for the mainstreaming of gender equality into all activities of ministries at subnational and national levels.

In undertaking the above actions:

- (i) We call on our Governments to allocate adequate resources to accelerate the implementation of the Dakar and Beijing Platforms for Action.
- (ii) We call on our international partners, both bilateral and multilateral, including organisations of the United Nations system, to provide adequate technical and financial support for our development efforts and to move swiftly to implement their commitments from the Accra Agenda for Action on Aid Effectiveness.
- (iii) We call on the African Union Commission, the United Nations system, the African Development Bank and the Regional Economic Communities to strengthen their coordination and harmonisation processes with regard to the implementation of the priorities identified in this Ministerial Declaration, including that of facilitating South-South collaboration and exchange of experiences and best practices.
- (iv) We further call on the African Union Commission and the United Nations Economic Commission for Africa to annually monitor and report on progress made in implementing the relevant development programmes and plans, and

to ensure that the follow-up to the Dakar and Beijing Platforms for Action is included in the work plan of the Committee on Women and Development of the Economic Commission for Africa.

- (v) We call on the United Nations Secretary-General to swiftly implement General Assembly resolution A/RES/63/311 related to the establishment of a new gender entity through the consolidation of four entities, namely the United Nations Development Fund for Women (UNIFEM), the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Division for the Advancement of Women (DAW), and the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women (OSAGI), to enable countries to receive the necessary technical and financial support to achieve gender equality.

In preparation for the 20th anniversary of the Dakar and Beijing Platforms for Action, we will assess the implementation of these two instruments, taking into account any relevant procedures that will be established.

We pledge to implement these commitments in order to achieve our development goals within the next five years.

THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS

The African Charter also referred to as the Banjul Charter was adopted by the former Organisation of the African Union (OAU) Assembly on 28 June 1981 in Nairobi, Kenya. The Charter recognizes the indivisibility of all rights and the interdependence of rights. It also highlights the rights and duties of the individual. The Charter came into force, on 21 October 1986 after ratification by the absolute majority of the Member States of the OAU. In 1999, all members of the African Union have ratified the Charter.

<http://www.au.int/en/>

Full text

AFRICAN (BANJUL) CHARTER ON HUMAN AND PEOPLES' RIGHTS

Preamble

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a "preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;



Mauritius signed the Charter on 27 February 1992 which was ratified on 19 June 1992 and deposited on 1 July 1992.



Recognising on the one hand, that fundamental human rights stem from the attributes of human beings which justifies their national and international protection and on the other hand that the reality and respect of people's rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone; Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinions;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instrument adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and people's rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

Have agreed as follows:

Part I: Rights and Duties

Chapter I: Human and Peoples' Rights

Article 1

The Member States of the Organization of African Unity parties to the present Charter shall recognise the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7

1. Every individual shall have the right to have his cause heard. This comprises: (a) the right to an appeal to competent national organs against acts of violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force; (b) the right to be presumed innocent until proved guilty by a competent court or tribunal; (c) the right to defence, including the right to be defended by counsel of his choice; (d) the right to be tried within a reasonable time by an impartial court or tribunal.
2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 9

1. Every individual shall have the right to receive information.

2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in 29 no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.
4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.
2. Every individual may freely, take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognised by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognised by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self- determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognised by the international community.
3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.
4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.
5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.
2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that: (a) any individual enjoying the right of asylum under 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter; (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

Chapter II: Duties

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

Part II: Measures of Safeguard

Chapter I: Establishment and Organization of the African

Commission on Human and Peoples' Rights

Article 30

An African Commission on Human and Peoples' Rights, hereinafter called "the Commission", shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.

Article 31

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights; particular consideration being given to persons having legal experience.
2. The members of the Commission shall serve in their personal capacity.

Article 32

The Commission shall not include more than one national of the same state.

Article 33

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the States parties to the present Charter.

Article 34

Each State party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the States party to the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

Article 35

1. The Secretary General of the Organization of African Unity shall invite States parties to the present Charter at least four months before the elections to nominate candidates;
2. The Secretary General of the Organization of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections.

Article 36

The members of the Commission shall be elected for a six year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall terminate after two years and the term of office of three others, at the end of four years.

Article 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to decide the names of those members referred to in Article 36.

Article 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

Article 39

1. In case of death or resignation of a member of the Commission the Chairman of the Commission shall immediately inform the Secretary General of the Organization of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.
2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary General of the Organization of African Unity, who shall then declare the seat vacant.
3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term unless the period is less than six months.

Article 40

Every member of the Commission shall be in office until the date his successor assumes office.

Article 41

The Secretary General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organization of African Unity shall bear the costs of the staff and services.

Article 42

1. The Commission shall elect its Chairman and Vice Chairman for a two-year period. They shall be eligible for re-election.
2. The Commission shall lay down its rules of procedure.
3. Seven members shall form the quorum.
4. In case of an equality of votes, the Chairman shall have a casting vote.
5. The Secretary General may attend the meetings of the Commission. He shall not participate in deliberations nor shall he be entitled to.

Article 43

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.

Article 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organization of African Unity.

Chapter II -- Mandate of the Commission**Article 45**

The functions of the Commission shall be:

1. To promote Human and Peoples' Rights and in particular:
 - (a) To collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its views or make recommendations to Governments.
 - (b) To formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations.
 - (c) Co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
3. Interpret all the provisions of the present Charter at the request of a State party, an institution of the OAU or an African Organization recognised by the OAU.
4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

Chapter III -- Procedure of the Commission**Article 46**

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary General of the Organization of African Unity or any other person capable of enlightening it.

Communication from States

Article 47

If a State party to the present Charter has good reasons to believe that another State party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This communication shall also be addressed to the Secretary General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the communication, the State to which the communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable, and the redress already given or course of action available.

Article 48

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other States involved.

Article 49

Notwithstanding the provisions of 47, if a State party to the present Charter considers that another State party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary General of the Organization of African Unity and the State concerned.

Article 50

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

Article 51

1. The Commission may ask the States concerned to provide it with all relevant information.
2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representation.

Article 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of Human and Peoples' Rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in 48, a

report stating the facts and its findings. This report shall be sent to the States concerned and communicated to the Assembly of Heads of State and Government.

Article 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

Article 54

The Commission shall submit to each ordinary Session of the Assembly of Heads of State and Government a report on its activities.

Other Communications

Article 55

1. Before each Session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.
2. A communication shall be considered by the Commission if a simple majority of its members so decide.

Article 56

Communications relating to human and peoples' rights referred to in 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter request anonymity,
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter,
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity,
4. Are not based exclusively on news discriminated through the mass media,
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged,
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter, and
7. Do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United Nations, or the Charter

of the Organization of African Unity or the provisions of the present Charter.

Article 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

Article 58

1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.
2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its findings and recommendations.
3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

Article 59

1. All measures taken within the provisions of the present Charter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.
2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.
3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

Chapter IV -- Applicable Principles

Article 60

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights as well as from the provisions of various instruments adopted within the Specialised Agencies of the United Nations of which the parties to the present Charter are members.

Article 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognised by member states of the Organization of African Unity, African practices consistent with international norms on human and people's rights, customs generally accepted as law, general principles of law recognised by African states as well as legal precedents and doctrine.

Article 62

Each state party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter.

Article 63

1. The present Charter shall be open to signature, ratification or adherence of the Member states of the Organization of African Unity.
2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary General of the Organization of African Unity.
3. The present Charter shall come into force three months after the reception by the Secretary General of the instruments of ratification or adherence of a simple majority of the member states of the Organization of African Unity.

Part III: General Provisions

Article 64

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.
2. The Secretary General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

Article 65

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that State of its instrument of ratification or adherence.

Article 66

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

Article 67

The Secretary General of the Organization of African Unity shall inform member states of the Organization of the deposit of each instrument of ratification or adherence.

Article 68

The present Charter may be amended if a State party makes a written request to that effect to the Secretary General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the States parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the States parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure three months after the Secretary General has received notice of the acceptance.

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

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa also known as the Maputo Protocol was adopted on 11 July 2003 in Maputo, Mozambique at the Heads of State Summit of the AU. The instrument entered into force on 25 November 2005 after it was ratified by 15 nations of the AU. Out of 54 countries of the AU, 36 have signed and ratified the instrument.

The Protocol strengthens the African Charter's provisions on gender equality and is an important advance in the protection and promotion of the rights of women in Africa. Issues such as Harmful practices including Female Genital Mutilation were brought to the forefront.

<http://www.au.int/en>

Full text

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 recognise 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 recognised 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, realised 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 legitimise and exacerbate the persistence and tolerance of violence against women;
 - e) punish the perpetrators of violence against women and implement programmes for the rehabilitation 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 recognised 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, medicalisation and para-medicalisation 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 recognised;
- 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 sensitise 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 sensitisation 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 organisation 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 recognised 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;
- f) establish a system of protection and social insurance for women working in the informal sector and sensitise 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 recognise 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) recognise 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) recognise 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:
 - a) the right to control their fertility;
 - b) 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 recognised standards and best practices;
 - f) 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;
 - b) 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;
 - c) protect and enable the development of women's indigenous knowledge systems;
 - d) regulate the management, processing, storage and disposal of domestic waste;
 - e) 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 conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
- c) promote women's access to and control over productive resources such as land and guarantee their right to property;
- d) 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;

- e) take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and
- f) ensure that the negative effects of globalisation 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:

- a) 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;
- b) 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:

- a) 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;
- b) 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:

- a) 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;
- b) 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:

- a) provide for appropriate remedies to any woman whose rights or freedoms, as herein recognised, have been violated;
- b) 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

1. 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 realisation of the rights herein recognised.
2. 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 recognised.

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 realisation 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.

AFRICAN UNION SOLEMN DECLARATION ON GENDER EQUALITY

The Solemn Declaration on Gender Equality in Africa (SDGEA) was adopted by the AU Heads of State and Government Summit in July 2004 in Addis Ababa, Ethiopia.

The Declaration is an important African instrument for promoting gender equality and women's empowerment as it strengthens African ownership of the gender equality agenda.

<http://www.au.int/en/>

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 organisations;

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;

Recognising 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 feminisation 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:

1. **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;
2. **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;

3. **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;
4. **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;
5. **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;
6. **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;
7. **Actively promote** the implementation of legislation to guarantee women's land, property and inheritance rights including their rights to housing;
8. **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);
9. **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;
10. **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;
11. **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 operationalisation of the Fund with special focus on women in both urban and rural areas;
12. **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;
13. **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.

AFRICAN UNION GENDER POLICY

The AU Gender Policy was adopted in 2009 and its stated goal is to adopt a rights based approach to development through evidence-based decision making and the use of gender disaggregated data and performance indicators for the achievement of gender equality and women's empowerment in Africa.

The AU Gender Policy seeks to promote a gender responsive environment and practices and to undertake commitments linked to the realisation of gender equality and women's empowerment by Member States at international, regional and national levels.

<http://www.au.int/en/>

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List of acronyms

AfDB	African Development Bank
ACHPR	Africa Charter on Human and Peoples' Rights
APRM	African Peer Review Mechanism
AU	African Union
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
COMESA	Community of East and Southern Africa
CS	Commonwealth Secretariat
CSO	Civil Society Organisation
DDR	Disarmament, Demobilisation and Reintegration
ECA	Economic Commission for Africa
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EGDC	ECOWAS Gender Development Centre
FWCW	Fourth World Conference on Women
FP	Focal Point
FGM	Female Genital Mutilation
GAD	Gender and Development
GBV	Gender Based Violence
GEM	Gender Empowerment Measure
GEWE	Gender Equality and Women Empowerment
GFP	Gender Focal Point
GMS	Gender Management System
GMT	Gender Management Team
HIV/AIDS	Human immunodeficiency virus/Acquired immunodeficiency syndrome
ICPD	International Conference on Population and Development
ICT	Information Communication Technology
ILO	International Labour Organisation
MDGs	Millennium Development Goals
NEPAD	New Partnership for Africa's Development
NGOs	Non- governmental Organisations
OAU	Organisation of African Unity
PFA	Plans for Action
PLWHA	People living with HIV/AIDS
RECs	Regional Economic Communities
SDGEA	Solemn Declaration on Gender Equality in Africa
SADC	Southern Africa Development Community
SWCF	Second World Conference on Women
TWCW	Third World Conference on Women
UEMOA	Economic and Monetary Union of West Africa
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNCTAD	United Nations Conference on Trade and Development
WAD	Women and Development
WID	Women in Development

Preface

On behalf of the Assembly of the Heads of State and Government of the African Union, it is my great honour and pleasure to record the Assembly's satisfaction on the development of the first ever African Union Gender Policy. This document encapsulates decisions and Declarations of this Assembly and other global commitments on gender and women's empowerment and demonstrated the continued leadership of the African Union in advancing gender equality in the continent. They include the adoption of Article 4 (L) of the Constitutive Act of the African Union which enshrined the Parity Principle, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa, among others.

This Gender Policy provides a mandate for the operationalization of Assembly commitments and is accompanied by a comprehensive Action Plan, which will guide the implementation of these commitments by AU organs and will be reviewed periodically. It also compliments ongoing implementation of these commitments at the Member States level and in Regional Economic Communities (RECs).

Indeed, this policy could not have come at a better time as its adoption will facilitate the operationalization of Assembly Decision AU/Dec.134-164 (IIIV) on the Establishment of the African Women Trust Fund. Furthermore, its adoption coincides with the 15th Anniversary of the Beijing Conference and further, will pave way for implementation of the proposed African Women's Decade (2010-2020), thus providing a road map for the realisation of the objectives for the decade.

H.E. President Jakaya Kikwete
Chairperson
Assembly of African Union
President of United Republic of Tanzania

Foreword

I am extremely delighted to forward the first ever African Union Gender Policy, whose final development phase coincided with my assumption of the office of the Chairperson of the African Union Commission, making it one of my first policy documents to forward. The Women's Gender and Development Directorate which has developed this document is in my office, so it gives me double honour to carry out this noble and important task.

The development of the AU Gender Policy and its implementation plan has been inspired by the overwhelming political will and commitment demonstrated by African Union's Heads of States and Government who in the last few years have adopted important decisions including Article 4 (1) of the Constitutive Act of the African Union which has enshrined the Parity Principle, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa. The AU Heads of State and Government Summit continue to champion gender equality and empowerment through their subsequent decisions aimed at accelerating the implementation of their own commitments and, Millennium Development Goals in general and particular MDG 3 on Gender Equality and Women's Empowerment.

The AU Gender Policy could not have come at a better time. Its adoption coincides with phase two (2) of the review of the implementation of Horizon 2004-2007 in which the Gender Policy will both guide the Commissions revised implementation phase of all its programmes, but also will constitute the gender action Plan. The Commissions ambitious plan to establish gender management systems requires programmatic tools and mechanisms needed to raise standards for tracking and eliminating gender discrimination and other inequalities. It is for this reason that the Commission undertook a Gender Audit on the Commission and plans to carry out Gender Audits in other AU Organs and institutions. With these Gender Policy and Action Plan in place, the Commission, other AU Organs, RECs and Member States will be able to ensure equality, human dignity and peace for all and fulfil the vision of AU.

The Africa Region is committed to social economic development which takes into account the diversity in social, cultural, and traditional setting and is making effort to address cultures and practices which militate against enjoyment of freedom and rights by women and girls. The AU Gender Policy Commitments will be used to provide the basis and to eliminate barriers to gender equality in the continent. It will also guide gender equality actions for the continent in implementing other global commitments on gender including MDG 3 targets.

I am confident that the AU Gender Policy will serve as point of reference in Policy making and provide overarching leadership in Gender Equality to AU Organs, Member states and the Commission.

H.E. Jean Ping
Chairperson

Acknowledgement

The development of the African Union Gender Policy has come a long way. The process started in early 2006, and the possibility of presenting a completed policy to the African Union Summit was envisaged as early as January 2007. Although it has taken the Directorate longer than earlier projected, this milestone has finally been achieved, thanks to a team of dedicated experts consisting of consultants, stake-holders, development partners, United Nations Agencies particularly UNFPA, ECA and UNIFEM, RECs, AU Organs and CSOs who participated in the 1st and 2nd Stakeholders Forum on the Gender Policy.

Special gratitude goes to the former Chairperson of the AUC for the indispensable role he played in championing the development of various policies in the commission, including the Gender Policy.

The AU wishes to express its profound gratitude to H.E Jean Ping the current Chairperson of the AUC, who has overwhelmingly supported the work of the Gender Directorate in general and this Gender Policy in particular, from the day he assumed the office of the Chairperson. The overall support from Deputy Chairperson H.E Erastus Mwencha and technical support from all Commissioners have gone a long way in making this policy document a reality.

Finally the AU wishes to thank Gender and Women Affairs Ministers, Experts from member states, AU staff who participated in the Inter-Directorate retreat, Members of PRC, the AUWC and representatives of AU Organs, for their inputs as well as the Director and staff members of the Women Gender and Development and Directorate of the African Union Commission, for their hard work during the entire process.

PART I:

Historical Background to the Policy and AU Institutional Profile

1. Historical Background to the Policy

The AU's commitment to gender equality is rooted in the African Charter on Human and Peoples Rights. This commitment is reinforced by the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa (SDGEA) and the Post Conflict Re-construction and Development adopted by the Heads of State and Government in 2006.

Some of the landmark decisions which highlight AU's leadership in Gender Equality and Women's Empowerment include

(i) *The Declaration on promotion of gender equality as a major goal of the AU-* Article 4(L) of the Constitutive Act specifically provides that the African Union **“shall function in accordance with the promotion of gender equality”**, thereby making the promotion of gender equality one of the goals of the AU.

(ii) *Location of the gender machinery in the Office of the Chairperson of the Commission-* In order to ensure that the principle of promoting gender equality is adhered to, and to facilitate gender mainstreaming within the Commission itself and the AU as a whole, Article 12(3) of the Statutes of the AU Commission specifically provides that, because *“gender issues are cross-cutting through all the portfolios of the Commission, a special unit shall be established in the Office of the Chairperson to co-ordinate all activities and programmes of the Commission related to gender issues.”* The Statutes thus locate the internal gender machinery of the AU in the highest political and administrative office of the Commission, that is, under the Chairperson of the Commission, **who has the ultimate responsibility for gender mainstreaming within the AU.**

(iii) *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa-* The AU Assembly adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in July 2003 in Maputo Mozambique. The African Commission on Human and Peoples' Rights will monitor implementation of the Protocol through Member States' submission of periodic reports under the African Charter, with the African Court of Human and Peoples' Rights being responsible for matters of interpretation arising from application or implementation of the Protocol.

(iv) *The Solemn Declaration on Gender Equality in Africa (SDGEA)* was adopted by AU Heads of State and Government at their July 2004 Summit. In the SDGEA, the leaders reaffirmed their commitment to: the principle of gender equality as enshrined in Article 4 (L) 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. They also committed themselves to continue, to expand and to accelerate efforts to promote gender equality at all levels, and the determination to build on the progress that have been achieved in addressing issues of major concern to the women of Africa.

The instruments above have enabled the RECs and Member States to advance their own legal, administrative and institutional frameworks to make progress on women's rights and gender equality.

In many respects, the AU's approach to the advancement of women's rights and gender equality has been informed by the **UN frameworks** and specific needs of the continent, in particular:

- i) In the UN, the commitment to the achievement of gender can be traced to the 1948 United Nations Charter and the Universal Declaration on Human Rights which states that rights and freedoms will not be limited by a person's gender and establishes that "all human beings are born free and equal in dignity and rights". Since then the milestones that followed include UN instruments such as Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Vienna Declaration on Human Rights, The Nairobi Forward Looking Strategies, BPA, the International Conference on Population and Development (ICPD), Palermo Protocol on Trafficking in Humans and the Millennium Declaration and Millennium Development Goals (MDGs). At institutional level the UN has put in place an elaborate institutional mechanism to support the advancement of women and gender equality.
- ii) The 1948 United Nations Charter and the Universal Declaration on Human Rights States that right and freedoms will not be limited by a person's sex and establishes that "all human beings are born free and equal in dignity and rights". In 1946, the United Nations created the Division for the Advancement of Women (DAW) to champion women's empowerment and gender equality to ensure that half of the world's population enjoys equal rights as well as lives in dignity as equal citizen everywhere.
- iii) The United Nations through the DAW continued championing women's empowerment, rights and equality and in 1974, declared an International Year of Women, which was globally celebrated by women and ended in Mexico City, Mexico (1975).
- iv) Resolution 1325 is a landmark step that politically legitimises women's role in peace, security in conflict and post conflict management. The resolution contains actions for gender mainstreaming in humanitarian operations and DDR. It also stresses the importance of inclusion and collaboration by UN organs, civil society and the Commission on Status of Women. Resolution 1325 (2000) has emerged as an all-inclusive resolution to address gender perspectives and women's specific issues in terms of peace, conflict resolution and post conflict management(DDR) and has already become a powerful tool which has already been domesticated by the AU.

It was realised in Mexico City that one year was not enough to create the awareness on gender imbalances, address gender discrimination and lack of empowerment and so the United Nations declared Women's Decade at the Mexico City World Conference on Women. Thereafter, successful Women's Decades and their mid-term reviews have been held with full participation of UN member states. Against this global background and informed by its civil society campaigns and advocacy on women's rights and gender equity, African Union Member states have been actively involved in these conferences and helped shape the debate on women's empowerment and gender equality for over the past 30 years starting with the First World Conference on Women (FWCW) held in Mexico City, Mexico (1975), followed by the Second World Conference on Women (SWCW) held in the Copenhagen, Denmark (1980), then the Third World Conference on Women (TWCW) held in Nairobi, Kenya (1985) and lastly the Fourth World Conference

on Women held in Beijing, China in 1995. While these conferences have contributed to progressive strengthening of the legal, economic, social and political dimensions of the role of women, the world is still far from achieving gender equality.

Furthermore, African member states are signatories to the UN General Assembly landmark Convention for the Elimination of all forms of Discrimination Against Women (CEDAW), which was adopted in 1979. Implementation challenges still exist around CEDAW on the continent. Although each of these global conferences gave birth to powerful recognition of the crucial role of women, both rural and urban, at family, community and national level, their specific contribution to development has not yet been recognised and evaluated.

While it is evident that women substantially contribute to economic, social and political development as well as in environmental management, they have not benefited from economic growth and development, continue to be outside the decision making sphere and barely enjoy any human rights. Progress must be made through fruitful dialogue between civil society and governments, backed by political will, reflecting in changing constitutional, legal and social platforms through which more women can exercise voice and accountability in decision-making that affects their well-being. Nonetheless, women still face discrimination, exclusion, and marginalisation and do not share equally the benefits from production.

The creation of UNIFEM allowed institutional recognition to the need for a focused approach to women's empowerment at global and local levels. The contribution of Africa to global action has been immense and is reflected in the history.

In the 1990s the international community built a momentum and commitments to gender equality and empowerment of women (GAD), drawing from the powerful synergies of the women movement which fuelled the drive towards gender equality for sustainable development to replace the integration of Women in Development Approach (WID) of the 1980s. The United Nations (UN) World Conference on Human Rights in Vienna in 1993 emphasised the importance of gender equality in all areas of social and economic development, as did the International Conference on Population and Development in Cairo – ICPD (1994), which emphasised the quality of life of the present and future generations as well as empowerment of women and gender equality. Through Agenda 21, Women's role was stressed in the Rio commitment which centrally placed women's contribution in environment management, while at the same time acknowledging their suffering due to environmental depletion which now has taken alarming dimensions in the context of climate change and also intensified pollution driven by wasteful consumption, unprecedented growth in human numbers, persistent poverty, and social and economic inequalities. Gender perspectives were taken into account by governments and civil society.

The success of the Fourth World Conference on Women, held in Beijing (1995) was the result of fundamental interests that were presented during the preparatory meeting held in Dakar. This meeting had dynamically stimulated networking and solidarity through a synergy of actions which led to an intergenerational transfer of knowledge and values in the women movements on gender issues and through institutional formations in Africa. More recently the adoption of the UN Millennium Development Goals in particular MDG3 on Gender Equality and women empowerment, has become an effective way to bridge the gender gap in education, combat feminised poverty, and improve health

and HIV/AIDS, and stimulate other sectors to meet the millennium goals development by the year 2015. In addition, the Paris Declaration on Aid Effectiveness in 2005 agreed on principles which, if engendered could, accelerate development in general and advance gender equality. Engendering of the Paris Declaration would go a long way in implementing Article 3 & 4 of the Constitutive Act of the Union the Protocol to the African Charter on Human and People's Rights related to the Rights of Women in Africa and also Article 2 of the Solemn Declaration on Gender Equality in Africa (SDGEA).

This Gender policy takes into account the AU Policy on Migration, the AU Nutrition Strategy, the African Position on the family, the African Social Policy Framework, the Maputo Plan of Action on Sexual and Reproductive Health, the African youth charter, the outcome of the African Development Forum on Gender , Empowerment and ending Violence Against Women, the Comprehensive Africa Agricultural Programme (CAADP) and other key AU Decisions, Declarations and instruments having a bearing on the advancement of women and gender equality.

A. AU Institutional Profile

The AU has engaged unprecedented political, social and economic transformation reflections leading the continent to a renaissance that engages all in an intense process of reflection and actions leading eventually to a Union Government of Africa. This strategic action creates an opportunity for AU to perfect its mandate, which is primarily to advance political, and socio economic integration, leading to higher living standards and enhancement of its efforts to play a rightful role in globalisation. AU is also leading in conflict resolution and peace building in several countries. The nature and power of the AU constitutive Act, AU Organs (9), the RECs (7) and 53 Member States, its vision and mission and its strategic plan, the new structure, excellent human resource base, (based on the Maputo Declarations 2003) as well as key programmes of NEPAD and APRM reflect the African leadership committed to ensure a bright future and better life for its people-women, men and children. AU's Partnership and Cooperation with the United Nations (such as ECA, UNFPA, UNIFEM, ILO), Bilaterals and Multilaterals in sharing visions and mutual beneficial relations are all strategic and enhance Africa's inclusion in important global meetings and agreements. The AU is aware that gender and women perspectives cut across all these issues.

AU has a strong political will for ensuring gender equality and has demonstrated this by adopting a policy of support and making efforts to institutionalise gender mainstreaming and establish a working Gender Management System (GMS). The Gender mainstreaming work of the AU Commission is led by the Women and Gender Development Directorate.

Consultative representation of civil society will continue to be a necessity and will allow pan African and regional organisations with expertise and insight to help inform the AU institutional processes.

B. The AU Commission Level

The Women and Gender Development Directorate WGDD was created in 2000 under the Office of the Chairperson of the Commission. It has overall mandate of ensuring that capacity is built for all AU Organs, RECs and Member States to understand gender, develop skills for achieving gender mainstreaming targets and practices in all policy and

programme processes and actions by 2020, in order to close the existing gender gaps and deliver the promise of equality for all African men, women, boys and girls.

C. The AU Organs

The AU Organs including, The Assembly of the Union, The Executive Council, The Pan African Union, The Court of Justice, The Commission, The Permanent Representative Committee, The Specialised Technical Committee, The Economic, Social and Cultural Council, The Financial Institutions have political will to promote gender equality demonstrated in the provisions of various international and regional Conventions, Treaties, Charters, Protocols and Declarations adopted over the years. The Constitutive Act of the Africa Union Article 4 (L) stipulates that the Union will function in accordance with the principle of gender equality..." By this principle, it is hoped that all AU Organs address gender equality in policies and programme."

D. The RECs Level

1. The majority of Regional Economic Commissions RECs including, Arab Maghreb Union (AMU), Common Market for East & Southern Africa (COMESA) Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States ECOWAS), Inter-Governmental Authority for Development (IGAD), Southern Africa Development Community (SADC) have Gender Units.
2. The RECs and their Member States have elaborated Gender Policies, and adopted Gender Declarations, Action Plans and Frameworks, strategic plans, gender audits and gender analysis tools which guide gender mainstreaming, programming and budgeting. They have also developed Training Tools and Resources and have action Plans. The RECs have limited core funds for gender mainstreaming and funds for special women empowerment activities from partners.

E. The Member States Level

Up to date, 70% of member states currently have gender policies and yet few of them have been implemented, although they are in the process of implementing declarations and have developed action plans, and strategic plans to implement their commitments. A few of them have established Gender Management Systems (GMS). Member states acknowledge gender mainstreaming as a global, regional and national strategy in the implementation of the Beijing Platform for Action and the MDG 3 Gender Equality. While many of them are committed to implement global commitments, they face challenges of weak Gender/Women machineries and inadequate resources in the context of unfulfilled bilateral and multilateral pledges, in general under ODA, with serious budgetary cuts in some sectors resulting in negative gender impacts. At the regional level, AU Member States adopted SDGEA and the Protocol, which encompass core critical issues in the Beijing and Dakar Platforms and in the MDGs. Progress on Member States implementation of SDGEA and the protocol is submitted every year at the January Summit of Heads of State and Government Member states vary in their involvement and consultation mechanisms with National Women's organisations. Some have a young civil society while others have fully developed organisations. Experience should be shared through the implementation of this policy using an examination of best practice for involving National Women's Organisations.

ECOSOCC provides an opportunity for an evaluation of the essential presence of women, and men's groups on gender issues to have voice and presence at the pan African level and regional level. A valid contribution is solicited for policy, practice, experience and knowledge that can better inform our AU processes.

F. AU Governing Principles and Values

The African Charter on Human and People's Rights (ACHPR adopted in 1981 OAU Assembly of Heads of State and Government) indicated the principles and values stated in articles 2, 3, 5, and 18 as rights for individual freedom, equal before the law, entitlement for protection of the law, entitlement to respect for life and integrity of persons, and prohibition of slavery, torture, cruel inhuman and degrading punishment. The Abuja Treaty establishing the African Economic Community (1991) in its Article 3 (g) (h) recognises the principles and objectives of the OAU Charter regarding human rights and re-affirmed the recognition, promotion and protection of human rights and people's rights as well laid out principles and values of freedom in the establishment of its legal structure and political framework. This is stipulated in Articles 2, 3, 5, 18. In Article 75, the Treaty called on Member States to put in place mechanisms for the development and value of the African Woman through improvements to her social, economic legal and cultural conditions and ensure full participation of women in the development and activities of African Economic Community.

AU Vision

The Vision of African Union is that of an Africa Integrated, Prosperous and Peaceful; an Africa Driven by its Own Citizens; and an Africa which is a dynamic Force in the Global Arena.

AU ensures a just and peaceful environment where men and women live dignified harmonious lives to benefit equally from socio-economic development.

G. AU Mission Statements Include

1. Building capacities for integration
2. Ensuring overall coherence of the programmes aimed at speeding up integration process through actions undertaken in two directions (Harmonisation and rationalising the Regional Economic Communities (RECs), integration)
3. Organise brainstorming and institute strategic watch tower on key issues affecting the future of the continent includes equality between men and women, boys and girls.
4. Assuming dynamic information and advocacy role for Africa vis-à-vis the World.
5. Play a leadership role for promotion of peace, human security and good governance on the continent.
6. Stimulate economic, social and cultural development on the continent.
7. Establish a standing follow up evaluation mechanism.
Gender perspective is considered as a transversal theme at the level of AU Mission statements.

Part II

The Context of the African Union Gender Policy

Introduction

In an international globalised context where cultural, geographic, economic and social boundaries are dissolved, the respect for human rights and their indivisibility constitute a fundamental principle for all humanity. Moreover, new concepts and development approaches have materialized to ensure increased equity and equality between men and women.

The growing recognition of the leadership role of women in all spheres of development including their participation in decision-making at the international, regional and national level are reflected in the creation of platforms of action related to gender. It is in this context that the AU developed a gender policy that focuses on closing the equality gap between men and women in general and particularly addressing gender inequalities which have resulted in women's disempowerments and feminisation of poverty, in order to have a better understanding of the contribution of women in development.

This policy provides a framework which will to accelerate the realisation of gender equality, fairness between men and women, non-discrimination and fundamental rights in Africa. In a more general manner, this policy is conceived as a tool to facilitate the advancement of Africa's political and socio economic integration, guarantee that gender issues are included in the African agenda, accelerate gender mainstreaming, contribute to higher living standards and enhance the efforts exerted by African peoples to play a rightful role in a globalising world.

Furthermore, there is an increase in awareness of the crucial role of women in conflict, post conflict situations and in consolidation of peace, reconstruction and reconciliation. There is also a consensus in addressing gender issues in the peacekeeping sector, consequently gender mainstreaming is gaining prominence in the UN and also within the African continent.

The desired effect and impact of this policy is to offer opportunities for empowerment of women, guarantee their protection against violence and rape, as well as their participation in public and economic life. To achieve this, a paradigm shift is inevitable. The policy underpins the requisite need for identifying ways and means to foster interventions focused on gender such as the creation of the African Women's Trust Fund, reorientations of existing institutions and to pay better attention to gender equality.

This Policy document constitutes four parts namely Part I which presents the historical background to gender issues in Africa, Part II which presents the policy goals, objectives, principles, values and targets, Part III which presents the gender policy commitments and Part IV which constitutes institutional framework for the implementation of the policy. The Gender Policy Action Plan to implement the policy commitments is an important Annex to this policy.

The Mandate of the Gender Policy

The mandate for GEWE policy derives from three main factors:

- a) The strong AU commitment to gender equality as established in the various AU basic documents, namely the AU Constitutive Act (Art. 4); the Protocol on the Rights of Women, SDGEA, NEPAD framework, etc. Collectively, these instruments form a normative framework that confers a number of commitments and corresponding responsibilities for the promotion of gender equality in Africa.
- b) The aspirations and achievements of the African women's movement have influenced the acceleration of promoting gender equality and women empowerment.
- c) The empirical necessity to consolidate the positive experience that took place in Africa following the ratification of the principles of gender equality, as well as ensuring progress in terms of developing gender equality policies and creating mechanisms for promoting the empowerment of all peoples of Africa.

The Purpose of the Gender Policy

The main purpose of gender policy is to establish a clear vision and make commitments to guide the process of gender mainstreaming and women empowerment to influence policies, procedures and practices which will accelerate achievement of gender equality, gender justice, non-discrimination and fundamental human rights in Africa.

Policy Values and Principles

This gender policy will be guided by the values and principles stipulated in the AU's Constitutive Act as well as the commitments of its Organs, Member States and Regional Economic Communities (RECs). These include:

1. The promotion of good governance and the rule of law, which guarantees human rights and rights of women through democratic and transparent institutions;
2. Adherence to the principle of gender equality between men and women, boys and girls in enjoying their rights, sharing of opportunities, benefits and contributions;
3. Strict observance of the principle of gender equity which guarantees fairness and equal treatment for all;
4. Strict adherence to the Parity Principle as enshrined in the Constitutive Act of the African Union;
5. The promotion of the principle of shared responsibility, accountability and ownership of the commitments made by the AU;
6. The promotion of regional integration as a vehicle for the advancement of the African continent and its peoples;
7. The application of the principle of subsidiarity to ensure the efficient and effective implementation of the policy at all levels.

Vision of the AU Gender Policy

The vision of the African Union Gender Policy is to achieve an African society founded on democracy, gender equality, human rights and dignity and recognises the equal status of women and men, girls and boys, with both sexes thriving together harmoniously, in a peaceful and secure environment characterized by equal partnership in decision-making in the development of the Continent.

Goals of the AU Gender Policy

The overall goal of this policy is to adopt a rights based approach to development through evidence-based decision making and the use of gender-disaggregated data and performance indicators for the achievement of gender equality and women's empowerment in Africa. It seeks to promote a gender responsive environment and practices and to undertake commitments linked to the realisation of gender equality and women's empowerment in Member States at the international, continental, regional and national level.

More specifically, the policy offers a framework to:

1. Accelerate gender mainstreaming in institutional, strategic and political cad-res, and programmes and plans at decision – making level;
2. Establishment of an institutional framework for implementing the diverse commitments related to gender equality and empowerment of women;
3. Development of guidelines and enforcement of standards favouring the creation of a gender responsive environment with a view to ensure empowerment of women;
4. Establish standards and criteria required to monitor, evaluate and ensure the follow up of progress realised in mainstreaming gender equality and empowerment of women in a regular manner; and
5. Promote equitable access for both women and men to resources, knowledge, information and services including basic needs; and facilitate the implementation of corrective measures to address existing inequalities with regard to access to and control over resources as well as other empowerment opportunities.

Objectives of the Policy

- 1 To advocate for the promotion of a gender responsive environment and practices as well as the enforcement of human rights, gender equality and women's empowerment commitments made at international, continental, regional and Member states level;
2. To initiate and accelerate gender mainstreaming in institutions, legal frameworks, policies, programmes, strategic frameworks and plans, Human Resources (HR) and performance management systems, resource allocation and decision making processes at all levels;

3. To promote the development of guidelines and enforcement of standards against sexual and gender-based violence, gender insensitive language and actions in the workplace (this includes the AU Commission and other organs, the RECs and Member States);
4. To develop a Gender Management System (GMS) within the AU and promote its adoption within other AU organs, the RECs and member states;
5. To address gender-based barriers to the free movement of persons and goods across borders throughout the continent;
6. To promote equitable access for both women and men to and control over resources, knowledge, information, land and business ownership, and services such as education and training, healthcare, credit, and legal rights; and
7. To facilitate the implementation of remedial measures to address existing inequalities in access to and control over factors of production including land.

In line with operative paragraph 12 of the SDGEA, Member States of the AU have undertaken to report annually on progress made in gender mainstreaming. In the same vein, operative paragraph 13 enjoins the AU Chairperson to report annually to the Summit. Since 2005, synthesis of reports from Member States and those of the Chairperson have been submitted for the consideration of the Summit.

The AU Gender Policy Commitments will be used to provide the basis to eliminate barriers to gender equality in the continent. It will also guide gender equality actions for the continent in implementing other global commitments on gender, including all MDG targets with a priority on goals set out in MDG3.

Rationale for AU Gender Policy

The actualisation of human dignity, development and prosperity for entire Africa people underpins the AU struggle for socio-economic and political development anchored on a vision of “an integrated prosperous and peaceful Africa ...driven and managed by its own citizens... and representing a dynamic force in the international arena”. Both women and men have worked for the liberation of the continent, and for the economic emancipation, solidarity and cohesion necessary for its integration and unity. Therefore, they should participate and benefit equally in development processes. Thus, the quest for gender equality and women’s empowerment should be mainstreamed into all the institutional arrangements at policy and programming levels, for all AU organs, RECs and Member States to address the key issues of:

1. economic independence and equal access to resources
2. equal participation and access to economic opportunities in a globalizing world
3. equal participation in peace and security matters

4. equal representation in decision making and good governance and politics
5. equal access to education, livelihood and decent work opportunities
6. equal access to prevention, care, home based support and treatment of HIV/AIDS
7. equal access to ICT infrastructure and Applications, global alliance for IT development and building a sustainable e-future
8. eradication of all forms of gender based violence
9. Improved women's health and reduction of maternal mortality
10. elimination of gender stereotypes, sexism and all forms of discrimination
11. engendering policies, programmes, budgets and accountability frameworks underpinning AU Organs, RECs and Member States
12. participation of the media
13. food security and nutrition

Consideration of the African societal context is critical in determining how gender equality should be promoted. The roles that women, girls, men and boys perform are relative to their status, relationship among one another and power- relations in private and public spheres. Concepts, and the historic background such as patriarchy that has shaped the relationship between women and men and boys and girls, are context specific and based on very different value systems and structures in different countries and must be established for gender equality to be achieved. Development is about creating the supporting processes through which human beings/women and men are able to realise their full potential. Gender stereotypes, especially unequal power relations, often block this process for men as much as for women. These elements must be considered in AU's gender equality work and contextualised in the regional and universal human rights and women's rights instruments.

Women's empowerment and gender equality should form the basis of Gender Mainstreaming in the AU, AU organs and Member States, while men and women should be the socio-economic-political glue for the integration of the African continent.

The aspiration for equality between men and women largely reflects on good governance in Africa. The AU adopted a number of commitments in the domain of democracy and good governance, namely the Durban Declaration on Elections, Governance and Democracy; NEPAD Declaration on Democracy, Political, Economic and Enterprises Governance; Convention on the Fight against Corruption; Protocol to the African Charter on Human and People's Rights related to the Rights of Women in Africa.

The Continent also witnessed synergies between the activities of civil society and pressures by women's organisations in favour of gender equality and empowerment of women so that international institutions may extend required support and to reinforce the capacity to elaborate policies, action plans and guide-lines in order to accelerate activities targeting women's empowerment and main-streaming the gender perspective. Despite this high level commitment and interest raised by this issue, mainstreaming the gender dimension has not yet reached the parity required at all levels in society. Institutionalisation efforts to integrate the principle of equality between men and women in the AU, RECS and Member States are very slow.

Analysing the situation across the Continent indicates the existence of disparities between men and women in numerous development domains and important sectors, namely decision-making, policies and distribution of power, economy, trade, agriculture, rural economy, domestic energy, health and peace negotiations. At the same time, it is more and more evident that Africa's capacity to attain sustained economic growth and reduce the endemic levels of poverty obliges us to consecrate all efforts to women and girls.

Despite progressive constitutions across the Continent, only a limited number of development plans contain strong elements in terms of gender equality. Furthermore, numerous national action plans in this domain have hardly or no relation to national development strategies or even with accounts/budgets. Weak representation of women in diverse ministerial positions in many states and even in Parliament as well as in the judicial system is a major concern and challenge that demands prompt attention. This policy will provide the necessary framework that could overcome this disparity and accelerate mainstreaming the gender issue in all sectors of society.

The AU Gender Policy will be used to accelerate the execution of gender perspectives of mandates of AU Organs to promote the social, economic, political and cultural development of the African Continent and to ensure that women issues are included equally. It will move forward the implementation of the 2004 Solemn Declaration on Gender Equality in Africa by African Heads of State and Government which articulates the African gender issues among others. It offers a framework for the enhancement of gender equality stated in the policy commitments and principles for the AU Organs, RECs and Member States.

Part III

AU Gender Policy Commitments

Policy Commitments:

The policy commitments are based on AU and international gender equality instruments including the Constitutive Act of the African Union, MDGs, SDGEA, Protocol to the African Charter on Human and People's Rights related to the Rights of Women in Africa, BPFA, UN Resolution 1325 (2000) on Peace and Security emphasising gender mainstreaming as core in the promotion of culture of peace, promotion of democracy, economic and social development and, human rights. The policy commitments are over-arching and anchored on the pillars of AU Organs, RECs and Member States institutional policy statements, strategic plans, roadmaps and action plans for achieving gender equality and women empowerment targets in **eight** areas as follows:

1. Creating an enabling and stable political environment
2. Legal Protection Actions against Discrimination for ensuring gender equality
3. Mobilisation of different players for Gender Equality in Africa
4. Rationalisation and harmonisation of Regional Economic Communities Gender Policies and Programmes; and
5. Resource Mobilisation
6. Capacity Building for Gender Mainstreaming
7. Gender Mainstreaming in all sectors
8. Maintaining peace, security, settlement of conflicts and reconstruction.

COMMITMENT 1: CREATING AN ENABLING AND STABLE ENVIRONMENT

The AU Parity Principle represents the most advanced global commitment to equal representation between men and women in decision making. Adopted at the Inaugural Summit of Heads of States and Governments of the African Union held in Durban, South Africa in 2002, its adoption demonstrated the commitment of the newly transformed African Union to address persistent gender inequalities in the continent. Cultivating political will is, therefore, necessary for sustaining an environment that enables the enforcement of the AU 50/50 Gender Parity Principle and the achievement of gender equality in Africa

A commitment that reaffirmed political will and enabling environment exists for AU Organs, RECs and Member States to achieve MDG Goal 3 Gender Equality by 2015

AU Organs including, RECs and Member States will

1. Ensure that all political declarations and decisions are geared towards the elimination of persisting barriers that militate against gender equality and women's empowerment.
2. Understand implications of non-compliance in monetary and programmatic terms to gender mainstreaming policies and programmes as evidenced in international/ UN socio economic indicators, standards and targets and make declarations to correct the situation.
3. Enforce AU 50/50 Gender Parity and representation in all structures, operational policies and practices and ensure gender parity targets are met and gender perspectives incorporated within strategic thinking vision and mission of the AU
4. Ensure that all develop and enforce explicit gender policies (aligned to the UN and AU Gender Policies) emphasising gender justice, gender accountability and transparency principles reforms emphasising elimination of all forms of

discrimination and violence against women, gender mainstreaming, and recognise differences in responsibilities between men and women at all levels by 2011

5. Ensure that all AU Assembly Decisions to the SDGEA Implementation are enforced by AU Organs, RECs and Members States, including the establishment, operationalisation and sustainability of a Trust Fund for African Women as a flagship response to economic empowerment for African women within PRSP Framework by 2011
6. Ensure that competent, *gender experts* are available and utilised. Develop policies that support gender mainstreaming and support capacity building in gender mainstreaming 2015
7. Provide political leadership and support for the launching of the African Women's Decade (2010-2020) and hosting of the Decade's Secretariat to guide the implementation of the Decade's activities outlined in the road map and mobilize resources for the advancement of Gender equality.
8. Facilitate High Level Policy Dialogues, consultations, ***think tank reviews*** and technical reviews on aspects of gender equality, gender justice and upliftment for African women; encourage and support annual or bi-annual *African Women/Men Support Conferences on thematic issues for the next 3 years*

COMMITMENT 2: LEGISLATION AND LEGAL PROTECTION ACTIONS AGAINST DISCRIMINATION FOR ENSURING GENDER EQUALITY

Legal Framework is key in implementing protocols and instruments adopted by the AU to protect women's rights. Whilst significant progress has been made in strengthening women's legal and human rights at continental, regional and national levels, a lot still needs to be done. Dual legal systems create contradictions on the rights of women by according women some rights through general law and withholding others on the basis of traditional, customary and some religious beliefs and practices, denying women their fundamental rights. Weak Legal frameworks, institutional infrastructure and non-compliance to adopt rights-based legislation continue to hinder progress, and empowerment of women in some countries in the continent, resulting in failure to attain required gender justice and human development targets.

Legal education and knowledge, affirmative action laws for gender equality are necessary to deal with discrimination and marginalisation of women. SDGEA, Women's Rights laws reiterate the need to accelerate awareness of legislation and in-depth legal education, passing, popularizing and enforcing legislation for ensuring the elimination of all forms of gender-based discrimination, abuse and harmful practices;

A commitment that the AU Commission, other AU Organs, RECs and Member States will uphold the rule of law and comply with AU Treaty obligations to ensure the elimination of gender inequalities and abuse at all levels. *AU Organs, RECs and Member States will:*

1. Ensure future treaties, declarations, protocols and decisions, are gender responsive.
2. Draft instruments that are gender sensitive and recommend enforcement measures for non-compliance by 2011
3. Be encouraged that once a human rights treaty has been approved, signed and adopted, to ratify the treaty, including the Protocol on the Rights of Women in Africa
4. Ensure Member States implement the Treaties, Conventions and Decisions immediately after ratification
5. Encourage the early domestication and implementation of AU and International human rights instruments into national legislation once they enter into force

COMMITMENT 3: MOBILIZING STAKEHOLDERS FOR IMPLEMENTING THE AU GENDER POLICY

The implementation of the AU Gender Policy and ten year Action Plan will require a broad spectrum of actors, partners and advocates. Facilitating strategic partnerships among different stakeholders promoting gender equality in Africa including governments civil society, women organisations, development partners , international organisations, other interest groups, the informal sector, the private sector, faith-based groups, etc. to foster dialogue and joint action;

A commitment that AU organs, RECs and Member States create policy environments that enable civil society organisations, women organisations and interest groupings dialogue and build bridges for addressing gender equality perspectives

AU Organs, RECs and Member States will:

1. Implement Advocacy and Awareness campaigns and foster engagement and dialogue on gender equality and women's empowerment among Africa's societies and citizens.
2. Strengthen the inputs of civil society in the drafting of instruments proposed for adoption
3. Establish all inclusive, High Level Gender Advisory Group of qualified experienced gender experts from AU Organs, RECs, member states and Diaspora as a ***Steering Committee or Think Tank / Council of Female Elders (to serve as a Quick Response Group on Gender and African Women Empowerment Matters)*** on the continental gender policy, programmes, donor financing and partnership for gender equality and women empowerment in Africa. The committee will be given a mandate and **voice** to speak authoritatively on African Women Issues.

4. Re-dynamise the **African Women's Movement**, within the context of the African Women Decade and building on existing experience to deal with old, new and emerging gender issues on the continent.
5. Create regular platforms for civil society engagement, especially among women organisations, for dialogue, consultations and harnessing women's indigenous knowledge to achieve sustainable gender equality.
6. Develop a communication and popularisation strategy to disseminate information on international and AU human rights instruments

COMMITMENT 4: MOVING TOWARDS INTEGRATION THROUGH THE HARMONISATION WITH RECS

The African Union calls for serious investment into the notion of Regional integration. The Constitutive Act of the African Union recognises Regional Economic Communities as building blocks of the African Union. Without integration, scarce resources will continue to be wasted through duplication of efforts, resources and interventions. Promoting best practice in the continent by facilitating the alignment, harmonisation, and effective implementation of RECs and Member States' gender policies;

A commitment that AU Organs, RECs , other sub - regional organisations (to consult the judicial counsellor) and Member states will work more closely - together politically, programmatically and share financial and technical expertise. They will forge partnerships for enforcing gender mainstreaming in policies and programmes.

AU Organs, RECs and Member States will

1. Harmonise and align sub regional and Member States gender policies to the AU Gender Policy by 2011, where appropriate.
2. Develop capacity to establish effective Gender Management Systems (GMS) by 2020
3. Build requisite capacity in Member States and collaborate with civil society and other interest groups for gender mainstreaming and women empowerment while creating forums on gender related thematic issues in the regions.

COMMITMENT 5: MOBILIZING RESOURCES FOR IMPLEMENTING THE AU GENDER POLICY

Mobilising and allocating financial and non-financial resources to implement this policy and the ten year Action Plan is critical and will among others include the establishment of the African Women Trust Fund as one mechanism to ensure the policy implementation as well as the effective mainstreaming of gender in policies, institutions and programmes at regional, national and local levels.

A commitment to direct organisational resources towards the gender policy and project actions that reduce gender inequality and increase equal participation of men and women

AU Organs, RECs and Member States will

1. Include *gender budgeting principles* in annual budgetary processes for effective implementation of the gender policy by 2015.
2. Accelerate the implementation of commitments to gender equality and women's empowerment through increased resource allocation by 2015 for capacity development in gender mainstreaming, policies, strategies and action plans.
3. Develop an inter-agency mechanism for ensuring accountability in the use of funds earmarked for promoting gender equality by 2011
4. Strengthen partnerships with international financial agencies/institutions to increase technical expertise and financial support for the implementation of the gender policy
5. Establish, operationalise and resource the African Women Trust Fund

COMMITMENT 6 : BUILDING CAPACITY FOR GENDER INTEGRATION

The aim of this commitment is to build the capacities of the Organs of the AU, RECs and Members States with a view to implementing efforts aimed at mainstreaming gender equality. These efforts must also be based on African values and experiences which promote gender equality in order to institutionalise and implement commitments relating to gender integration and the putting in place of structures, systems, procedures and programmes in the domains concerned.

Capacity building for effective gender mainstreaming, through the development of practical tools and training programmes targeting all institutional and strategic stake holders is indispensable.

The commitment that the AU, Organs of the AU, RECs will institutionalise a PanAfrican approach to equality between men and women and gender integration.

The Organs of the AU, RECs and Member States shall:

1. Create organisational structures which are gender sensitive
2. Creating systems and procedures
3. Ensure staff capacity building
4. Ensure strategic planning, monitoring and evaluation and resource mobilisation system
5. Establish strategic planning, M&E and resource mobilisation

COMMITMENT 7 : IMPLEMENT GENDER MAINSTREAMING IN ALL SECTORS

The aim of this commitment is to mainstream gender in all key issues-sectors of development and to adopt regional approaches for lasting solutions with a view to achieving gender equality and women empowerment. Achieving gender equality and women empowerment in all the organs of the AU and RECs and Member States require the implementation of a well-planned gender integration strategy. The implementation of this gender policy and its action plan over ten years is based on the outcome of the AU gender mainstreaming. In order to implement one of the key sine qua non conditions for integration, a multi-sectoral approach is necessary.

To promoting a multi-sectoral approach in gender mainstreaming within all AU Organs, RECs and Members States as well as all AU sectors,

The commitment that the Organs of the AU, RECs and Members States will implement this commitment across sectors and that the AU Commission will mainstream gender in:

1. Chairperson's Bureau and Directorates under the portfolio
2. Deputy Chairperson's Bureau and Directorates under the portfolio
3. Peace and Security
4. Political Affairs
5. Social affairs
6. Human Resources, Science and Technology
7. Economic Affairs
8. Trade and Industry
9. Infrastructure and Energy
10. Rural economy, Agriculture and food safety/Environment

COMMITMENT 8: PROMOTING THE EFFECTIVE PARTICIPATION OF WOMEN IN PEACEKEEPING AND SECURITY INCLUDING EFFORTS AIMED AT RECONCILIATION IN POST CONFLICT RECONSTRUCTION AND DEVELOPMENT.

This commitment seeks to enhance the role of women in creating an enabling, stable and peaceful environment for the pursuit of Africa's development agenda. This involves enhancing and increasing the participation of women in the entire spectrum of peace building activities such as conflict prevention, conflict management in particular peace support operations, conflict resolution, post conflict reconstruction and development, in line with the various AU and international commitments such as the AU Protocol on Peace and Security, the PRCD Policy and the UNSC Resolution 1325.

In order to promote effective participation of Women in peacekeeping, Peace building, and security including reconciliation in post conflict reconciliation and development,

The commitment that the Organs of the AU, RECs and Members States will:

1. Integrate gender in policies, programmes and activities on conflicts and peace, by using the frameworks of Resolutions 1325 and 1820 of the UN.
2. Create regional consultative platforms on peace for the exchange of knowledge and information and harmonisation of strategies for outcomes.

- 3 Use the Paris Principles and guidelines associated with armed forces or armed groups for planned interventions in Africa.
- 4 Mobilize and include female leaders in mediation process and reflection groups, as well as post-conflict actions by working with the competent networks on the continent.
- 5 Work jointly with competent UN bodies and other AU Organs in order to create and manage Truth and Reconciliation Structures with a view to bringing to the fore, violations against women and young girls during conflict periods, and accelerating the admission of violation of human rights and find lasting solutions, including the provision of psychological support.
- 6 Guarantee that country Review and Reports on conflict situations presented to ambassadors underscore the problems affecting women and children, and that they are incorporated into the mandates of humanitarian intervention and peace-keeping missions.
- 7 HARDP will facilitate sensitization in the domain of gender and training of peace-keeping forces and civil humanitarian agents, paying adequate attention to problems of violence against women and children.

Policy Targets

1. **Parity Targets:** Put in place policy, institutional mechanisms and processes by 2010 and strive to achieve parity in AU Organs, Member States and RECs by the year 2015 and
2. **Protocol on the Rights of Women in Africa Targets:** Endeavour to achieve (full enforcement/ratification) of the Protocol to the African Charter on the Human and Peoples' Rights on the Rights of Women in Africa by 2015 and domestication by 2020.
3. **SDGEA Targets:** We need to achieve various commitments set out in the Solemn Declaration on Gender Equality in Africa.

Articles 1. In line with targets set in the Abuja and Maputo Declarations

Articles 2. Achieve 30% results by 2015 and 50% by 2020 of UN Resolution 1325

Articles 3. Report compliance to Assembly in January in 2012

Articles 4. Report compliance to Assembly in January in 2013

Articles 5. Report compliance to Assembly in January in 2014

Articles 6. Report on implementation to Assembly in January in 2015

Articles 7. Report on implementation to Assembly in January in 2016

Articles 8. In line with Gender targets set in the EFA report on implementation

Articles 9. In line with PHPRRWA targets, report to Assembly in January 2017

Articles 10. Report on implementation to Assembly in January in 2016

Articles 11. Launch and operationalise the African Women Trust Fund by Dec. 2009

Articles 12. Report annually to the January Assembly 20...

PART IV

INSTITUTIONAL FRAMEWORK FOR THE IMPLEMENTATION OF THE POLICY

Institutional Framework

Gender Mainstreaming is accomplished through the establishment of a Gender Management System (GMS) that puts in place structures, mechanisms and processes. Much emphasis is placed on the establishment of appropriate institutional structures as well as frameworks for gender analysis, gender training, monitoring and evaluation. The GMS is intended to advance gender equity and equality through political will, forging partnerships with stakeholders, including governments, development partners, private sector, and civil society, building capacity and sharing good practices. AU Organs, RECs and Member States will consider establishing GMS along the following broad guidelines with these enabling structures:

- The Executive Management Level (Political will)
- Gender Management Team (GMT)
- Gender Directorate/Division (the Lead Agency)
- Departmental/sector Focal Points
- Satellite Gender Focal Points in partner institutions, Centres of higher learning, Universities, Public and private sector Institutions
- Gender Commission/Expert committees/Technical working groups/Gender Task forces
- Media

Roles and Responsibilities for AU Organs, RECs and Member States

AU Organs, RECs and Member States will share the coordination role, especially relating to donor relations, use of infrastructure and logistics, resource mobilisation, expertise, programme financial and technical support as required to implement the AU gender policy. All AU Organs, RECs and member States will establish a GMS in their establishments. The AU WGDD Director will establish a mechanism to track implementation of the GMS and Gender Policy using a set of benchmarks.

AU Organs will

1. Implement the AU Gender Policy and Action Plan by allocating a minimum of 10%, of their budget to Women empowerment and gender equality programme goals, especially measures to enhance women's participation and empowerment in programmes;

2. Adopt action plan to promote implementation of decisions on AU as well as SDGEA and protocol based on CEDAW, BPFA and MDGs;
3. Create work friendly environments that enable women and men to balance work in the workplace, taking into consideration the basic gender differences in their biological roles and needs;
4. Participate and support the implementation of the African Women's Decade and provide resources;
5. Institutionalise continental gender training and find resources to support it;
6. The AUC will provide the necessary coordination and leadership role in *kick starting* the implementation of the Gender Policy and focus on organising, consultative meetings, fund raising, technical briefings, popularising the policy among interest groups, reporting on progress and review plans;
7. Facilitate High Level Advocacy Platforms to speak to The Heads of State and Government Ordinary Session of the AU and make them reaffirm their commitments to accelerate actions to achieve gender equality by 2015 especially in the areas of taking women out of poverty, increase women's participation in politics, removing socio cultural and legal barriers to gender as in SDGEA;
8. Establish measures to hold managers accountable for policy implementation and establish sanctions for noncompliance to implementing AU Gender Policy
9. Together with others, WGDD establish a mechanism for *celebrating African Women and Men Achievers in realising Gender Equality (details to be developed)*
10. Develop joint programmes to introduce parliamentary debates on Gender and Social policy, Women's Care work in Africa and linkages to gender equality issues
11. Ensure that together with the Office of Legal Counsel, African Court of Justice, Pan African Parliament, and other legal networks in civil society, links are forged to develop legal, legislative mechanisms/instruments, procedures to implement the Protocol, SDGEA and Art 4L of Constitutive Act

The Commission will

1. Review organisational structures to determine their capacity for implementing gender concerns of programs and/or projects and re-design them appropriately
2. Ensure that all administrative systems and procedures are to be reviewed to ensure they are gender sensitive,
3. Implement the AU 50/50 Gender Parity and representation in all structures, operational policies and practices and ensure gender is mainstreamed within strategic thinking vision and mission by 2010
4. Make gender training a central feature of staff development programme to include

awareness-raising to incorporate gender analysis, gender audit and gender planning skills.

5. Ensure that women's empowerment and gender equality goals are **main-streamed** in departmental policies, strategic plans, programs, projects and annual plans and all work processes.
6. Establish M&E systems to yield sex disaggregated data, to facilitate analysis of program / project impacts on women and men.

Regional Economic Communities will:

1. synchronise and harmonise their gender policies with the AU Gender Policy and ensure that the policy content is included in their sub regional policies;
2. develop capacity for their member states government machineries and civil society in areas of identified needs in order to harmonise national policies with Regional and AU level Gender Policies and GMS;
3. initiate innovative and regional *flagship best practice projects* and programmes in the sub regions especially advocacy and campaigns on acceleration of women's equal participation in development and in regional integration and a strategy for leadership development and mentoring of young women;
4. develop capacity for staff and member states in gender mainstreaming, gender analysis, gender planning, gender budgeting and track gender equality issues in policy, programming processes and actions; and
5. work with gender tools developed by member states and development partners

Member States will:

1. Align/harmonise their gender mainstreaming policies, goals, objectives and programs with those adopted at the REC level and AU Gender Policy Commitments focusing on policy actions on government's compliance to domestication and implementation of international instruments;
2. Adopt and domesticate those policies agreed and adopted by the AU and RECs where gender mainstreaming policies, goals, objectives and programs do not exist; and
3. Set up Gender Policy Working Groups and enable them to harmonise national gender policies with those agreed and adopted by the AU and the RECs, through heads of the national machineries responsible for women and gender and development affairs; and
4. Through National Gender Machineries, work with relevant national structures

Roles and Responsibilities of Civil Society Civil Society Constituencies will work with the ECOSOCC, NEPAD initiative APRM and other AU structures on gender mainstreaming actions in AU Organs, RECs and Member States.

Roles and Responsibilities of the Media

The media will be encouraged to:

1. Be a platform for dialogue on gender relations and mindset change,
2. Be partners to eliminate sexist languages and stereotypic representation of women,
3. Act as a lobby group to further the gender agenda,
4. Be an effective communication channel, for dissemination and sensitisation at the grass root level.
5. Promote gender sensitive media coverage and reporting
6. Develop codes of conduct and ethics for equal representation in the media and in decision-making, and
7. Support media coverage on women's issues.

Roles of African Diaspora

The African Diaspora will:

1. Be engaged as an important strategic partner for the attainment of women's empowerment and gender equality
2. Provide a lobby platform to advance the goals and objectives of the AU Gender Policy and mobilize resources

Roles of Development Partners

Development Partners will provide:

1. technical assistance and resources to facilitate the implementation of the Gender Policy
2. assist in facilitating the exchange of best practices instruments and guidelines between and amongst Member States.

Key Concepts

a) Gender

Social and cultural differences between men and women, boys and girls offers them a value, unequal opportunities and chances in life (Kabeer, 2003). The inequality rests also on masculine and feminine characteristics as well as aptitudes and perspectives concerning the comportment of women and men in society. However, these characteristics are variable and according to a well-defined timetable.

b) Gender equality

Absence of discrimination based on gender in the allocation of resources, benefits and access to services.

c) Gender Equity

Means the just and fair distribution of benefits, rewards and opportunities between women, men, girls and boys.

c) Empowerment

The range of options that create opportunities and reinforce individual and collective capacities to exercise control over the life of individuals and offers them more choices. Empowerment of women is linked to having awareness of themselves, of knowledge, of their skills, their attitude and aptitude to have a voice.

d) Mainstreaming gender

The process for evaluating the consequences of a certain action planned for women and men such as legislation, policies or programmes in all domains and at all levels. It is a strategy aimed at giving an integrated dimension to the extent of the issue to the concerns and experiences of women and men, as well as implementation of monitoring and evaluation of policies and programmes in all political, economic and social fields allowing women and men to equally enjoy benefits and ensuring that inequalities are not maintained. The final objective is to realise gender equality (UN ECOSOC, July 1997).

GLOSSARY OF TERMS

Gender mainstreaming requires in-depth analysis, the development of tools for gender integration, capacity building of technical teams, the training and sensitization of organs, institutions and beneficiary sectors and skills for monitoring and evaluation, as well as the drafting of reports.

Technical terms used to describe this process are defined here below:-

Assessment	Often used as a synonym for evaluation, and sometimes recommended for approaches that report measurement, without making judgements on the measurements.
Baseline data	The set of conditions that exist at the onset of a programme/project Results are measured or assessed against baseline data and frequently related to the performance indicators
CEDAW	The Convention on Elimination of All forms of Discrimination against women (CEDAW) provides the basis for realising equality between men and women through ensuring women's access to, and equal opportunities in, political and public life; and state parties have agreed to take appropriate measures including legislation and temporary special measures so that women can enjoy human rights and fundamental freedoms
Development	A process with economic and social dimensions that entails quantitative changes in aggregates such as Gross National Product, as well as changes in institutional, social and administrative structures (Todaro, 1989), with the objective of effecting the material and social advancement of the population. It is also regarded as liberating people (Sen, in Saam, 2002).
Empowerment	The process of generating and building capacities to exercise control over one's life through expanded choices. Empowerment is linked with inherent self-confidence, knowledge, skills, attitudes and voice. It is a function of the individual's initiative that is backed up by institutional change
Evaluation	A time bound exercise that aims to assess systematically and objectively the relevance, performance and success of ongoing and completed programmes and projects.
Gender	The socially and culturally constructed differences between men and women, boys and girls, which give them unequal value, opportunities and life chances (Kabeer, 2003). It also refers to typically masculine and feminine characteristics, abilities and expectations about how women and men should behave in society. These characters are time bound and changeable.
Gender Analysis	Qualitative and quantitative assessments to determine the differential impacts of development activities on women and men and the effect that gender roles and responsibilities have on

development efforts and to trace the historical, political, economic, social and cultural explanations for these differentials (McGregor and Basso, 2001)

Gender Awareness	The recognition of the differences in the interests, needs and roles of women and men in society and how they result in differences in power, status and privilege. It also means the ability to identify problems arising from gender inequity and discrimination.
Gender Blind	The situation where potentially differential policy impacts on men and women are ignored
Gender Budget	A budgeting method that analyses the incidence of budgets on men and women and girls and boys. Gender budgeting entails analyses of revenue and expenditure impacts so as to avoid or correct gender imbalances.
Gender discrimination	Differential treatment to individuals on the grounds of gender
Gender division of labour	Different work roles assigned by society to men and women. For example, women tend to be engaged in unpaid domestic work, low pay, low status and informal sector jobs, while men tend to be employed in higher paid and formal sector work.
Gender equality	The absence of discrimination on the basis of one's sex in the allocation of resources or benefits or in access to services
Gender equity	Fairness and justice in the distribution of benefits and responsibilities between men and women
Gender Gap	A difference in any aspect of the socio economic status of women and men, arising from the different social roles ascribed by society for women and men
Gender Issues/Concerns	A gender issue/concern arises when there is a discrepancy, discrimination and injustice
Gender Indicator	An indicator that captures gender-related changes in society over time and in relation to a norm (Beck, in Taylor, 1999)
Gender Mainstreaming	The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all the areas and at all levels. It is a strategy for making women's and men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality (ECOSOC, July 1997)
Gender Neutral	The assumption that policies, programmes and project

interventions do not have a gender dimension and therefore affect men and women in the same way. In practice, policies intended to be gender neutral can be gender blind

Gender Policy	An organisation's policy that integrates gender in the mainstream of its programme activities, where the policy also designates institutional arrangements, responsibilities, management functions and tools/guidelines for mainstreaming
Gender Relations	Relations between men and women in terms of access to resources and decision-making and the relative positions of men and women in the division of resources, responsibilities, benefits, rights, power and privileges.
Gender sensitivity	A mind set where people recognise or are aware of gender based discrimination which hinders enjoyment of human rights. It is an under-standing and routine consideration of the social, cultural and economic factors underlying discrimination based on sex
Gender stereotyping	Constant portrayal in the media, the press or in the education system, of women and men occupying certain roles according to the socially constructed gender division of labour and expectations in behaviour (African Development Bank, <i>The Gender Policy</i>)
Gender Systems	Systems which define attributes, ways of relating, hierarchies, privileges, sanctions and space in which men and women are organised. In most communities in Africa, women are dominated by men via patriarchal power, that has been a traditional and indeed a historical privilege for men
Gender training	The provision of formal learning experiences and skills in order to in-crease gender analysis and awareness skills, which serve to recognise and address gender issues in the programming process. Training can include the three dimensions of political: introducing gender concepts and analysis, the professional: providing staff with "how-to" skills and the personal: challenging an individual's gender attitudes and stereotypes
Practical Needs	Needs related to the roles, such as reproduction, production and com-munity, that men and women currently have and which do not necessarily change their relative position in society
Productive work	Work carried out for the production of goods and services intended for the market.
Sex	The biological state of being a male or female. Sex is not equal to gender.
Strategic Interests	Those that help society achieve gender equity and equality. The satisfaction of strategic gender needs improves women's status in relation to the men

Women's Empowerment Address discrimination and oppression against women by devising programmes and strategies that increase women's , capacities, opportunities, access and understanding of their human rights create conditions for them to become agents of their own development and be able to find sustainable solutions for change at personal, family and civil society levels. Women can then contribute to reduction of poverty, improve nutrition and seek health care, monitor child survival, prevent HIV/AIDS, stop harmful cultural practices and go to school freely without coercion.

- i. For example, despite the fact that human rights of women as inalienable, integral and indivisible part of human rights, violence against women continues as an intolerable violation to their rights, in addition to lack of basic needs including food, water, shelter, clothing, education and access to health services in general and reproductive health services in particular. Fundamentally, basic services are essential for women's empowerment and pre-condition for the enjoyment of their rights, personal empowerment and to access equal opportunity. Even though women have made significant advances in many countries in Africa their concerns are still given second priority in development.
- ii. Since its inception WGDD has achieved useful targets and milestones including (1) Enforcement of Articles 3 and 4 Constitutive Act of the union, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa (SDGEA). (2) Conducting Gender Audit in all the Sectors of the Union. The AU Gender Audit undertaken in 2006 revealed that limited progress has been made towards the implementation of these commitments at all levels of the Union. Lack of capacity and the willingness to mainstream gender and ensure women's empowerment were identified as central to the slow implementation of these commitments. (3) Developed a Gender Mainstreaming Strategic Plan for the African Union covering the period 2008 to 2011 (GMSPAU), which is now being aligned to the AU Gender Policy. The plan aims at operationalizing the commitments of the African Union to gender equality, equity and women's empowerment in the next five years. (4) The core responsibilities of the Directorate are gender mainstreaming, coordination, advocacy monitoring and evaluation, capacity building through training and research and women empowerment programming. (5) The Directorate also coordinates activities with internal and external partners such as Sector Departments, and Civil society **voices** through ECOSOC, all AU Organs especially Pan African Parliament, Court of Justice and Financial institutions and mainstreaming gender in all activities are also being coordinated with ECA, UNIFEM, UNFPA, ILO, EU, ADB and Bilateral agencies.

COMESA GENDER POLICY

The COMESA Gender Policy was adopted at the 7th COMESA Summit of the Heads of State and Government held in Addis Ababa, Ethiopia in May 2002.

The COMESA Gender Policy advocates equal and full participation of women in all aspects of COMESA activities and other operations taking place in the region. The Gender Policy emphasizes the principle of affirmative action across all spheres of COMESA policies, systems, structures, programmes and activities to redress existing gender imbalances.

<http://www.comesa.int/>

FULL TEXT

Working Definitions

Affirmative action - a commitment to create a state of equality by adopting and implementing deliberate measures that elevate the status of the disadvantaged group or person.

Culture - the whole complex of distinctive, spiritual, material, intellectual and emotional attributes that characterise a society or social group.

Cultural practices - functional roles and rituals which are culturally determined and may be assigned to the sexes.

Customary Laws - Laws based on tradition that may be influenced by public opinion in a particular society about standards governing behaviour or what society considers as a norm.

Empowerment - the process of gaining access to resources and developing one's capacities with a view to participating actively in shaping one's own life and that of one's community in economic, socio-cultural, political and religious terms.

Feminisation of Poverty - a concept used to describe the state of poverty affecting mainly women because of their poor access to productive resources.

Gender- an analytical concept which focuses on women's socially constructed roles and responsibilities in relation to those of men. It can be defined as a psychological or cultural concept which refers to normative concepts, institutional structures and internalized self-images which through a process of socialization define masculinity and femininity and articulates these roles within power relations.

Gender blind - ignoring / failing to address the gender issues and concerns

Gender disaggregated data - presentation of statistics by male/female classification.

Gender gap - gap in any area between women and men in terms of their levels of participation, access to resources, rights, remunerations, benefits etc.

Gender issues - needs or concerns that arise when there is a sense of felt injustice based on gender roles.

Gender Imbalances - inequalities which exist between females and males that are not related to their sex roles.

Gender roles - functional responsibilities that may be assigned by society to males and females and which are influenced by cultural, political, religious or economic situation.

Labour force - the economically active population which is either employed or unemployed but are available for work.

Poverty – a state of insufficient productive resources and income to ensure sustainable livelihood, access to and control over basic needs which include food, clothing, shelter and social services such as health, education, water and sanitation.

Sex roles - roles that females and males perform on the basis of their reproductive, physiological or biological makeup.

Sex role

Stereotypes - rigidly held and over generalised beliefs that males and females by virtue of their sex possess distinct traits and characteristics.

Socialisation - a process through which a person learns all things that he/ she needs to know to function as a member of a specific society.

Traditional practices - acts that are performed by people over and over again and which become part and parcel of ones' day to day life and are usually subsets of the mainstream society.

Triple roles - describes three categories of work that both women and men do to maintain households and communities. However, society allocates different roles, responsibilities and activities to women and men that bring about gender related differences and generally tends to over burden women. The three categories of work are reproductive, productive and community work.

Reproductive Roles - tasks related to child bearing, rearing and the general wellbeing of the family.

Productive Roles - tasks which have an exchange value such as farming, trading and formal work.

Community Roles - roles individuals are expected to perform in their respective communities such as visiting and nursing the sick.

Acronyms and Abbreviations

ADB	- African Development Bank
ACHPR	- African Charter on Human and People's Rights
AGOA	- African Growth Opportunity Act
ASYCUDA	- Automated System of Customs Data Administration
ATIA	- African Trade Insurance Agency
AU	- African Union
BPA	- Beijing Platform for Action
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
CGP	- COMESA Gender Policy
COMESA	- Common Market for Eastern and Southern Africa
FEMCOM	- Federation of National Associations of Women in Business
FHH	- Female Headed Household
FTA	- Free Trade Area
GFP	- Gender Focal Point
GIDD	- Gender in Development Division
GNP	- Gross National Product
HIV/AIDS	- Human Immuno Virus/Acquired Immune Deficiency Syndrome
ICPD	- International Conference on Population and Development
IEC	- Information, Education and Communication
IFPRI	- International Food Policy Research Institute
ILO	- International Labour Organisation
LAN	- Local Area Network
MCH	- Maternal and Child Health
MHH	- Male Headed Households
NFLS	- Nairobi Forward Looking Strategies
NGO	- Non-Governmental Organisation
OAU	- Organisation of African Unity
PAM	- Programme Against Malnutrition
PTA	- Preferential Trade Area
SADC	- Southern African Development Community
SAP	- Structural Adjustment Programmes
SSN	- Social Safety Net
STD	- Sexually Transmitted Disease
UN	- United Nations
UNCED	- United Nations Conference on Environment and Sustainable Development
WHO	- World Health Organisation
WIB	- Women In Business
WID	- Women In Development

THE COMESA GENDER POLICY

1.0 PREAMBLE

1. The Common Market for Eastern and Southern Africa (COMESA) recognises that sustainable economic and social development of the region requires the full and equal participation of women, men and youth. It realises that women make significant contribution towards the process of socio-economic transformation and sustainable growth and that it is impossible to implement effective programmes for

rural transformation without creating a policy and institutional environment that is conducive to the full participation of both women and men.

2. Since inception, COMESA has increasingly shown commitment to women's economic and social empowerment and the need to integrate gender perspectives in its work. This has been demonstrated through addressing issues of women's role in several activities and the development of important instruments that guide the organization in its work.
3. In the bid to integrate gender perspectives in COMESA activities, a Women in Business (WIB Unit) was established in 1991. The WIB Unit hosts the interim Secretariat of FEMCOM
4. In its vision for the 21st Century, COMESA recognises that women and men, in their different roles, have unequal access to resources and benefits, different types and levels of involvement and responsibility in development and different perspectives on defining and solving problems.

Because of these deep-seated disparities, COMESA affirms the need to create an environment where both sexes get equal opportunity to fulfil their potential. Integrating gender perspectives into the mainstream of all aspects of the work of COMESA is, therefore, an important goal of the COMESA vision and strategy into the 21st Century.

5. In articles 154 and 155 of the COMESA treaty, Member states recognise the critical and important contribution of women to the economic and social transformation of the region. The treaty also recognises the role of women in business especially their participation in Agriculture, Industry and Trade. Accordingly, a Federation of National Associations of Women in Business (FEMCOM) was established, pursuant to Article 28 of the FEMCOM Treaty. FEMCOM is the forum for the exchange of ideas and experience among women entrepreneurs of the sub region and an instrument for encouraging and facilitating the setting up of enterprises or expansion of existing ones.
6. In the COMESA region, the majority of COMESA member states have increasingly realised the need to integrate gender in mainstream development. They are signatory to important United Nations instruments, declarations and conventions such as the Convention on the Elimination of all Forms of Discrimination Against Women, Nairobi Forward Looking Strategies, The Dakar Declaration and African Platform for Action, the Beijing Declaration and Platform for Action of 1995, the SADC Declaration on Gender and Development (1997) as well as being part of the African Union's gendered approach to development.
7. Despite all the important instruments, policies and programmes that have been taken to improve the status of women, gender gaps and disparities continue to hinder women's participation in and benefit from most spheres of development. The member states therefore recognise the need for the development of a COMESA gender policy to mainstream gender in the policies, systems, structures, programmes and activities of the organization.

8. Pursuant to the COMESA Treaty provision Chapter 24, Articles 154 and 155 and the Council of Ministers decision that a gender policy be developed, the COMESA Secretariat has developed a policy to guide and direct the planning and implementation of COMESA programmes and activities from a gender perspective.
9. A critical analysis of the socio-economic reality of the region shows that gender gaps exist in terms of poverty, disease, education, employment, governance and many other issues. Many problems also exist with regard to COMESA's effort to integrate women in Trade, Industry, Agriculture, Information and Communications, Science and Technology.
10. With regard to poverty, it has been established that there are more women than men in poor households in Africa, including the COMESA region. A Study by the Food Policy Research Institute (IFPRI), established that in general there were more women than men in poor households in half of the data sets from Africa, and that in eight of IFPRIS 15 data sets covering 14 countries there were more than 110 women per 100 men in households in the poorest expenditure/income quintile.
11. In education, illiteracy rates tend to be higher among females than males in many member states such as Zambia, Malawi, Zimbabwe and Democratic Republic of Congo, while female enrolment at secondary and tertiary levels of education is much lower than those of boys in countries like Zimbabwe, DR. Congo, Zambia, Malawi, Angola and others.
12. Gender disparities persist in the area of governance. Women in the region are grossly underrepresented in the public, private and professional arenas. Men dominate leadership positions in parliament, cabinet, regional organisations and the professions such as law, economics, engineering, Science and Technology.
13. In the field of health, the HIV/AIDS pandemic is one of the greatest challenges facing the region from a gender perspective. According to WHO estimates 90% of all AIDS cases are on the African continent. In Sub-Sahara Africa, the COMESA region has one of the highest rates of infection, as high as 50% of the population in some countries. Available data indicate that in the majority of countries, the rate of infection is higher among women than men. Women also tend to disproportionately bear the social and economic implications of HIV/AIDS in terms of loss of labour and/or productive time, human suffering etc, due to their maternalistic nature; women spend a lot of time in caring for the sick both at home and in hospitals.
14. Women in the region remain disadvantaged in terms of access to and control of economic structures and resources. This is generally due to their subordinate legal status, limited access to productive resources such as land, technology, credit, education and training, formal employment as well as their susceptibility to HIV/AIDS.
15. COMESA regional development activities are focused on
 - Trade Development
 - Investment Development
 - Infrastructure Development

- Science and Technology (S & T) Development
 - Women In Business Programme.
1. Studies indicate that trade and economic policy tend to affect women and men differentially. For example, due to lack of gender sensitivity in trade policies, women tend to participate only to a small degree in international trade because the structures of trading operations are traditionally segregated along gender lines. In many instances, the production and trading of a country's main exports, such as minerals and timber, is very strongly male-dominated, as is that of non-traditional exports such as fish, fruit and vegetables. Very few women participate in the export trade largely because they do not participate in or control the means production of the region's main exports.
 2. Available data further indicates that women play an active role in import trade. They tend to specialise in light consumer goods, textiles and clothing. Research further shows that despite women's great involvement in this trade, their role in exports is less than that of men as imports of consumer goods, toys, textiles and clothing only account for a small proportion of imports.
 3. Unequal access to credit, education and training tend to limit women's involvement in trade and generally inhibits them from expanding their trading activities. The inability by women to access large-scale credit has many outcomes. It can be a determining factor in excluding women from various areas of trade. The huge capital required for capital goods and machinery may be one reason why women trade mainly in consumer goods. These and other issues underscore the need for gender-sensitive policies and guidelines in the area of trade development.
 4. In Investment Development, COMESA focuses on the following key areas:
 - Industry
 - Agriculture including: fisheries, live-stock and Irrigation development
 - Tourism
 - Industrial and Private Sector Support.

Gender issues and concerns persist in these sectors

1. In many countries, industrial development tends to be dominated by men both in terms of business opportunities, employment and ownership of industries. Macro-economic policies that are intended to strengthen inter regional trade may impact negatively on women's activities in industry. For example, in most countries in the region, women are concentrated in small scale/micro-enterprises. Liberalization policies tend to put small-scale entrepreneurs out of business due to increased competition and other factors.
2. In Agriculture, women and men are differentially integrated in the sector. Women concentrate on food crops for home consumption, rarely own or control land and are not involved in cash crops production. Agro business therefore, tends to be solidly in men's hands. There is therefore need for an agricultural development

policy for the region which would pay special attention to the plight of women in order to facilitate their equal and sustainable access to markets, credit and land.

3. In Tourism, free trade and globalization have been abused to give rise to the dehumanizing sex industry of trafficking in women and children. This is threatening the region as it contributes to the spread of the HIV/AIDS pandemic. This is a phenomenon that undermines any strategies and plans for economic growth and sustainable development. Furthermore, women rarely invest in major private sector tourist entrepreneurship such as hotels, lodges and catering, tour guides and operators because of the many economic, social, legal and cultural constraints inherent in situations of gender gaps and disparities.

In the area of Industrial and Private Sector Support, several gender concerns have been identified at both the national and sub-regional levels. One of the major areas of concern in the region is that women tend to be concentrated in the informal sector with very limited opportunities for growth and real income. The socio-economic, structural and legal constraints that maintain the gender disparities have not been adequately addressed. This places very serious limitations on the regions efforts to achieve the COMESA vision and strategy for the 21st century.

2.0 RATIONALE FOR THE COMESA GENDER POLICY

The regional gender analysis undertaken by COMESA confirms that despite the several positive steps taken to varying degrees by the member states as well as institutions in the COMESA region to promote gender equality and equity, much remains to be done. The data and information have shown that despite the instruments, policies, programmes and activities over the past two decades or so, gender gaps and disparities pervade the economic, social, legal, cultural and political spheres of life in all the countries of the region. These gaps and disparities are often magnified at the regional level and this has very negative implications for sustainable development.

A region like COMESA can never be fully developed when more than 50% of its population does not fully participate in and benefit from its programmes and activities. The exclusion of 50% of the regions human resource from mainstream economic activities leads to sub-optimal utilisation of existing resources and contributes to COMESA's failure to achieve regional integration and sustainable socio-economic development. The serious under-representation of women in the decision-making structures and processes at the national and regional levels go against the internationally accepted standards for promoting democratic governance, gender equality and human rights.

In spite of the many commitments to gender equality by COMESA and other international organisations, gender disparities still exist because of many factors that include: social norms, negative cultural practices and customs, gender biased laws, systems and structures. These have combined with other national, regional and international factors to perpetuate gender discrimination. In order to redress this situation and create an environment in which the women and men of the region can equally and equitably contribute to and benefit from regional integration and cooperation, COMESA is putting in place a comprehensive legal and institutional framework, that is the Gender Policy. The policy is an integral part of COMESA's efforts to empower women and ensure their equal and effective participation and benefit from all development activities in the region.

3.0 POLICY OBJECTIVE

The main objective of the COMESA Gender Policy is to facilitate the mainstreaming of gender perspectives into all policies, structures, systems, programmes and activities of COMESA in order to make them gender responsive and contribute to the effective achievement of sustainable socio-economic development in the region.

4.0 POLICY STATEMENT

The overall goal of the COMESA Gender Policy is to foster gender equality and equity at all levels of regional integration and cooperation in order to achieve sustainable socio-economic development and in the region. The policy also commits the governments of the region to fulfilling their gender obligations under the various international and regional instruments and institutions like CEDAW, Social Summit for Sustainable Development, the African and Beijing Platforms for Action, the SADC Gender Declaration, the Millennium Goals and the new commitments under NEPAD.

In order to achieve the above policy statement, COMESA is committed to:

- a. mainstreaming gender perspectives in the conceptualisation, formulation of all policies, planning, programming, implementation, monitoring and evaluation of all programmes and activities;
- b. promoting the full, effective, equal and meaningful participation and benefit of women and men in all areas of regional integration and co-operation with emphasis on trade and investment;
- c. ensuring that policies, programmes and activities aimed at eradicating poverty are gender responsive;
- d. ensuring that regional interventions encourage and support changes in attitudes, structures and mechanisms in order to eliminate gender biases;
- e. eliminating gender inequalities and ensure women's economic empowerment and equal access to and control of resources and opportunities;
- f. giving special attention to positive and affirmative action to redress all gender inequalities;
- g. ensuring that there is sufficient and permanent expertise on gender issues at all levels in the COMESA Secretariat;
- h. enhancing the capacity of the COMESA Secretariat to facilitate implementation of the Gender Policy.
- i. encouraging the mainstreaming of gender within member states and strengthen co-ordination and linkages between the COMESA Secretariat and member states on policy and practice;

- j. ensuring adequate financial and other resources for mainstreaming gender perspectives into COMESA activities;
- k. ensuring that gender analysis is mainstreamed at the macro-, meso- and micro-levels;
- l. ensuring the generation, collection, analysis and use of sex disaggregated data and information at all levels;
- m. ensuring the equal representation of women and men in the decision-making of member states, COMESA structures and its institutions at all levels;
- n. addressing the cross-cutting socio-economic issues such as: HIV/AIDS, human rights, environment, drug abuse, peace and security within all policies, plans, strategies and programmes of COMESA from a gender perspective;
- o. ensuring the mainstreaming of HIV/AIDS and human rights in all its policies and programmes;
- p. integrating the gender policy measures in each sector to ensure the policy is implemented and that the implementation is co-ordinated, monitored and evaluated;
- q. promoting mainstreaming of gender concerns in regional and international institutions and initiatives that contribute to the enhancement of the COMESA vision;
- r. promoting partnerships with the Private Sector, Civil Society, international and regional institutions and other Stakeholders for effective implementation of the Gender Policy.

5.0 SPECIAL POLICY MEASURE RECOMMENDATION

A COMESA Technical Committee on Gender will be constituted in line with the COMESA Treaty to facilitate the operationalisation of the COMESA Gender Policy

6.0 SPECIFIC POLICY OBJECTIVES, MEASURES AND STRATEGIES

6.1 COMESA Programmes

6.1.1 Trade Development

The main gender concerns in Trade Development are lack of skills in export management and marketing by women. Problem areas include unfamiliar and complicated procedures in export management, issues relating to lack of skills in quality control, packaging, import management and techniques. Inadequate access to trade information and market research are also a key barrier to women's participation in trade. Women tend to be more seriously affected than men by these problems due to low levels of education by the majority of women in the region.

Women are also likely to be inadvertently excluded from the benefits of a Free Trade Area due to complicated procedures such as adherence to rules of origin in order for goods to be excluded from customs duty charges. Most women may not be aware of this requirement due to illiteracy and lack of information while the majority may not qualify for certificates of origin due to the simple production processes used by them. Inadequate access to credit and finance is a major barrier to effective participation in regional and international trade. Collateral requirements disqualify many women, who have limited access to and control over property, from effective and adequate borrowing. The low quality of goods produced by women is another main barrier to their participation in regional trade. This contributes to their inability to compete effectively under the liberalised economy.

Further, despite the launching of the Free Trade Area, women in various parts of the FTA are still subjected to harassment, including unwarranted searches and confiscation of goods by customs officials who have not been made gender sensitive. This tends to discourage many women from undertaking activities beyond their borders. One of the major factors that contribute to inadequate participation by women in international trade is lack of participation in policy formulation and decision-making structures on trade at the national, regional and international levels. Because these structures are male-dominated, women's concerns are rarely integrated in the policies on trade.

In order to address gender issues and concerns identified under this sector and to mitigate the negative effects of trade liberalization on small and medium scale enterprises, the specific objectives of the CGP under Trade Development will be:

- i. To promote the access of women to regional and international markets;
- ii. To promote skills in export management and marketing especially for women;
- iii. To enhance the dissemination of information regarding regulations and procedures in export and import management in the Free Trade Area and in the COMESA region generally, for access by all members of the business community. This will ensure that small-scale traders, particularly women enjoy the same conditions as other stake holders in the FTA;
- iv. To promote linkages among the PTA Bank, WIB Unit at COMESA Secretariat and the Women in Business to enable women access loans from the Bank;
- v. To facilitate the provision of collateral to women in business by the PTA Bank;
- vi. To ensure effective participation of women in trade decision making both at national and international levels;
- vii. To lobby Member States to review their trade policies to incorporate Gender concerns;
- viii. To facilitate the building of capacities of women entrepreneurs in business and financial management; and
- ix. To lobby Member States to facilitate the sensitisation of Customs Officials on women's rights.

The above objectives will be achieved through the application of the following Policy interventions and measures:

- a. COMESA should develop Gender responsive mechanisms to ensure that the benefits of the Free Trade Area reach stakeholders at the grassroots level especially small-scale cross border traders. This is the level at which most women traders are found;
- b. COMESA should facilitate the empowerment of women in business in view of the increased competition resulting from trade liberalization. Women should be equipped with resources and skills that would ensure survival in the face of competition. The regional competition policy should be gender responsive;
- c. In addition to the programmes that target FEMCOM, COMESA should mainstream gender into all the other mechanisms that are used to connect stakeholders to regional and international markets. There is also need to develop measures that would enable women deal in a variety of export and import goods other than consumer goods;
- d. COMESA should develop deliberate policy measures to ensure the participation of women in trade decision-making at the regional level. The organisation should also lobby Member State to do the same;
- e. Gender perspectives should be incorporated into all COMESA trade policies. COMESA should lobby member states to engender their trade policies;
- f. COMESA should facilitate the development of training programmes in business, financial management and business negotiation skills for women and small-scale traders; and
- g. COMESA should facilitate women's access to loans/credit. COMESA financial institutions, the PTA Bank in particular, should offer credit conditions that are friendly to women and small-scale entrepreneurs in general.

✓ **Industry**

Under the Investment Development programme of COMESA and with particular reference to the sectors of, Industry, Agriculture, Tourism, Industrial and Private Sector Support, Infrastructure Development, Environment, Energy, Science and Technology a lot of gender gaps exist.

Specific gender gaps identified under this sub-sector were:

- i. Inadequate information on investment and trade opportunities in the region. Women are particularly affected by this problem as the majority has no access to technologies that disseminate information;
- ii. Industrial development is male dominated in all member States and women's businesses form a tiny fraction of the total;

- iii. Women predominate as owners of micro, small and medium scale enterprises as well as informal sector trading businesses;
- iv. Inadequate access to credit and finance constrain women's activities in industrial and trade development; and
- v. The role of micro, small and medium scale enterprises in COMESA is not clearly defined.

Other gender issues and concerns affecting women's effective participation in regional trade are:

- i. Lack of training in marketing and economics as well as first hand practical experience in trade operations to compete on an equal footing with men;
- ii. Lack of trade related training opportunities for women. " Women's training is oriented towards the so called "soft" subjects like literature, history, etc, Unequal access to credit, less access to education and training inhibits expanding trade;
- iii. harassment of women at borders;
- iv. sexual harassment; and
- v. The lack of skills in quality control, no market research by women results in women's products not being appreciated on the national and international markets.

In order to redress the above the following policy objectives will be undertaken:

- i. Mobilize assistance from organisations and/or government departments promoting foreign trade;
- ii. Facilitate the access to credit and financing by micro, small and medium scale enterprises especially those run and managed by women;
- iii. Facilitate capacity building for micro, small and medium scale enterprises in the areas of product design including improvement of design; market development; export management and marketing; market research; export procedures; costing and pricing; export packaging; quality control; trade information; import operations and techniques and import management;
- iv. Facilitate the participation of micro, small and medium scale enterprises in trade fairs and exhibitions; and
- v. Facilitate trade related human resources development at levels of production, investment and trade for micro, small and medium scale enterprises especially those dominated by women.

The policy objectives will be achieved by pursuing the following strategies and measures

- a. COMESA should facilitate the mobilization of financial resources including from its own institutions in order for micro and small-scale enterprises to access it.
- b. COMESA must put in place measures to remove obstacles to loans/credit by women traders and investors.
- c. All COMESA stakeholders should facilitate the provision of collective collateral to enable the region attract more capital.
- d. Create a special facility to enable women to borrow from the PTA Bank or the ADB, with developmental and favourable loan conditions
- e. Put in place a stand by facility to enable regional transaction to be conducted in a common currency before the region attains the monetary union status
- f. Take an affirmative action step by COMESA putting in a mechanism that would ensure that at least 50% of loans are accessed by micro and small scale operators especially those owned by women.

✓ **Agriculture sub sector**

The key gender concerns in the agricultural sector include inadequate participation of women in programme activities, particularly as entrepreneurs in various industries. The majority of women also lack access to regional markets while their productivity is constrained by lack of technical skills, limited access to technology, credit/financial and agricultural services generally. In order to facilitate effective participation of women in the sector, the following objectives will be pursued by COMESA:

- i. To enhance effective participation of women in programme activities in the agricultural sector;
- ii. To mainstream gender in agricultural policy; and
- iii. To enhance women's access to regional and international markets through the Intra-COMESA Food and Agricultural Marketing Programme.

To achieve the policy objectives in the agricultural sector, COMESA will adopt the following measures:

- a. Adopt affirmative measures to ensure that programme resources benefit both women and men;
- b. Mainstream gender perspectives in the harmonised agricultural policy and in programme plans and policies;
- c. In addition to activities taking place under FEMCOM, develop gender responsive measures to ensure the access of women to regional and international markets; and
- d. Mobilise resources for access by women entrepreneurs in the agricultural sector.

6.1.2 Infrastructure Development

Issues of poor infrastructure affect all traders and investors in the region because of bad road or rail networks, undeveloped water ways, high cost of alternative means of transportation such as air services, poor electricity supply and limited telecommunication facilities such as the internet, e-commerce. Rural areas where the majority of women in the region live are affected the most with some areas literally without any form of organised infrastructure. This situation raises the cost of production and makes women and resource-poor men uncompetitive.

Meteorological services are important in monitoring climate conditions and weather forecasting. Although sub-Saharan Africa weather conditions are not very turbulent, women producers require regular meteorological information and long range focus on whether to assist deciding what to grow and this also acts as an early warning system.

However most women and poor men do not have access to such important services because of inadequate infrastructure. Generally, because of the various gender constraints, women cannot afford to access the needed infrastructure that could boost their productivity, nor are they able to buy and use their own transport. They often transport their goods and ware in difficult circumstances often using public transport. In most member states women entrepreneurs face lack of safe places to stay and proper sanitary facilities. This lack of infrastructure is a real problem for women traders and investors.

In order to redress the above, the following policy objectives will be undertaken:

- i. To facilitate investment in Information Communication and Technology especially in outlying and economically depressed areas;
- ii. To facilitate the increased generation, transmission and broaden the distribution networks of electricity to cover peri-urban and rural areas;
- iii. Expedite the creation of one-stop border posts so as to minimise time spent on immigration and customs formalities among member states;
- iv. Facilitate the development of gender friendly infrastructure at busy business points in order to encourage both men and women to participate in regional transactions;
- v. Facilitate the improvement of electronic reception in rural areas so that important services such as meteorological information reach the intended targets on time.

The following strategies will be employed in order to achieve the above objectives;

- a. Mobilize more resources to expedite the setting up of tele and trade-centres under FEMCOM in all member states;
- b. Establish local area networks (LAN) to facilitate the utilization of e-commerce services by women traders and investors;

- c. Encourage member states to harmonise their rules and regulations on issues of infrastructure development.

1. Investment Development

Women and men tend to be differentially integrated in the private sector. The bulk of female entrepreneurship tends to be small in size and informal while that of men persists at all levels including economies of scale. Women's businesses are for the most part individually or personally owned thus making it very difficult for such enterprises to gain access to credit.

Women are rarely involved as owners or shareholders in large scale enterprises or economies of scale. Key constraints include lack of capital and collateral required by lending institutions, inadequate access to information on investment opportunities and to regional and international markets. Another major constraint is gender blindness in programme activities in the Private Sector Development Programme.

In order to deal with these problems the main objective of COMESA will be to:

- i. Facilitate the transformation of female entrepreneurship from small to large-scale in order to benefit from economies of scale;
- ii. Facilitate the access of women to adequate and timely credit and finance; and
- iii. Integrate gender perspectives in the Private Sector Development Programme;
- iv. Build the capacities of all officials involved in private sector development to integrate gender in all their work.

The following policy measures will be undertaken by COMESA in order to implement the above objectives. Through the Private Sector Development and WIB Programmes, COMESA will facilitate the following:

- a) Promote training programmes for women entrepreneurs on business and export management;
- b) Promote the access of women to modern communications technology;
- c) Develop linkages between COMESA /National lending institutions and women in business organisations; and
- d) Develop measures to mainstream gender perspectives in Private Sector Development Programme.

6.1.4 Women in Business Programme

The main constraint facing the WIB Unit at COMESA is lack of capacity to mainstream gender perspectives in COMESA activities. The position of the Unit and that of head of Unit are too low for them to be effective. Another key constraint is inadequate funding. The COMESA budget does not provide adequately for activities to mainstream gender perspectives in COMESA programmes. The staffing levels of the Unit are also not

sufficient for an effective and sustainable programme to cover the twenty member states.

In order to address the problems facing the WIB Unit, the main objectives of COMESA will be to:

- i. Increase the capacity of the WIB Unit to enable it to implement its programmes;
- ii. Enhance the status of the WIB Unit and that of Head of Unit;
- iii. Increase funding for the WIB Unit; and
- iv. Include the programme outputs of the Unit in the performance assessments for the organisation.

To achieve the policy objectives, COMESA will adopt the following measures:

- a. Promote the WIB Unit to the level of a division;
- b. Promote the head of unit to that of director of division;
- c. Appoint gender focal points in the WIB Unit. There shall be a focal point responsible for mainstreaming gender perspectives in key COMESA programmes on trade, investment and infrastructure development; and
- d. The COMESA budget will include budget lines for the WIB/Gender Division.

6.2.0 COMESA Policies and work Programmes

Several key gender issues and concerns were identified in COMESA policies and work programmes. Some of the key ones are: Inadequate gender responsiveness of all COMESA policies and plans excerpt for the COMESA Treaty; lack of gender analytical skills and techniques by programme managers, policy makers and planners; lack of Gender disaggregated data for policy formulation and planning.

In order to effectively mainstream gender into the Investment Development programme of COMESA the following policy objectives will be pursued:

- i. To make all COMESA policies, programmes and plans Gender responsive;
- ii. To build the capacity of policy makers and planners in Gender analysis skills and techniques;
- iii. To take affirmative steps to ensure full participation of women at all levels of decision-making; and
- vi. To systematically collect Gender-disaggregated data and disseminate it for policy formulation and planning in all COMESA Division.

The above will be achieved through the following policy measures and strategies:

- a. Review all COMESA policy documents and plans to make them Gender responsive;
- b. Develop Gender training programmes for sensitising/building gender analysis skills of policy makers, planners and programme managers in the COMESA region;
- c. Ensure at least 50% participation of women at all levels of decision making by the year 2007;
- d. Collect gender disaggregated data for use in all Units/Divisions in policy formulation, planning and programme implementation;
- e. Build data banks for Gender-disaggregated data;
- f. Establish benchmark data on relative positions of women and men in all fields in order to identify priority areas for programmes that are sensitive to Gender; and
- g. Develop and adopt gender responsive monitoring and evaluation indicators for all sectors and programme areas.

1. COMESA Institutions

The Federation of National Associations of women in Business (FEMCOM)

FEMCOM poses great potential for mainstreaming women's needs in COMESA activities. It has good structures and is already established on the ground for carrying out the work. Many constraints however, face the organization. Key constraints include lack of resources, particularly funding to enhance activities of member associations, limited access to investment opportunities, lack of capacity of members in business management, inadequate access to technical and business information and lack of skills by women in business in export management and marketing generally.

In order to redress these problems the main objectives of COMESA will be to:

- i) Enhance the access of FEMCOM to financial/lending institutions;
- ii) Strengthen linkages between FEMCOM and all COMESA sectoral programmes;
- iii) Facilitate the enhancement of business management skills for women in business;

COMESA will take the following policy measures in order to realise the above objectives.

- a. Develop linkages among FEMCOM, COMESA lending institutions and national financial institutions;

- b. Mainstream gender perspectives in all the policies, plans and budgets of COMESA sectoral programmes. Programme plans and budgets should indicate linkages with FEMCOM;
- c. Capacity building activities in all COMESA programmes will pursue an affirmative action approach in order to cater for women in business; and
- d. Facilitate a review of all COMESA programmes in order to identify gaps, establish linkages between FEMCOM/COMESA programmes, and major stakeholders in Member State.

6.4.0 COMESA Structures

A number of gender gaps have been identified in the current structure of COMESA. The main reasons why these gaps exist are historical and structural. Key among these gaps are: Inadequate participation of women in decision-making structures; Inadequate participation of stakeholders at household level/grassroots level; poor response by women to COMESA adverts; limited commitment to gender issues and concerns; inadequate resources for gender programmes; trivializing of gender; lack of a formal entity/structure responsible and answerable for gender mainstreaming and others. Other gaps established by this study were that the position of the women in Business WIB/Unit in COMESA is too low and not influential, equally its work force is not commensurate with the task of mainstreaming gender in the entire institution, funding is too low and gender analytical skills and techniques are almost non-existent in the entire Secretariat including its entire network of coordinating ministries.

It is therefore proposed that:

- i. COMESA will create a conducive environment for effective participation of women at all levels of the COMESA structure;
- ii. COMESA will provide adequate support (financial, technical, material etc.) to ensure that all gender policies/programmes are implemented;
- iii. COMESA will facilitate the increased participation of all stakeholders at the household/grassroots levels in regional activities;
- iv. The position of the women in business Unit in the COMESA Secretariat should be given a much higher status, its work force and financial resources increased and should be located in the nerve centre of the Secretariat;
- v. All COMESA desk officers in COMESA Co-ordinating and other Ministries that handle COMESA programmes in the region should be trained in gender analytical and mainstreaming skills and techniques.

In order to implement the above, COMESA will:

- a. Develop gender responsive machinery/structures aimed at mainstreaming gender into all COMESA structures;

- b. Implement affirmative measures aimed at increasing the participation of women in decision-making structures at all levels;
- c. Constitute a COMESA Gender committee/task force at a high level for mainstreaming Gender perspectives into the work of the technical committees;
- d. Broaden the participation of stakeholders/grassroots either at consultative level or below. Special attention should be given to the participation of female-headed households;
- e. Advocate for the inclusion of at least 50% women in decision making structures, in particular, COMESA Secretariat by 2007;
- f. Incorporate gender as a key result area into the job description and specification of all key and strategic positions in the Secretariat;
- g. Review all relevant COMESA policies that regulate the promotion of units to a higher status as well as those that determine the size/number of people in a Unit/Division;
- h. COMESA Member States should second gender specialists to the COMESA WIB Unit on a rotational basis in order to strengthen the Unit and expose more persons to the operations of COMESA;
- i. Review and engender the COMESA budget to include budget lines for the WIB Division and interim activities for gender mainstreaming; and
- j. Develop Gender a training programme for desk officers in COMESA Co-ordinating and other Ministries that deal with COMESA activities.

6.5.0 Institutional Linkages and Capacity Building

There are a lot of gaps in terms of capacities and institutional linkages affecting the implementation of gender programmes in COMESA. The mission on the formulation of the CGP established that there were very poor institutional linkages among the key stakeholders involved in the gender discourse at national level. The poor linkages are at three levels; the COMESA Co-ordinating Ministries, the National Gender Machineries, the WIB Office at the COMESA Secretariat and the FEMCOM. This finding was common in almost all member states. In some worse situations there was no dialogue among these institutions.

This mission further revealed that the WIB Office at the COMESA Secretariat was not in contact with strategic institutions such as the PTA Bank, the ATIA, the COMESA Court of Justice and other players that would have facilitated the effective integration of gender into COMESA activities. The terms of Reference for WIB and FEMCOM had a very thin dividing line that at times led to overlapping of responsibilities.

The WIB office and its related activities were also too thin, poorly resourced in terms of human, financial and other resources.

In order to address the above constraints and gaps, the following interventions will be taken:

- i. Formalize and strengthen the linkage between the National Gender Machineries and the WIB Office at the COMESA Secretariat,
- ii. The WIB Office should be pro-active and play a catalytic role in linking FEMCOM offices to strategic COMESA institutions so as to enable women traders and investors access services provided by these institutions;
- iii. Upgrade the WIB office and provide additional human, financial and other resources to the Unit;

6.0 Institutional Mechanism for Implementation of the CGP

COMESA Member States, stakeholders (including the private sector, cooperate entities) and co-operating partners, should work out a comprehensive institutional Mechanism for implementing the COMESA Gender Policy.

A gender Management system should be established and adequately supported. Substantive reports on the implementation of the CGP should be made periodically throughout the system.

7.0 Resource Mobilisation for Implementation of the CGP

COMESA and all stakeholders should develop strategies for mobilizing Resources for implementing the COMESA Gender Policy

8.0 Monitoring and evaluation

In order to gauge the impact of gender mainstreaming into COMESA activities, there is need to develop a comprehensive monitoring and evaluation system with gender specific indicators, (both quantitative and qualitative).

9.0 Strategic Action Plan for Implementation of the Policy

After the adoption of the COMESA Gender Policy, the COMESA Secretariat and stakeholders will develop a comprehensive strategic action plan.

ANNEX I: ADDIS ABABA DECLARATION ON THE COMESA GENDER POLICY

We, the Heads of State and Government of the COMESA region meeting at our 7th Summit in Addis Ababa, Ethiopia from 23rd to 24th May 2002 having undertaken a critical review of the COMESA Gender Policy, COMESA's common position for the advancement of women, in view of the grave concern for the overall peaceful, political, social and economic development of our region,

Committed to the principles and objectives of the COMESA Treaty, the Dakar African Platform for Action on Women, The Beijing Platform for Action, the United Nations Convention on the Elimination of All forms of Discrimination Against Women, the Universal Declaration of Human Rights and all other conventions,

Guided by the relevant provisions of the Treaty Establishing the COMESA, in particular Chapter 24, Articles 154 and 155 on Women in Development and Women in Business, and the primary objectives of the Beijing Platform for Action on the Advancement of Women in the 21st century, as a framework for action to promote greater opportunity for women based on the principles of Equality, Development and Peace, noting with satisfaction that the COMESA Gender Policy is a synthesis of our national and regional perspectives and priorities which provide an indispensable Gender and Development strategy for committed and concerted action at the national, sub-regional, regional, and international levels for the accelerated achievement of our development targets in the 21st century,

We therefore reaffirm our commitment to Articles 154 and 155 of the Treaty establishing COMESA in which we recognised women's significant contribution towards the process of socio-economic transformation and sustainable growth. We further reaffirm our commitment to Article 154 to:

- a. promote the effective integration and participation of women at all levels of development especially at the decision-making levels.
- b. eliminate regulations and customs that are discriminatory against women and specifically regulations and customs which prevent women from owning land and other assets.
- c. promote effective education awareness programmes aimed at changing negative attitudes towards women.
- d. create or adopt technologies which will ensure the stability of employment and professional progress for women workers; and
- e. encourage and strengthen institutions which are engaged in the promotion and development of labour-saving devices aimed at improving the productive capacity of women.

We further reaffirm our commitment to Article 155 of the Treaty, which recognises the role of women in business with special emphasis on the need for women's participation in business as it relates to agriculture, industry and trade and to:

- a. increase the awareness of Women in Business issues at the policy level;
- b. create an enabling environment for the effective participation of women in Common Market trade and development activities;
- c. promote special programmes for women in small and medium size enterprises;
- d. eliminate such laws and regulations that hinder women's COMESA - credit;
- e. initiate changes in educational and training strategies to enable women to improve their technical and industrial employment level through the acquisition of transferable skills offered by various forms of vocational and on-the-job training schemes; and
- f. recognise and support the Federation of National Associations of Women in Business established to promote the effective participation of women in Common Market trade and development activities.

ENDORSE the decision of the Council of Ministers on:

Establishment of a technical committee on gender in line with the COMESA Treaty to facilitate the operationalisation of the Gender Policy

And

COMMIT ourselves to among other issues to:

- s. mainstreaming gender perspectives in the conceptualization, formulation of all policies, planning, programming, implementation, monitoring and evaluation of all programmes and activities;
- t. promoting the full, effective, equal and meaningful participation and benefit of women and men in all areas of regional integration and co-operation with emphasis on trade and investment;
- u. ensuring that policies, programmes and activities aimed at eradicating poverty are gender responsive;
- v. ensuring that regional interventions encourage and support changes in attitudes, structures and mechanisms in order to eliminate gender biases;
- w. eliminating gender inequalities and ensure women's economic empowerment and equal access to and control of resources and opportunities;
- x. giving special attention to positive and affirmative action to redress all gender inequalities;
- y. ensuring that there is sufficient and permanent expertise on gender issues at all levels in the COMESA Secretariat;
- z. enhancing the capacity of the COMESA Secretariat to facilitate implementation of the Gender Policy;

- aa. Encouraging the mainstreaming of gender within member states and strengthen co-ordination and linkages between the COMESA Secretariat and member states on policy and practice;
- ab. ensuring adequate financial and other resources for mainstreaming gender perspectives into COMESA activities;
- ac. ensuring that gender analysis is mainstreamed at the macro, meso and micro-levels;
- ad. ensuring the generation, collection, analysis and use of sex disaggregated data and information at all levels;
- ae. ensuring the equal representation of women and men in the decision-making of member states, COMESA structures and it's institutions at all levels;
- af. addressing the cross-cutting socio-economic issues such as: HIV/AIDS, human rights, environment, drug abuse, peace and security within all policies, plans, strategies and programmes of COMESA from a gender perspective;
- ag. ensuring the mainstreaming of HIV/AIDS and human rights in all its policies and programmes;
- ah. integrating the gender policy measures in each sector to ensure the policy is implemented and that the implementation is coordinated, monitored and evaluated;
- ai. promoting mainstreaming of gender concerns in regional and international institutions and initiatives that contribute to the enhancement of the COMESA vision;
- aj. promoting partnerships with the Private Sector, Civil Society, international and regional institutions and other Stakeholders for effective implementation of the Gender Policy.

Definitions are as used in this document

SADC Protocol on Gender and Development

In view of the low level of implementation of the set targets of the Declaration on Gender and Development, the instrument was elevated to a Protocol to make it legally binding.

The Protocol on Gender and Development was adopted by the SADC Heads of State Summit on 17 August 2008 in Sandton, Gauteng. The Protocol has 28 substantive targets for achieving gender equality by 2015. It enhances regional, global and continental instruments by addressing gaps and setting specific, measurable targets where those did not exist and it advances gender equality by ensuring accountability by all SADC Member States.

The Protocol entered into force on 14 August 2013 following the ratification of the instrument by 2/3 of the Member States. These include Angola, Lesotho, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Botswana and Mauritius did not sign the Protocol.

<http://www.sadc.int/>

Full text

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Non signature of Mauritius is based on the following:

Section 16(c) of the Constitution guarantees the fundamental rights and freedom of the individual stipulating that there shall be no discrimination based on race, place of origin, political opinions, colour, creed or sex; thereby ensuring the principle of equality between men and women.



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PROTOCOL ON GENDER AND DEVELOPMENT

PREAMBLE

We, the Heads of States or Government of :

The Republic of Angola

The Republic of Botswana

The Democratic Republic of Congo

The Kingdom of Lesotho

The Republic of Madagascar

The Republic of Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Somalia

The Republic of Namibia

The Republic of Seychelles

The Republic of South Africa

The Kingdom of Swaziland

The United Republic of Tanzania

The Republic of Zambia

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 for 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 People's 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, globalisation, human trafficking, especially of women and children, the feminisation 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 recognises 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

DEFINITION, GENERAL PRINCIPLES AND OBJECTIVES

ARTICLE 1

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 restriction 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;

“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 Machinery**” means national structures with the mandate 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 reproductive rights**” means the universal human rights relating 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 others social ills;

“**State Party**” means a Member State that is Party to this Protocol.

ARTICLE 2

GENERAL PRINCIPLES

1. For the purpose of this Protocol, the following principles shall apply;
 - (a) State Parties shall harmonise 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) State Parties shall decide all matters relating to the implementation of this Protocol by consensus; and

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

- 2. State Parties shall adopt the necessary policies, strategies, 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 empowerment and implementation of gender responsive legislation, policies, programmes and projects;
- (b) To harmonise 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 of 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 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 People's 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 implementations;
- (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 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. State 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 practice.
2. State 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**

State 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. State Parties shall review, amend and or repeal all laws that discriminate on the ground of sex or gender by 2015.
2. State Parties shall enact and enforce legislation 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**

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

- (a) Equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings including customary and traditional courts, national reconciliation processes;
- (b) Equal legal status and capacity in civil and customary law, including, amongst other things, full contractual rights, the rights 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.

ARTICLE 8

MARRIAGE AND FAMILY RIGHTS

1. State 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:
 - (a) 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;
 - (b) Every marriage takes place with the free and full consent of both parties;
 - (c) Every marriage, including civil, religious, traditional or customary, is registered in accordance with national laws; and
 - (d) 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. State Parties shall enact and adopt appropriate legislative and other measures to ensure that where spouses separate, divorce or have their marriage annulled;
 - (a) They shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount; and
 - (b) They shall, subject to the choice of any marriage regime or marriage contract, have equitable share of property acquired during their relationship.
4. State 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. State Parties shall put in place legislative provisions which ensure that married women and men have the rights to choose whether to retain their nationality or acquire their spouse's nationality.

ARTICLE 9**PERSONS WITH DISABILITIES**

State 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. State Parties shall enact and enforce legislation to ensure that:
 - (a) Widows are not subjected to inhuman, humiliating and 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.

6. State 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. State 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 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. State 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. State Parties shall endeavour that, by 2015, at least fifty percent 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. State 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. State 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. State 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. State Parties shall ensure the inclusion of men in all gender related activities, including gender training and community mobilisation.

PART FOUR**EDUCATION AND TRAINING****ARTICLE 14****GENDER EQUALITY IN EDUCATION**

1. State 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. State 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. State Parties shall, by 2015, ensure equal participation, of women and men, in policy formulation and implementation of economic policies.
2. State 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**

State 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 EMPLOYMENT**

1. State 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. State Parties shall, by 2015, review their national trade and entrepreneurship policies, to make them gender responsive.
3. State 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**

State 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 :

- (a) 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. State 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. State 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. State Parties shall enact and enforce legislative measures prohibiting the dismissal or denial of recruitment on the grounds of pregnancy or maternity leave.
4. State Parties shall provide protection and benefits for women and men during maternity and paternity leave.
5. State 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. State 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. State 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:
 1. Emergency contraception;
 2. Ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV; and
 3. Preventing the onset of sexually transmitted infections.
3. State Parties shall, by 2015, review and reform their criminal laws and procedures applicable to case 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. State Parties shall put in place mechanisms for the social and psychological rehabilitation of perpetrators of gender based violence.
5. State 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 mechanism by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks;
 - (c) Put in place harmonised 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 sensitisation campaigns on human trafficking are put in place for law enforcement officials.

6. State Parties shall ensure that cases of gender based violence are conducted in a gender sensitive environment.
7. State 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. State Parties shall take measures including legislation, where appropriate, to discourage traditional norms, including social, economic, cultural and political practices which legitimise and exacerbate the persistence and tolerance of gender based violence with a view to eliminate them.
2. State Parties shall, in all sectors of society, introduce and support gender sensitisation and public awareness programmes aimed at changing behaviour and eradication of gender based violence.

ARTICLE 22

SEXUAL HARASSMENT

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

ARTICLE 23

SUPPORT SERVICES

1. State Parties shall provide accessible information on services available to survivors of gender based violence.
2. State Parties shall ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services to redress cases of gender based violence.
3. State Parties shall provide accessible, affordable and specialised legal service, including legal aid, to survivors of gender based violence.
4. State Parties shall provide specialised facilities, including support mechanisms for survivors of gender based violence.
5. State Parties shall provide effective rehabilitation and re-integration programmes for perpetrators of gender based violence.

ARTICLE 24**TRAINING OF SERVICE PROVIDERS**

State Parties shall introduce, promote and provide:

- (a) gender education and training to all service providers involved in gender based violence including the police, the judiciary, health and social workers;
- (b) community sensitisation 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.

ARTICLE 26**HEALTH AND HIV / AIDS**

States Parties shall by 2015, in line with the SADCC 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 legislations that will address prevention, treatment, care and support in accordance with, but not limited to the Maseru Declaration on HIV and AIDS.

2. State 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 constitute the majority of those infected and affected by HIV and AIDS.
3. State Parties shall, by 2015:
 - (a) Develop gender sensitive strategies to prevent new infections;
 - (b) Ensure universal access to HIV and AIDS treatment for infected women, men, girls and boys; and
 - (c) 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. State 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. State 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 perpetrators of such abuses are brought to justice before a court of competent jurisdiction.

PART NINE

MEDIA, INFORMATION AND COMMUNICATION

ARTICLE 29

GENERAL PRINCIPLES

MEDIA, INFORMATION AND COMMUNICATION

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 of Member States on issues related 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. State 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 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 , undermining their role and position in society; and
 - (d) re-inforcing gender oppression and stereotypes.
2. State Parties shall encourage the media to give 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. State 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 gender, 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 girls' access to information and communication technology.

PART TEN**FINANCIAL PROVISIONS****ARTICLE 32****REMEDIES**

State 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. State Parties shall ensure the gender sensitive budgets and planning including the necessary resources towards initiatives aimed at empowering women and girls.
- 2. States Parties shall mobilise 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;
 - (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 State 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. State Parties shall ensure the implementation of this Protocol at national level.
2. State 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. State Parties shall collect and analyse baseline data against which progress in achieving targets will be monitored.
4. State 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 the Council and Summit for consideration.

ARTICLE 36

SETTLEMENT OF DISPUTES

1. State 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 the provisions 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.

ARTICLE 39**SIGNATURE**

This Protocol shall be signed by the duly authorised 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 organisation as the Council may determine.

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

DONE atthis.....day of2008 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....
REPUBLIC OF ANGOLA

.....
REPUBLIC OF BOTSWANA

.....
DEMOCRATIC REPUBLIC OF CONGO

.....
KINGDOM OF LESOTHO

.....
REPUBLIC OF MADAGASCAR

.....
REPUBLIC OF MALAWI

.....
REPUBLIC OF MAURITIUS

.....
REPUBLIC OF MOZAMBIQUE

.....
REPUBLIC OF NAMIBIA

.....
REPUBLIC OF SOUTH AFRICA

.....
KINGDOM OF SWAZILAND

.....
UNITED REPUBLIC OF TANZANIA

.....
REPUBLIC OF ZAMBIA

.....
REPUBLIC OF ZIMBABWE

SADC Gender Policy

"Only when we realise full gender equality and equity will this be a community of well-being, one in which we experience an improved standard of living and an enhanced quality of life. This will be a society marked by freedom, social justice, peace and security...."

SADC Executive Secretary, *Dr Tomás Augusto Salomão* at the April 2008 Meeting of Ministers Responsible for Gender/Women's Affairs in Windhoek, Namibia

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Glossary 14

AIDS	Acquired Immuno Deficiency Syndrome
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CSW	Commission on the Status of Women
DES	Deputy Executive Secretary
ES	Executive Secretary
GFP	Gender Focal Point
GMS	Gender Management System
GU	Gender Unit
HIV	Human Immunodeficiency Virus
ICPs	International Cooperating Partners
ICM	Integrated Committee of Ministers
M and E	Monitoring and evaluation

MDGs	Millennium Development Goals
PAs	Performance Assessments
PMS	Performance Management System
RISDP	Regional Indicative Strategic Development Plan
SADC	Southern African Development Community
SIF	Strategic Implementation Framework on Gender and Development (2006-2010)
SIPO	Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation
TOR	Terms of Reference

1.0 Preamble

The Southern African Development Community (SADC) Secretariat aims to be a centre of excellence in the region, and to be well placed to effectively support efforts by Member States to achieve the SADC common agenda. Equality between women and men through removing obstacles to the achievement of their full potential is a central goal and objective to achieve this; it is further recognised as a fundamental human right.

Addressing gender equality concerns in the Secretariat therefore ensures a fair and safe working environment for all women and men staff members. Adopting this perspective also allows the Secretariat to address any workplace gender inequalities on an ongoing basis.

Integrating a gender equality perspective in all projects and programme work serves the twin goal of directly contributing to achieving gender equality in the region and correcting inequalities, whilst also supporting Member States to achieve the same.

Ultimately, any progress the Secretariat makes in achieving gender equality is a significant step towards creating the potential for women and men to play a positive role, on an equal basis, in deepening regional integration, development and eradication of poverty.

2.0 Background and Rationale

2.1 Article 4 (c) of SADC's Founding Treaty promotes the principle of human rights, democracy and the rule of law, whilst Article 6 (2) states that "SADC Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture or disability". This is the foundation of the gender equality agenda in the SADC region that informs the Secretariat's work. The SADC common agenda also recognises that mainstreaming gender is an essential part of community building.

2.2 Gender equality agenda has been reinforced and affirmed in SADC by several key regional and international legal and policy commitments made by Member States. Amongst these commitments is the Dakar Platform for Action (1994), the Beijing Declaration and Platform for Action (BPFA)(1995), the SADC Declaration on Gender and Development (1997), the Addendum for the Prevention and Eradication of Violence Against Women and Children (1998), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1997), the Millennium Declaration and Millennium Development Goals (2000), the Protocol

to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005), and more recently the 2007 regional Gender Policy. The Regional Indicative Strategic Development Plan (RISDP), the Strategic Implementation Framework on Gender and Development (2006 – 2010) (SIF), and the SADC Gender Unit's 5 year Business Plan are designed to make these commitments operational.

- 2.3** These progressive commitments have yielded some positive results in removing discrimination on the basis of gender and promoting equality, however, empirical evidence has consistently shown that the status of women relative to men in SADC remains compromised. Women are poorer than men, experience the greatest impact of violence including being trafficked for sexual and other forms of exploitation, are faced with the biggest challenges as the infected and affected by HIV and AIDS, and still suffer discrimination due to harmful or negative cultural, traditional and religious practices. SADC governments have thus committed to address these inequalities between women and men, so that they can realise their potential and contribute to achieving the SADC common agenda.
- 2.4** Faced with the challenge of correcting gender inequalities, in particular as regards discrimination against women, SADC Member States, supported by the Secretariat have set goals to achieve gender equality and address inequality in all sectors. This is being done through mainstreaming gender in all policies, projects and programmes, whilst also addressing women's empowerment to eliminate discrimination and pave the way for real equality between women and men in regard to opportunities, benefits and outcomes of all initiatives.
- 2.5** The SADC Secretariat is the lead facilitator of Member States' goal to achieve gender equality and deepen regional integration. In this regard it has the responsibility to strengthen internal institutional structures, systems, mechanisms and focus so that it can meaningfully play the dual role of mainstreaming gender and advancing women's empowerment internally, as well as supporting Member States to the same. The Secretariat is thus playing a pivotal role as a champion of gender equality in the region, and must support this role through an internal policy, amongst other measures. This is to be done in a systemic way reinforced by a culture of learning from experience, in order to strengthen delivery in all spheres. The Secretariat shall also ensure gender equality is promoted as part of the institution's corporate identity, as outlined in the vision, mission and values.
- 2.6** There are several areas of organisational practice that still require strengthening if gender mainstreaming is to take root in the Secretariat. This includes setting targets and benchmarks for ensuring gender equality at key decision making levels, reviewing employee rights with a gender lens to align them with international best practices, targeted skills building on gender analysis, planning and programming, and addressing gender concerns in monitoring and evaluation mechanisms. This policy aims to set the framework for gender mainstreaming to be a central focus in the Secretariat. Further, relatively weak institutional structures and mechanisms require strengthening, so that an effective Gender Management System (GMS) is established.

3.0 Policy Statement

Gender equality in the workplace is a prerequisite for effective organisational performance and development, anchors professionalism and promotes results that contribute to positive societal change. Fundamentally, gender equality shall constitute a key value and objective of all the work of the Secretariat. It is therefore the commitment of SADC Secretariat to ensure:

- **Equality and Equity:** The SADC Secretariat is committed and uniquely positioned to take the lead in the region in promoting equality between women and men, challenging and correcting inequality as part of the broader agenda for achieving the SADC common agenda.
- **Gender mainstreaming:** translating this responsibility into concrete action, through making sure that a gender equality perspective informs all organisational rules, procedures, systems, mechanisms, projects and programmes in the Secretariat.
- **Equal representation and participation of women and men:** in all positions within the structures of SADC, in particular leadership and management.
- **Equal opportunity and benefit for men and women:** demonstrating that sustainable human development cannot be achieved without the full involvement of women and men.

4.0 Scope of Application

The Workplace Gender Policy shall form part of the set of SADC policies applicable institutionally and in the support provided to Member States.

5.0 Alignment with other Institutional Policies

The Secretariat has a number of policies aimed at strengthening its overall corporate strategy. This stand-alone gender policy is an important step in demonstrating commitment to make gender equality issues and concerns a priority. It will also be a catalyst for accelerating the integration of a gender perspective in all spheres of the organisation, so that it becomes a routine part of the Secretariat's work. The policy must be cross referenced and read with existing policies, and should inform all other SADC institutional policies as regards the mainstreaming of gender.

6.0 Goal and Objectives

The **goal** of the Workplace Gender Policy is to support equity and equality between women and men through removing all forms of discrimination, and integrating their experiences, ideas, rights, and issues in all spheres of organisational development and practice. This shall be done through the following **objectives**:-

- Taking concrete steps to ensure gender equality is integrated into all aspects of organisational practice, in order to unlock the potential of men and women internally and externally

- Setting out clear benchmarks and targets for achieving gender equality institutionally, so that value added and support provided to Member States is enhanced.

7.0 Guiding Principles

The following principles shall be central to every action towards mainstreaming gender equality in the Secretariat:-

- a. Gender equality is a fundamental human right
- b. All SADC policies, programmes and projects must contribute to gender equality
- c. Women's empowerment is central to achieving gender equality
- d. Partnership between women and men is critical to the success of any gender equality efforts
- e. Specific measures designed to eliminate gender inequalities are required in order to achieve gender equality, including affirmative action

8.0 Institutional Action to Mainstream Gender

In order to realise the objectives and overall goal of the Workplace Gender Policy the following steps shall be undertaken:-

8.1 Planning

Planning shall be informed by the following guiding frameworks:-

- a. RISDP (2003 -2015), which recognises gender and development as a cross cutting issue.
- b. The Strategic Implementation Framework on Gender and Development (SIF) (2006-2010) which identifies specific activities, benchmarks and targets to achieve gender equality in SADC.
- c. The SADC GU 5 Year Business Plan

All existing plans shall be reviewed to ensure that gender equality is explicitly recognised as an objective and guiding principle; this policy shall also apply to all new planning processes. At every point in the SADC Secretariat planning cycle, gender equality issues and concerns shall be integrated. Plans shall be approved when this process has been undertaken, which should include clear and measurable indicators of progress. A guiding framework on gender planning shall be in place, which will form the basis for a standardised planning template. This should be supported by checklists specific to issues being covered by Directorates/Units.

8.2 Programming

All SADC Secretariat programmes must demonstrate gender responsiveness. This means all programmes must show evidence of systematic consideration of the differences between the conditions, situations and needs of women and men and the potential impact of the programme on their rights of access to opportunities and outcomes in a particular sector. This should be supported by clear and measurable indicators of progress. All existing programmes shall be reviewed for gender responsiveness within a defined time frame, and all new programmes are to adhere to this policy.

A set of tools to facilitate this process shall be available to guide respective Directorates and Units. All Directors and Heads of Unit shall ensure this policy is adhered to, supported by the GU and the Policy and Strategic Planning Unit.

8.3 The Project Cycle

The project cycle presents a number of opportunities to raise and integrate gender equality and women's empowerment issues and concerns, and these must be routinely utilised within the Secretariat.

The particular needs and requirement of men and women shall be taken into account at all stages of the project design, from concept to evaluation. All existing projects shall be reviewed for gender sensitivity within a defined time frame, and all new programmes are to adhere to this policy.

Each Directorate/Unit shall initiate or strengthen a flagship gender specific project to act as a catalyst for gender mainstreaming, and from which lessons can be learnt and shared.

Each Directorate/Unit shall develop a checklist to be considered in programme and project design to ensure that gender concerns are routinely incorporated into projects; this should also take into consideration the potential impact of each project from a gender perspective.

All Directors and Heads of Unit shall ensure this policy is adhered to, supported by the GU and the Policy and Strategic Planning Unit.

8.4 Resource allocations

The budget, which mirrors the priorities of the Secretariat, is a key management tool for ensuring that gender mainstreaming is taking place. Integrating gender into the budget shall be need driven and within the fiscal budgeting framework. It increases the understanding and uptake of gender issues. This shall facilitate institutionalisation of gender processes at different levels within the Secretariat.

As a first step, there shall be a gender audit of the Secretariat's budget to determine:

- Budgetary allocations for creating and implementing and employment equity plan, and this will be an overall target/indicator.
- The extent of identifiable budget lines for gender specific projects, including an

agreed percentage of budget allocation per Directorate/Unit for this purpose

- The extent to which allocations at Directorate/Unit reflects gender sensitivity, and address key gender priority areas in respective sectors that the Unit/ Directorate is coordinating

The extent to which there have been specific budget allocations for gender analyses, tracking information and developments on gender, gender training.

Further steps to be taken shall include:

- The Outlook Budget Paper shall be structured in a manner that issues of gender equality are articulated adequately. There should be a clear alignment of goals to the RISDP, Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO), and the Millennium Development Goals (MDGs). These should be extrapolated in the annual and MTEF.
- The development of gender budgeting tools to facilitate a harmonised approach to mainstreaming gender into budgeting.
- A requirement that in setting out priorities, an analysis of the gender impact/ opportunities should be embedded as a key selection criterion as part of the current zero-based budgeting system which requires justifying every activity.
- Developing gender budgeting guidelines for Directorates/Units. These guidelines shall form the basis for reviewing all plans, projects and programmes by the Finance Unit, Internal Audit, Budget Committee, sub Finance Committee, Finance Committee and Council for compliance with gender budgeting requirements.
- Ensuring that the terms of reference of the Finance Committee /Sub Finance Committee shall explicitly address gender equity and equality
- Gender disaggregated statistics are routinely collected and utilised in all identified areas and priorities
- Publicising success stories on gender budgeting and monitoring within the organisation.
- All budgets, within a defined time frame, shall adhere to this policy

8.5 Institutional transformation

Staff profile and recruitment

- In line with the SADC target adopted by the Heads of State, the Secretariat aims to ensure gender parity and equality at all levels and in all areas of its operations by 2015 through:
- Ensuring that at any given time the top 3 positions are occupied by both sexes
- Encouraging women from member states, especially under-represented countries to apply.

- Sensitising SADC gender focal points in member countries to this target and the need to achieve gender balance in applications submitted.
- Ensuring that all SADC posts are thoroughly advertised in member states and that women and men are encouraged to apply in categories in which they may be under-represented.
- Requesting member states to submit, where possible, equal numbers of applications from women and men; and if this is not done, to explain why.
- Where a woman and man are equally qualified for a post in a category in which there is a gender imbalance; the sex that is under represented will be given priority.
- Table gender disaggregated statistics on staff profile per country at every Council meeting to encourage countries in which there are gender gaps in the staff profile to fill these.
- Gender balanced selection panels that follow the gender sensitive guidelines drawn up for interviews.
- Add the above processes to the administrative rules and handbook procedures that are currently being updated.

Working conditions and practices

- The Secretariat undertakes to review all procedures and rules to ensure that family friendly provisions are incorporated including, but not limited to:
- Facilitating child care support for parents, such as looking into the establishment of on-site day care facilities.
- Providing child care support of up to 6 months to parents with new born infants whilst traveling on official trips.
- Extending paternity leave from three to fourteen days.

Sexual harassment

Any form of sexual harassment is discriminatory and a gross violation of the rights of the individual.

A committee, chaired by the Deputy Executive Secretary (DES) and including representatives from the Administration and Human Resources Unit, shall be established to address any matters relating to sexual harassment. Procedures for confidentially managing sexual harassment cases shall be developed without delay. There shall be a focus on prevention of sexual harassment through targeted action, including routine public staff awareness activities. This corporate sexual harassment policy shall be well disseminated and steps taken to create a conducive environment for women and men to report incidences of sexual harassment.

Awareness and attitudes

The Secretariat shall integrate specific information and undertake activities in line with the internal information and communication strategy to ensure that all staff is kept informed of developments and trends, and also contribute to key gender issues, including the sensitive and controversial ones. The Corporate Communications Unit, supported by the Human Resources and Gender Units, shall take the lead in this regard.

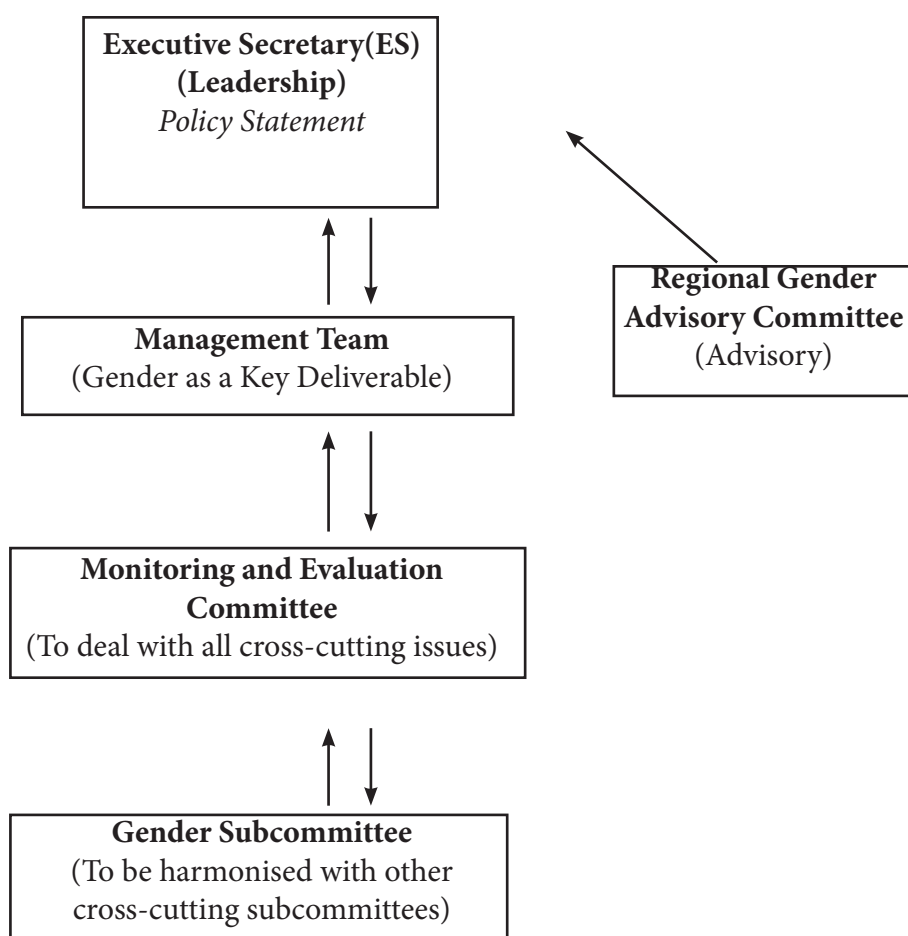
8.6 Gender Management System

To sustain gender mainstreaming, the process shall be anchored by an effective gender management system (GMS) within the Secretariat, which is made up of structures and other management tools aimed at supporting a coordinated gender mainstreaming response.

Structures

The responsibility for gender mainstreaming must be shared by all, and especially driven from the senior management level while ensuring that specific responsibility and expertise are vested in strategically positioned structures within the Secretariat. The gender structures have a key role to play in developing gender analysis skills within the organisation as well as creating a conducive environment for gender mainstreaming.

The following structure shall support gender mainstreaming efforts within the Secretariat:-



The system includes:

- Strategic leadership and direction at the highest level from the Executive Secretary.
- Management Team, with a standing agenda item on gender mainstreaming and women's empowerment work in the Secretariat.
- An inter-Directorate/Unit Monitoring and Evaluation Committee, meeting routinely to share ideas, peer review, monitoring and evaluating strategic direction of all cross cutting issues. It shall comprise GFPs, Senior Technical staff and professionals.
- The Gender Subcommittee, which shall play the role of advising and presenting issues to the M and E Committee, and shall comprise GFPs.
- The GU reporting directly to the Executive Secretary implementing flagship cross cutting gender programmes, including managing the gender training/skills building package; the latter supported by GFPs at Directorate level. The GU shall ensure that stronger synergies are developed with all Directorates and Units, and provide periodic information and communication on trends and developments, with support of the GFPs.
- The GFP in every Directorate reporting to the Directors and providing technical support for sector specific gender mainstreaming work, as well as providing in house backstopping. The GFPs shall be appointed at a senior level, with clear terms of reference and these tasks clearly outlined in their job descriptions and performance agreements.
- The Regional Gender Advisory Committee comprising gender experts from around the region playing a critical advisory role to the GU on regional gender issues.

Awareness raising and capacity building

- Regular sensitisation shall be undertaken at all levels, including the building of gender analysis skills at a technical level. Working together, the Human Resources and Gender Units shall:
- Provide backstopping to all GFP and directorates in the implementation of their gender action plans.
- Incorporate the gender policy and training in orientation of new staff.
- Hold regular workshops on gender, using the SADC Gender Mainstreaming Toolkit and other resources
- Run online part-time courses on gender using the SADC Gender Mainstreaming Tool kit that will be made accessible through the website.
- Establish forums for discussions and debate with support of the Corporate Communications Unit, and a periodic newsletter that will serve to mobilise all staff across the Secretariat, and especially staff at support level.
- Run an in-house monthly newsletter on gender issues.

Performance management system

Performance shall be measured both at an organisational and programme level, as well as at an individual level. Gender shall therefore be integrated into the new Performance Management System (PMS) through:

- Including gender equality indicators in job descriptions, contracts and performance assessments (PA), particularly at management and senior levels that strategically influence organisational development and performance
- The implementation of the results of the job evaluation, as well as the upcoming skills audit provide an opportunity to undertake this exercise, led by the executive, and supported by the Human Resources and Administration Units.

Monitoring and Evaluation (M and E)

The gender impact of results and delivery on the Secretariat's work shall be measured through gender indicators as part of the monitoring and evaluation system. Indicators must be both qualitative and quantitative. The Secretariat shall keep regular, accurate and updated gender disaggregated statistics. It shall also be essential to record who is benefiting, from a gender perspective, from the programmatic work that the Secretariat is undertaking.

In line with the above the Secretariat undertakes to take concrete steps to address current gaps and opportunities for change in the following ways:-

- Gender sensitive indicators shall be an integral part of all key result areas at planning, project and programme levels.
- Each Directorate/Unit shall have the responsibility for routine reporting on progress on gender to all relevant structures, including ICPS, Council, Integrated Committee of Ministers, and Summit
- Gender equality should be a standing item on the agenda of management meetings.

Glossary of Terms

“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

“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

“empowerment” is the process of gaining access and developing one's capacities with a view to participating actively in shaping one's own life and that of one's community in economic, social and political terms

“human development” focuses on expanding the choices men and women have to lead lives that they value. It is thus about much more than economic growth, which is a means of enlarging people’s choices.

“human rights” refer to the basic rights and freedoms to which all humans are entitled. Examples of these rights include civil and political rights, such as the right to life and liberty, freedom of expression, and equality before the law; and social, cultural and economic rights, including the right to participate in culture, the right to food, the right to work, and the right to education.

“empowerment” is the process of gaining access and developing one’s capacities with a view to participating actively in shaping one’s own life and that of one’s community in economic, social and political terms

“gender” means the roles, duties and responsibilities which are culturally or socially ascribed to women, men, girls and boys

“gender disaggregated statistics ” is the collection and separation of data and statistical information by sex to enable comparative analysis.

“gender equality” means women and men enjoy the same status, and that they have equal conditions for realising their full human rights and potential to contribute to national, political, economic, social and cultural development, and to benefit from the results. Gender equality is therefore the equal valuing by society of both the similarities and differences between women and men, and the varying roles that they play

“gender equity” means the just distribution of benefits, rewards and opportunities in which relations between women, men, girls and boys are based on respect for differences

“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 management system” is a network of structures, mechanisms and processes put in place within an existing organisational framework, to guide, plan, monitor and evaluate the process of mainstreaming gender into all areas of the organisation’s work in order to achieve greater gender equality and equity within the context of sustainable development

“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

“sex” means the biological differences between females and males

“sexual harassment” Sexual harassment means any persistent and unwelcome conduct of a sexual nature, including unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature in the work place.

