

# *African Women's Decade: One Year On*



**Make *Every* Woman Count**

*Promoting the Empowerment of African Women & Girls*

*Founded in December 2010 two months after the launch of the African Women's Decade, Make Every Woman Count is a young women-led organisation committed to actively promoting and advocating for the empowerment and rights of African women and girls and to raise awareness of the African women's Decade. The MEWC website aims to be a comprehensive online resource to support the empowerment of African women and girls.*

*Make Every Woman Count's mission is to provide accessible, timely and accurate information, resources and tools to support and strengthen the work of African women's rights advocates, grassroots, and activists to effectively promote the economic, political and social rights of African women and girls; and to inspire and support young women to be the future generation of African leaders.*

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## **African Women's Decade: One Year On**

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*"We are at the dawn of the African Women's Decade .... We need to empower African women who produce food, raise children and drive the economy here. When those women take their rightful place at the negotiating table, in the parliament and in leadership positions across society, we can unleash Africa's enormous potential"*

UN Secretary-General Ban Ki-moon

# INTRODUCTION

One year ago, the African Union declared 2010-2020 as African Women's Decade. The theme of this year is "Health, Maternal Mortality and HIV/AIDS". This decade is a promise from African governments and the African Union to promote women's rights and achieve gender equality in Africa.

The African Women's Decade is quite significant and unique. It officially puts women at the centre of every initiative or work that will be undertaken in Africa by the African Union, and its member states in the next 10 years.

Thirty years after the adoption of CEDAW, many women and girls still do not have equal opportunities to realise rights recognised by law. In most countries, women are denied the right to own property or inherit land. They face social exclusion, 'honour killings', FGM, trafficking, restricted mobility and early marriage, among others.

Women in Africa face dual legal systems wherein customary laws on inheritance, property ownership favour the men over the women and patriarchal traditions which consider men as heads of the family. Cultural marginalisation severely limits women's education opportunities, which results in high illiteracy levels and a lack of qualifications and skills. These factors block women's participation in politics, decision making and leadership positions. It is often notable that traditional and religious practices relegate women to traditional households roles.

Violence and discrimination against women are social epidemics and despite the progress made by women's rights movements in identifying, raising awareness, and challenging impunity for women's rights violations, serious discrimination continues to target women in Africa. In conflict-ridden areas like the Democratic Republic of Congo, Chad, Ivory Coast, and Darfur region in Sudan, women are raped as a weapon of war with no impunity.

In the past years, there has been some encouraging progress regarding gender equality in Africa. Some states have made considerable advancements in protecting women from sexual violence and encouraging women to participate in politics and election. Most have gender policies or some kind of national women's mechanism, such as a ministry of Gender or ministry of Women's Affairs. There are aspects of gender equality in many constitutions and some countries have passed other laws on different aspects of women's rights.

Despite growing numbers of women's parliaments, women's participation in politics is still far from adequate in Africa. However, according to the UN MDG's 2011 report, Sub Saharan Africa has registered an increase from 13 percent in 2000 to 20 percent in 2011, with North Africa also seeing a similar increase, with 3 percent in 2000 up to 12 percent in 2011.

There has been some recent progress regarding women's political participation with Ethiopia, Madagascar and the United Republic of Tanzania recording improvements in 2010. Women's representation in parliaments in Sub-Saharan Africa is now higher than in South Asia, the Arab states or Eastern Europe. Rwanda has proven to be a regional leader in terms of gender main-streaming, access to legal aid and women's political participation with 51% of females holding parliamentary seats; the highest in the world.



Source: UN Photo Archive

In April 2011, The president of Mali appointed Cisse Mariam Kaidama to be the country's new prime minister. Kaidama is the first woman to take on the top job in Malian politics. In July 2011, Angola took a step forward for Women's rights by enacting a Law to criminalise domestic violence and offer protection and support to victims and their families. Kenya and Guinea-Bissau have become the latest countries to make genital mutilation illegal by passing a law prohibiting the practice, and Equatorial Guinea ratified the Maputo Protocol and so became the 31st country to do so.

Most African countries have ratified CEDAW (with the exception of Sudan and Somalia), and so far, 31 out of 53 countries have ratified the Maputo protocol with the latest being Equatorial Guinea.

By placing women at the centre of it all, African women and girls will have an opportunity to flourish and become advocates and leaders. However, there is a need for African Governments to back up their commitments with actions. We need to empower African women and girls with the tools they need to become agents of change. In 10 years, we need to look back at the African Women's Decade and be proud of what we have achieved as individuals and as a global community.

*Rainatou Sow*

*Founder & Executive Director*

**Make Every Woman Count**

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# SUMMARY

This report summarises the progress made by African countries regarding women's rights and gender equality on the continent during the first year of the African Women's Decade. This is done by presenting each country on the continent with a background and a presentation of progress and developments made within different areas, with importance for the human rights of women and gender equality. The report is divided into sections according to regional visions of the African continent, and the countries are then presented individually.

MEWC will publish one report yearly throughout the 10-year duration of the African Women's Decade. The purpose of the report is to provide an overview of women's rights situation in Africa. It is important to keep track of countries progress with regards to gender equality in Africa for several reasons. It is a way of keeping track of the progress made on the continent and will thus function as a resource for developments throughout the decade. It is also an important tool when advocating for change, as developments regarding progress on gender issues will be made available. Furthermore, the report can function as an incentive for countries to improve their efforts in the areas of gender equality and the human rights of women.

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# WESTERN AFRICA

Most of the countries in West Africa have yet to adopt a National Action Plan for the implementation of UNSCR 1325. Liberia, Sierra Leone and Cote d'Ivoire are the only countries that have launched a National Action Plan. All of the countries have ratified CEDAW but many anti-discrimination laws are poorly enforced or are weak compared to traditional or customary forms of justice.

West Africa has made great strides in the areas of policy for women's rights, health and access to economic sectors. However, wide gaps in access to employment remain. Sexual harassment in the workplace is commonplace in most countries and rarely enforced in domestic disputes. Family law and customary practices, especially in countries that share legal space with Sharia law, often lead to limited enforcement of civil laws. Several countries have seen burgeoning of women's rights grass-roots movements including Burkina Faso, Liberia and Nigeria, all of which have generally increased access to decision-making positions for women; and Liberia has elected its first female head of state.



Female unemployment remains high in some West African countries. In Ghana, women are 51% of the unemployed workforce. In Mauritania, women are 73% of the unemployed

workforce, and in Senegal, 50% of the unemployed workforces are women. However, the report highlights several successful attempts in some countries at opening up the barriers to the market for women including micro-loan programs, vocational programs, and educational opportunities.

Some of the poorest countries in Africa have made the greatest strides in education. According to the United Nations Millennium Development Goals Report, several West African countries fall in this category, including Mali, Guinea, Niger, Burkina Faso and Benin, who have increased primary education attendance by 25%, including a larger proportion of girls.<sup>1</sup>

Senegal has made great strides in Family Planning, and Benin has implemented a population policy plan in which women have access to contraception, though rights to an abortion are severely limited. Polygamy is still practised in some West African countries making women more susceptible to HIV/AIDS. In most countries, rural women have less access to prenatal care and/or contraception than urban women. Benin, Liberia, Togo and Burkina Faso both have legalised abortion to a much greater extent than other West African countries,<sup>2</sup> though legalizing abortion does not always translate to women having access to clinics, or that they are able to make the decisions on their own accord.

Guinea, Mauritania, Nigeria, Togo, Liberia, Guinea-Bissau and Mali do not have laws expressly prohibiting domestic violence, spousal rape, or sexual harassment. Senegal, Sierra Leone, Niger and Cote D'Ivoire also do not have a law expressly prohibiting spousal rape.<sup>3</sup> While West Africa has begun to address issues of sexual and gender-based violence, violence against women remains widespread and continues to be used as a weapon of war.

Liberia and Sierra Leone are both in the reconciliation phases after long civil conflicts marked by extreme gender based violence and the use of child soldiers. In both conflicts, women came together to call for peace and an end to the violence against women and children. In Liberia, with the support of the Women in Peacekeeping Network, women came together to call for peace and elected the first female head of state in Liberia, Ellen Johnson Sirleaf. After the war, women came together to create safe places for women to talk about the war and discuss problems in their communities, and women became the mediators of disputes.<sup>4</sup> There is no question that the impact of conflict on women is substantial and traumatic. Liberia and Sierra Leone both face challenges to reconciliation after conflicts that not only saw high levels of violence against women, but also involved both male and female perpetrators of violence. Still, vast challenges remain in bringing justice to those who have been victims of violence.

## BENIN

The Constitution of Benin guarantees equality before the law without distinction of sex, origin, race, religion, political opinion or social position; and holds men and women equal under the law.<sup>5</sup> Benin ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) in March 1992.

### GENDER DISCRIMINATION

Although the passage of the Personal and Family Code in 2004 invalidated the Customary Law of Dahomey, under which women were not considered persons under the law, conflicting traditional practices still persist.<sup>6</sup> Under the Code, the legal age of marriage is set at 18 years old. However, early marriage and forced marriage reportedly remain widespread, especially in rural areas where families see the practice as a means of alleviating poverty.<sup>7</sup>

The Code also establishes equal parental authority.<sup>8</sup> However, since a woman is regarded as a dependent of her husband, she is prevented from declaring her children as dependants.<sup>9</sup> In addition, the law establishes monogamy as the only legal form of marriage.<sup>10</sup> Despite this, polygamy continues, threatening the safe livelihoods and inheritances for women and their children involved in these marital relations. According to RB representative Rosine Vieyra-Soglo:

*“You can marry 40 women if you want, but just be aware that if you die, it’ll only be the one you married at the registry office who will enjoy the right of inheritance.”<sup>11</sup>*

And while the Code provides for equal inheritance rights for children, regardless of gender, women entitled as lawful wives remain subject to inheritance as prescribed by customary law.<sup>12</sup> In the absence of a child old enough to inherit the property, the relatives of a deceased man will typically claim inheritance rights.<sup>13</sup>

Finally, passage of the Code does not necessitate awareness. While non-governmental organisations continue public awareness campaigns, it is reported that many are still unaware of its existence and the critical rights it provides women.

Unfortunately, while women are no longer subject to customary law, patriarchal attitudes and resistance to change continue. In addition to the difficulty in inheriting property, women may still be prohibited from owning any land. Thus, while women constitute 80 percent of the agricultural workforce, very few are actual landholders.

### VIOLENCE AGAINST WOMEN

Benin’s Penal Code prohibits domestic violence and imposes jail terms of 6 to 36 months.<sup>14</sup> However, domestic violence remains common and survivors are reluctant to file complaints. This is, in part, due to social stigma, ignorance of legal rights, the complexity of complaint procedures and the unwillingness

of judges and law enforcement to intervene in matters they deem private.<sup>15</sup>

Benin law also prohibits the practice of female genital mutilation (FGM) and imposes various penalties including prison sentences of up to 10 years and fines of up to \$13,000 USD.<sup>16</sup> Although reports indicate that FGM has decreased, approximately 13 percent of women and girls between the ages of 14 and 49 have undergone FGM:<sup>17</sup> in general, the government has been unable to prevent the practice and to enforce the prohibition, due to a code of silence associated with the crime.

### ECONOMIC EMPOWERMENT

Women’s economic prosperity is severely limited by their lack of access to land, technology and credit.<sup>18</sup> However, in order to develop income-generating activities, the government granted microcredit to the poor, especially to women in rural areas.<sup>19</sup> An estimated 675,000 women have benefited from these microcredit projects since they began in 2007.<sup>20</sup>

### REPRODUCTIVE HEALTH AND HIV/AIDS

Under Act No. 2003-04 issued in March 2003, couples and individuals are guaranteed reproductive rights, including access to health care, freedom to give birth, freedom of marriage, rights to non-discrimination, access to contraception, and equal access to health care for people living with sexually transmitted infections including HIV.<sup>1</sup> The Act also provides penalties for the commission of all acts prejudicial to the enjoyment of sexual and reproductive health. In order to further promote responsible fertility to reduce early and/or late childbearing and to promote family planning through the distribution of contraceptives, Benin issued the Declaration on Population Policy in 2006.<sup>21</sup> While 88 percent of women received prenatal care, an estimated 30 percent of women had an unmet need for family planning. Access to care reportedly remains disproportionate, as more women in urban locations receive care than rural women.

Abortion law in Benin is governed by its Penal Code and prohibits abortion except to save the life of the pregnant woman.<sup>22</sup> However, there is concern that women are relying on unsafe methods to terminate pregnancies.

As polygamy continues as a traditional practice, Benin men marry more than one wife putting women at a greater risk of infection. The woman may have other men lovers whom she dates in the absence of her main husband or lover. This situation increases the risk of HIV/AIDS infection.

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## WOMEN'S POLITICAL PARTICIPATION

Currently, nine women sit on the 83-member National Assembly and four women in the 30-member cabinet. The Constitutional Court has two women among its seven justices.

## BURKINA FASO

The Constitution of Burkina Faso prohibits discrimination, particularly based on race, ethnic background, region, colour, sex, language, religion, caste, political opinions, wealth and birth.<sup>23</sup> Burkina Faso acceded to CEDAW in October 1987.<sup>24</sup>

### GENDER EQUALITY

The 2010 Human Rights Report on Burkina Faso commissioned by the United States Secretary of State reports that The Ministry for Promotion of Women, the Ministry for Social Action and National Solidarity, and several NGOs cooperate to protect and advance women's rights within the country.<sup>25</sup> Programs, workshops and campaigns were implemented to inform women of their rights and increase awareness and sensitivity of those rights amongst the community.<sup>26</sup> As a result, increasing numbers of women, primarily in urban areas, voiced their demand for equal rights and are occupying decision-making positions.<sup>27</sup>

### GENDER DISCRIMINATION

Women continue to occupy a subordinate position in society and often experience discrimination in education, jobs, property ownership, access to credit, management or ownership of a business, and family rights.<sup>28</sup> Women themselves are regarded as property, and although state law guarantees equal property and inheritance rights to women, traditional law often denies women the right to own property, particularly real estate, or inherit property at her husband's death.<sup>29</sup>

In addition, polygamy is permitted if both spouses consent.<sup>30</sup> While both spouses may petition for divorce, a wife may also oppose further marriages by her husband if she provides evidence that he has abandoned her and her children.<sup>31</sup> In the event that there are children borne of the marriage, custody may be granted to either parent based on the child's best interests.<sup>32</sup> However, in practice, a mother would retain custody until the child reached age seven, at which time custody reverts to the father.<sup>33</sup>

While Burkina Faso's labour code explicitly prohibits sexual harassment in the workplace, imposing fines or prison terms, harassment remains common and considered culturally acceptable.<sup>34</sup>

### REPRODUCTIVE HEALTH AND HIV/AIDS

By law, couples and individuals may freely decide the number, spacing and timing of their children.<sup>35</sup> Women have the right to access reproductive and family planning information without discrimination, coercion, or violence.<sup>36</sup> While health centres

were open to all women for reproductive health services, including contraception and diagnosis and treatment of sexually transmitted diseases, cultural norms, lack of access to information and distance of medical care facilities constrain these rights, especially in remote areas.<sup>37</sup> Women are also often subject to their husbands' decisions regarding birth control.<sup>38</sup> During its review of Burkina Faso's implementation of CEDAW in 2010, the Committee found that reproductive care was endangered by the lack of skilled medical personnel and an inadequate distribution of those who are available. Despite the increase of family planning services, there were a high number of unintended pregnancies and a 3.8 percent increase in the birth rate in one year. The Committee also expressed its concern about the lack of available information on the link between the maternal mortality rate and the practice of clandestine abortions, as well as on the effects of criminalisation of abortion with regard to the high maternal mortality rate.

Although prevalence of HIV among adults between the ages of 15 and 49 decreased over the years, 1.2 percent of Burkina Faso's population is infected with HIV as of 2009.<sup>39</sup>

### ECONOMIC EMPOWERMENT

Women represent approximately 45 percent of the general workforce and are primarily concentrated in lower-paying positions.<sup>40</sup> To promote economic empowerment and development, the government established community banks to women's groups, which then provided micro-loans for small businesses.<sup>41</sup>

### VIOLENCE AGAINST WOMEN

Article 417 of Burkina Faso's Penal Code makes rape a crime punishable with five to 10 years' imprisonment.<sup>42</sup> Although there were prosecutions during the reporting period, no statistics were available, and human rights associations report that rape occurs frequently.<sup>43</sup> There is no explicit mention of spousal rape in the law, and there have been no recent court cases.<sup>44</sup>

Domestic violence against women occurs frequently, primarily in rural areas,<sup>45</sup> and there remains no law specifically protecting women from domestic violence.<sup>46</sup> Although cases of severe injury are usually handled through the legal system, most cases are settled out of court.<sup>47</sup> No statistics are available on how many persons were prosecuted, convicted, or punished for domestic violence during the past year; women likely do not seek legal redress out of shame or fear.<sup>48</sup>

Despite being illegal with fines and imprisonment of six months to three years, female genital mutilation (FGM) continues to be practised, especially in rural areas.<sup>49</sup> In 2010, security forces and social workers from the Ministry of Social Action arrested several FGM practitioners and their accomplices.<sup>50</sup> However, even though no recent study has been issued, it is believed that practice of FGM has decreased significantly.<sup>51</sup>

Fears of witchcraft still exist. Childless elderly women with no support, primarily in rural areas and often widowed, have occasionally been accused of witchcraft, banned from their villages, and often accused of eating the soul of a relative or a child who had died.<sup>52</sup> During 2010, 18 women fled their villages and were rescued by NGOs.<sup>53</sup>

## WOMEN, PEACE AND SECURITY

Since 2007, women have been permitted to serve in the military as officers and non-commissioned officers, and have been deployed on foreign peacekeeping missions.

## WOMEN'S POLITICAL PARTICIPATION

As of 2010, 13 women sat on the National Assembly and seven women served on the 34-member cabinet. A woman led one of the four higher courts, the national ombudsman was a woman, 18 elected mayors were women, and an estimated 40 to 45 percent of new communal councillors were women.



## COTE D'IVOIRE

Cote d'Ivoire signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) on the 27th of February 2004 but has not ratified it. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Cote d'Ivoire on the 18th of December 1995. Cote d'Ivoire launched its National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325) in January 2007. The law prohibits discrimination on the basis of gender; however, women experience economic discrimination in access to employment, credit, and owning or managing businesses.

## VIOLENCE AGAINST WOMEN

The law prohibits rape and provides for prison terms of five to 20 years; however, the government has not enforced this law in practice, and rape continues to be a widespread problem. The law does not specifically penalise spousal rape; claims were most frequently brought against child rapists. A life sentence can be imposed in cases of gang rape if the rapists are related to or hold positions of authority over the victim, or if the victim is under 15 years of age. The court in Abidjan received approximately five cases of child rape per month.

Women's advocacy groups continue to protest the indifference of authorities to female victims of violence, including rape, and women who report rape or domestic violence to the police are often ignored. Relatives and police often persuade female victims to seek an amicable resolution with the rapist, rather than pursue a legal case. The Ministry of Family and Social Affairs can seek justice on behalf of rape victims, however, families often prefer to settle out of court. As of April 25, 21 people were officially convicted and sentenced for rape, although the lesser charge of indecent assault was often used to speed up conviction. While small, the number of convictions

steadily increased as more victims came forward and courts treated the problem more seriously.

The law prohibits sexual harassment and prescribes penalties of between one and three years' imprisonment and a fine ranging between 360,000 and one million FCFA (\$720 to \$2,000 dollars). However, the government rarely enforces the law, and such harassment is widespread and routinely accepted as a cultural norm<sup>2</sup>.

There are credible reports that security forces, CECOS members, and FAFN soldiers continue to rape women and girls throughout the country, particularly in the central, northern, and western zones; however, there are few specific cases available to cite. The UNOCI Human Rights Division<sup>3</sup> documented 23 cases of rape related to electoral violence.

On October 22, HRW published *Afraid and Forgotten: Lawlessness, Rape, and Impunity in Western Cote d'Ivoire*<sup>4</sup>, which documented numerous cases of violence, torture, and rape committed in the western administrative regions of Moyen Cavally and Dix-Huit Montagnes. The report highlights the threat posed by militia groups and demobilised former soldiers to the general population, but specifically women and children. The report documents 109 specific cases of rape in the west (23 reported by victims, 86 by witnesses), between January 2009 and August 2010.

The Ministry of Family, Women, and Social Affairs, in partnership with the UN Population Fund (UNFPA), the UN Development Fund for Women, UN Development Program, and the UN Children's Fund issued a report on gender-based violence in 2008. The report corroborates that the highest number of women who reported being the victims of sexual violence are in the western and northern regions, in Man (41%), Duekoue (35%), and Korhogo (26%).

UNOCI established a commission of inquiry in December 2009 to probe allegations of sexual abuse involving UN peacekeepers in the country. UNOCI personnel involved in the 2007 sexual exploitation and abuse case of minors were returned to their home countries, where they stood trial. There were no significant cases involving peacekeepers during the year.

## REPRODUCTIVE HEALTH AND HIV/AIDS

Couples and individuals have the right to decide the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. In urban areas access to contraception, skilled attendance during childbirth, including essential obstetric and post-partum care, is available to those women who can afford it. According to the UNFPA approximately 13 percent of women ages 15-49 use some form of contraception.

The UNFPA also estimated the maternal mortality rate to be 470 per 100,000 live births in 2008. Pregnant women diagnosed with sexually transmitted infections, including HIV, were treated.

According to the poverty reduction strategy report issued by the Ministry of Planning in May 2009, 12 percent of the poor had no access to a health center, and 26 percent had no access to a general hospital where information and skilled health care were provided. For some women, transportation and costs of services were significant barriers to access to health centers and hospitals. The report also stated that 54 percent of the poor had to walk to a health centre, and 14 percent to a general hospital. Furthermore, threats or perceived threats of violence from husbands or family members were also an inhibiting factor for some women's access to family planning services located in the health centres.

A joint report by LIDHO and the International Rescue Committee (IRC) published in March 2009 noted that police roadblocks sometimes prevented pregnant women from giving birth in health centres, resulting in women giving birth at home without professional assistance. The report also mentioned that some health centre professionals defrauded pregnant women under the guise of providing services that were never rendered. According to the Population Reference Bureau and UNFPA, approximately 47 percent of births were attended by skilled personnel and a woman had a one in 44 lifetime risk of maternal death.

## CAPE VERDE

Cape Verde ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) on the 21<sup>st</sup> June 2005, and CEDAW was ratified on the 5<sup>th</sup> December 1980. Cape Verde has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

### VIOLENCE AGAINST WOMEN

In Cape Verde, domestic violence against women, including wife beating, remains common. Despite constitutional prohibitions, sexual and societal discrimination against women continues. Rape and spousal rape, is considered as a criminal offence but like most of African countries, the government generally did not enforce the law effectively. The penalty for rape is eight to 16 years' imprisonment. Penalties are higher if the victim is under the age of 16 or if the offender took advantage of job responsibilities in a prison, hospital, school,

or rehabilitation centre, or with persons under his or her authority<sup>54</sup>

Violence against women such as domestic violence is widespread throughout the country. The government and the civil society are working to encourage women to report such violence to the police. Domestic violence is punishable by 2 to 13 years' imprisonment.

The government-run Cape Verdean Institute of Equity and Gender, the Women Parliamentarians Network, and local women's organisations with foreign diplomatic support promoted legislation to address gender-based violence. As a result of this action, in July the parliament approved a bill that, for the first time in the country's history, addressed gender-based violence. The new law focuses on three main objectives: improving protections afforded to victims, strengthening sanctions against offenders, and raising awareness of the problem.<sup>55</sup>

## GHANA

Ghana ratified the Maputo Protocol on the 13<sup>th</sup> June 2007, and CEDAW on the 2<sup>nd</sup> January 1986. Ghana has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325). The Ghanaian constitution grants equal rights to men and women. However, discrimination and inequality against women continues in the Ghanaian society.

### VIOLENCE AGAINST WOMEN

Violence against women such as domestic violence and female genital mutilation is widespread in the country. It is estimated that 15 to 30 percent of girls and women are still circumcised in northern Ghana. According to the UN WOMEN report: "Progress of the World's Women: In Pursuit of Justice", more than one-third of Ghanaians still believe it is justifiable for a man to beat his wife.

### WOMEN'S POLITICAL PARTICIPATION

The position of women in Ghana makes them particularly vulnerable as they have restricted access to land and natural

resources, power and decision making, capital, access to basic services (education, health, legal) and physical security. Women's participation in certain nominated posts has increased gradually over the past few years, with women currently representing 24% of the ministerial appointees. There are 14 women out of 75 ministers and deputy ministers in government currently. According to the experts, IPU's figures from last April show that women's participation and representation in the country's legislative house has dropped from 10.9% in April 2005 to 8.3% in April 2011.

Political history was in the making in the last Ghanaian election when members of the country's socialist opposition party – the Convention People's Party (CPP) – voted four women into some of their most important leadership positions. Samia Krumah, Susan Adu-Amankwah, Rodaline Ayana, and Mary Ankuma Boakye-Boateng have been elected to four out of the nine top executive posts in the party. Nana Konadu Agyeman Rawlings, the founder of the 31st December Women's Movement and wife of a Ghanaian ex-president has been very popular for the presidential female candidate for the next election in 2012.<sup>56</sup>

## GUINEA BISSAU

Guinea-Bissau ratified the Maputo Protocol on the 19<sup>th</sup> June 2008, and CEDAW on the 23<sup>rd</sup> August 1985. Guinea-Bissau has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325), though The constitution and legislation of Guinea-Bissau forbid all forms of discrimination on the ground of gender and grants equal rights to women and men. In reality, the government is not in a position to enforce the principle of non-discrimination.

### VIOLENCE AGAINST WOMEN

Violence against women including domestic abuse, rape, incest and other forms of violence are widespread and continue to be a serious concern in Guinea-Bissau. Female genital mutilation

(FGM) or fanado is common in Guinea-Bissau. The World Health Organization estimates that half of women in Guinea-Bissau have been subjected to FGM and the percentage increases from 70 per cent to 80 per cent in the Fula and Mandigue communities living in rural regions. A 2003 United Nations report estimated that 20 per cent to 30 per cent of women in urban areas had been subjected to the practice.<sup>57</sup>

In June 2011, Guinea Bissau took a step forward towards Women's rights when the National Popular Assembly (ANP) of Guinea-Bissau approved a law prohibiting female genital mutilation and cutting (FGM/C) nationwide. The controversial law had been on the table for discussion for 16 years, before it was ultimately approved by 64 votes in favor to 1 vote against.

## GUINEA

Guinea ratified CEDAW in 1982 but has not yet ratified the Maputo Protocol. It has also not adopted a National Action Plan for the implementation of UNSCR 1325. While the Guinean constitution grants equal rights to women and men, discrimination against women persists, particularly in rural areas.<sup>58</sup> Violence against women remains commonplace, especially political violence against women. Two years ago a peaceful political demonstration in a stadium was violently attacked by government forces. Many people were killed and female political protesters were reportedly sexually assaulted, raped, tortured, and some killed. Justice and reconciliation has yet to be achieved today for the events of two years ago.<sup>59</sup>

### WOMEN'S POLITICAL PARTICIPATION AND ACCESS TO ECONOMIC SECTORS

Guinea has no constitutional quota for national parliaments. Still, in 2010 women held 16% of the ministerial positions.<sup>60</sup> According to the progress report, women cannot work in all industries, though they can work the same hours as men.<sup>61</sup>

## VIOLENCE AGAINST WOMEN

Guinea has no laws prohibiting domestic violence, sexual harassment or marital rape even though rape is considered a criminal offence. Domestic violence is very common and the

prevalence of sexual harassment has been reported has high, especially in urban areas and in places of occupational work.<sup>62</sup> 96% of Guinean women have experienced Female Genital Mutilation. 63% of the women experienced child marriage.<sup>63</sup> Only 6% of women are regularly using contraception<sup>64</sup>

## LIBERIA

Liberia ratified the Maputo Protocol on the 14<sup>th</sup> December 2007, and CEDAW was ratified by on the 17<sup>th</sup> July 1984. Liberia launched its National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325) on the 8<sup>th</sup> March 2009.

## VIOLENCE AGAINST WOMEN

Violence against women, such as rape and other forms of sexual violence, is widespread. Rape continues to be a widespread problem. The 2006 rape law legally defined rape; however, the government does not always effectively enforce the law. The number of female victims of sexual violence increased significantly in previous years. The law does not specifically criminalise spousal rape; in a report compiled by AFELL, covering the period December 2010 to May 2011, there were 35 recorded cases of domestic violence against women by their spouses.<sup>65</sup> The government recently decided to establish a special court that is dedicated to trying cases of gender based violence and sexual violence. Additionally,

Female Genital Mutilation is widely practised throughout the country; thus far, there is no law prohibiting the practice.<sup>66</sup>

## WOMEN'S POLITICAL PARTICIPATION

In 2005, Liberia's voters made history by becoming the first African country to elect a woman, Ellen Johnson-Sirleaf, as president. Despite having the first female president in Africa, women's political participation is very low, and local efforts in Liberia, including civic education, have not led to gender equality in national governance. Liberia ranks 90th in the world in female representation in parliament, with only 13.5 percent of women making up the National Legislature of Liberia<sup>67</sup>

However, the Sirleaf administration has improved the climate for female candidates with progress on issues of gender rights and equality by increasing the maximum sentence for rape, guaranteeing women's right to property, and opening a special court to try cases of gender-based violence. According to many, Sirleaf Johnson is most likely to win the presidential election of 2011.

## MALI

Mali ratified CEDAW in 1985 and the Maputo Protocol in 2005. It has yet to adopt a National Action Plan for the implementation of UNSCR 1325. Mali does not have constitutional laws protecting women from child marriage. In 2009, hopes for equal rights for women and men were deflated when the president blocked a new law that would have granted more inheritance rights as well as a rise in the legal marriage age for women. 90% of the Mali population is Muslim, lending to the public rejection of the women's rights law by the president.<sup>68</sup>

## WOMEN'S POLITICAL PARTICIPATION AND ACCESS TO ECONOMIC SECTORS

In April 2011, The president of Mali appointed Cisse Mariam Kaidama to be the country's new prime minister. Kaidama is the first woman to take on the top job in Malian politics. Women held 10% of the seats in parliament in 2011, down from 12% in 1997. In 2010, women held 21% of the ministerial positions.<sup>69</sup> According to the United States Human Rights Report on Mali in 2010:

*"There were 15 women in the 147-member National Assembly. There were six women in the 29-seat cabinet, five women--including the chairperson--on the 33-*

*member Supreme Court, and three women on the nine-member Constitutional Court"*<sup>70</sup>

Family law and customary practices are biased against women. As a result, the civil courts tend to be biased against women. Women are legally obligated to be subordinate to their husbands, making them particularly vulnerable if divorced (as they are often not able to support themselves financially,) and they also lack inheritance rights. Women have limited access to legal services due to a number of factors including cost and lack of information.<sup>71</sup>

According to the progress report by UN Women, women cannot work in the same industries as men and they cannot work the same hours as men.<sup>72</sup> An organisation working in Mali called UNIDO, aimed to create a means towards poverty alleviation and economic empowerment through Shea Butter programs. As UNIDO began to partner with the Ministry of Women, the Ministry of Industry and the UNDP, UNIDO was able to increase the success of these programs.<sup>73</sup> Reproductive Rights

According to civil law, a woman in Mali can have an abortion if her life is in danger or she had been raped or a victim of incest. However in practice, Mali does not expressly allow the abortion to be performed in such cases. Abortions are expressly not allowed if the woman is in poor physical or

mental health, or for social and economic reasons. To all intents and purposes, a woman does not have the right to decide to terminate the pregnancy. Only 6% of women are regularly using contraception.<sup>74</sup>

## VIOLENCE AGAINST WOMEN

Mali has no laws prohibiting domestic violence, sexual harassment or marital rape. According to the US State department, police in Mali rarely intervene in cases of domestic violence and women are reluctant to report to the police if they have been abused for fear that their allegations would be ground for divorce. Stigma is also attached to rape.<sup>75</sup> Female Genital Mutilation (FGM) is widespread. 85% of women have experienced FGM and 71% have married as minors.<sup>76</sup>

## EDUCATION

With the help of UNICEF and partner organisations, Mali has made great strides in achieving gender parity in primary schools. In society in which women feared sending their girls to school, drop-out rates for girls were high and attendance for girls was low, Mali has made some progress. UNICEF reports that in villages where girls participated in their programs, their attendance to schools increased significantly. The programs have created a broader understanding of the importance of education girls, and made space for environments for 'girl-friendly' schools.<sup>77</sup>

# MAURITANIA

Mauritania ratified the Maputo Protocol on the 21<sup>st</sup> September 2005, and CEDAW was ratified by Mauritania on the 10<sup>th</sup> May 2001. Mauritania has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325). Although Mauritania has signed most of the international conventions in relation to women's rights, the law remains deeply discriminatory against women. Under the Islamic Sharia law, polygamy is legal in Mauritania and men are the heads of their households.



## VIOLENCE AGAINST WOMEN

Violence against women, such as domestic violence, Female Genital Mutilation (FGM), rape and other forms of sexual abuse, remain widespread throughout the country. There is no specific law that prohibits violence against women and the state does little to combat it. Spousal abuse and domestic violence are illegal; however, the government does not enforce the law effectively, and most cases have gone unreported. There are no specific penalties for domestic violence, and convictions are very rare.

## WOMEN'S POLITICAL PARTICIPATION

Women's participation at the decision-making level represents a major challenge in Mauritania. Though well represented as voters and activists on the ground, very few women stand as candidates in an election, be it local or national. There has been a worrying decline in the number of women in parliament from 17.1 percent in 2005 to 16.6 percent in the 2010 elections. At the local level, only 5.9 percent of councillors are women.<sup>78</sup>

## NIGER

Niger signed the Maputo Protocol on the 6th of July 2004, but has yet to ratify it. Niger ratified CEDAW in October of 1999.

The Nigerian family law has historically discriminated against women. The government has been slow to protect women's rights in the past and violence against women is still very commonplace. Disputes for domestic violence are settled in family courts.<sup>79</sup>

### GENDER POLICY FORMATION

Unfortunately, in the year since the African Women's Decade was initiated, Niger has not adopted a National action plan for the implementation of UNSCR 1325. There are also still great

gains to be made in the field of gender equality, women's participation and economic empowerment.

In the past year, Niger has suffered from a food crisis. In the wake of the food shortage, men left Niger in search of opportunity for sustenance, and women and children were predominately left behind. Women successfully organised themselves into advocacy groups in order to call on aid agencies for help. When men returned to their families, they had no motivation to farm. In response, women's organisations called upon aid agencies to provide seeds and fertilizer to motivate the men to farm again.<sup>80</sup> This shows that women have made great gains in organizing both politically and economically in a time of crisis and in hopes of preventing future crises.

## NIGERIA

Nigeria ratified CEDAW in 1985 and the Maputo Protocol in 2004. In 1999 the Nigerian constitution passed, prohibiting all forms of discrimination against women and ensuring equal rights between women and men. Despite the secular law, religious and customary law typically determines the limits of rights granted by the government. Islamic Sharia law is enforced in many southern states, perpetuating the discrimination of women. Female Genital Mutilation (FGM) and Domestic Violence are still prevalent and often resolved in family courts.<sup>81</sup>

### WOMEN'S POLITICAL PARTICIPATION

For the International Women's day, a celebration was held at the University of Lagos this year where participants called for equal rights of women in Nigeria. It was a great forum for academics and activists alike, all arguing for a fairer route to women's political participation; particularly for women who do not come from elite groups predominately speaking English.<sup>82</sup>

Many have argued that gains in women's political participation during the past year were only nominal and not really transformative. In the presidential primaries in February 2011, not a single vote was cast for a female candidate.<sup>83</sup> In this sense, the level of women's political participation during the elections was not encouraging. However, in July of 2011, two women were sworn in: Hajiya Zainab Maina became the head of the Ministry of Women's Affairs and Social Development while Oduah-Ogiemwonyi heads the Ministry of Aviation.<sup>84</sup>

In April, women's participation in the general elections showed a slight decline. There were 88 women standing for seats in the Senate and 218 standing for seats in the House of Representatives. 5 women ran for governor and several women ran as running mates to male counterparts. Around 400 women ran for state assembly positions. This is compared to 660 women who ran for office in 2007.<sup>85</sup> According to Chibogu Obinwa of the NGO Baobab for Women Human Rights, based in Lagos,

*"We have not even reached near the 35 percent affirmative action of the Beijing action which Nigeria endorsed."*<sup>86</sup>

However, when asked whether there is any hope for Nigerian women after the last election, Haila Zainab Mohammad, a Senior Special Assistant in charge of Rural Women Development, she responded: "Yes. For the Nigeria women there is hope in the sense that we are just coming up, this is a new, a new dawn for the women in Nigeria. They have come a long way; they have done it in their strides and in their various communities. There is now a uniform voice for women..."<sup>87</sup>

### GENDER POLICY FORMATION

Despite stalled numbers of female candidates, the current president, Goodluck Jonathan, has made strides in advocating for women's rights. He directed immediate enlistment and training of female regular combatant commission officers into the Nigerian armed forces.<sup>88</sup> This came as great news as this shows that women are considered equals in terms of citizenship. The president also initiated an important Affirmative Action plan to allow women the chance to participate in the political arena.

### REPRODUCTIVE HEALTH AND HIV/AIDS

This year, the UN commended the Nigerian investment into women's health as well as children's health. Moreover, Nigeria has made significant strides in curbing HIV/AIDS. NEXT reported that there is a 90% awareness of HIV/AIDS but the stigma of those who live with the disease still exists. Breastfeeding has gained importance and awareness this year in Nigeria. The Lagos state was at the forefront of the campaign for exclusive breastfeeding and the creation of crèches in the workplace. The state supported the private sector in the establishment of areas where female employees can breastfeed and leave their babies in a nursery. State

ministries also took up the initiative of crèches in the workplace.<sup>89</sup>

## ACCESS TO ECONOMIC AND LEGAL SECTORS

Some women's groups have made great strides this year in economic empowerment. The *Kogi Women Reform* group is establishing a factory that processes cassava.<sup>90</sup> What is more, the federal government is recognizing the importance of female agricultural laborers, providing them with labor saving technology.<sup>91</sup> Female stone crushers in Akwa Ibom show that the crushing of stones by women is a poverty reducing enterprise, helping women to nourish poverty stricken immediate families.<sup>92</sup>

In the progress of the World's Women Report, Nigeria is used as an example of how reform in a plural legal system (Sharia

laws and penal codes mixed with secular laws) can bring justice and equality for women. There have been instances of positive reinterpretations of laws in which there is an integration of local customary practices with secular and international human rights law. Many women convicted of crimes under Sharia law have been able to successfully appeal due to such reinterpretation of the law.<sup>93</sup>

Women's political participation, actions against sexual violence, health and economic empowerment have all made gains this year in Nigeria. However, gender discrimination still exists in every sector. Moreover, Nigeria has yet to adopt a National action plan for the implementation of UNSCR 1325, and in response to recent outbreaks of violence against women, Nigerian women's groups hope to march against sexual violence during the 16 days of activism.<sup>94</sup>

## SENEGAL

Senegal ratified CEDAW in 1985 and the Maputo Protocol in 2004. The Senegalese constitution prohibits discrimination against women and ensures gender equality, but these laws are typically not enforced. Women in rural areas typically face more discrimination and traditional gender roles are still performed. Female Genital Mutilation (FGM), polygamy and child marriage continues to be practised.

## REPRODUCTIVE HEALTH AND HIV/AIDS

Senegal has made important achievements in the field of women's health. According to IRIN, family planning and contraception use is increasing. People are beginning to have fewer children and child marriage is decreasing.<sup>95</sup>

## SIERRA LEONE

Sierra Leone signed the Maputo protocol in 2003 but has yet to ratify it whereas CEDAW was ratified in 1988. Unlike most of its African counterparts, Sierra Leone has in fact adopted a National Action Plan for the implementation of UNSCR 1325 in March of 2010.<sup>98</sup>

Sierra Leone experienced an 11-year conflict that officially ended in 2002. The civil war is largely known for the prevalence of child soldiers. The UN peacekeeping mission in Sierra Leone lasted from 1999 to 2000. The government and the UN peacekeeping mission are often criticised for implementing a Demobilisation, Disarmament and Rehabilitation program (DDR) that did not accommodate for girl soldiers who comprised 30% of the rebel forces. There continues to be a UN Integrated Mission office in Sierra Leone that monitors the fragile peace.

The constitution of Sierra Leone ensures equal rights of women and men while customary law prevents its enforcement. Sexual violence of all forms, while used during the conflict as a weapon of war, continues to be widespread today, especially against women. During the war, women who

Many Senegalese communities now have small health centres in their villages. This is the direct result of a 5-year project that was initiated in 2006, funded by the Ministry of Health, USAID, Plan International, Child Fund, World Vision and Africare. These clinics are supplying communities with primary health services such as medicine and paediatric services.<sup>96</sup>

## GENDER POLICY FORMATION

Senegal has not yet adopted the National Action Plan on the implementation of UNSCR 1325. This year, women in media and civil society in Senegal joined together to call for the implementation of CEDAW and the Maputo Protocol.<sup>97</sup>

were raped and had 'rebel' babies found it hard to rehabilitate, find jobs, or find acceptance and help after the war.<sup>99</sup>

## WOMEN, PEACE AND SECURITY

In the wake of the 11-year conflict, Sierra Leone launched a National Action Plan for the implementation of UNSCR 1325 in March of 2010. Since then, women's groups have robustly pushed the government to establish laws to increase women's political representation. Women of all ages are unifying under this cause.<sup>100</sup>

This past September, hundreds of women participated in Open Action Day where they could talk to UN representatives about how women in Sierra Leone could participate in peace and security. Progress made on the implementation of UNSCR 1325 was widely discussed, as Sierra Leone is one of 18 countries to draft a national action plan. The plan focuses on participation, prevention, prosecution, protection and promotion with a hefty budget for implementation. This is a great step towards developing an agenda for women, peace and security in post-conflict Sierra Leone.<sup>101</sup>

## ACCESS TO ECONOMIC SECTORS

Several success stories for economic empowerment and women's rights have been reported in Sierra Leone. All Africa reported that 12 women who were sent to India for training came back to Sierra Leone to construct solar power units in their villages. These were illiterate women who went to college and came back with a great transferable and empowering skill.<sup>102</sup> Awareness News reported on the Girl Power Project that gives a voice to women and girls with disabilities.<sup>103</sup> Reports of women starting businesses such as Internet cafés show that some women have been able to challenge the gender gap and gender norms through entrepreneurship and technology.<sup>104</sup>

## VIOLENCE AGAINST WOMEN

Violence against women remains to be a major problem in Sierra Leone. Even after the Truth and Reconciliation Commission, many accounts of sexual violence have gone unreported. Four members of the All Political Parties Women's Association (APPWA) were assaulted during the bloody violence that erupted in Bo in September. Female politicians continue to be in danger of violent attacks.<sup>105</sup>

Female genital mutilation is still widely practised: over 90% of women have had it done.<sup>106</sup> Amnesty reported that more than a year after the launch of the Free Health Care Initiative, pregnant women and girls still have poor access to medical care for healthy and safe pregnancies and childbirth.<sup>107</sup>

## GAMBIA

Gambia has not yet adopted a National Action Plan for the implementation of UNSCR 1325. Gambia has ratified both the Maputo Protocol and CEDAW. The Constitution in Gambia grants equal rights to women and men but discrimination and violence against women persists. Secular and Islamic Sharia law are the two legal systems.<sup>108</sup>

### DISCRIMINATION AGAINST WOMEN

Although the Constitution in Gambia grants equal rights to men and women, discrimination against women still persists. Women lack the equality promised in the constitution largely because of the patriarchal legacy that restricts decision-making power at various State and community levels, and reaches to the family unit. Civil law and Sharia law are the two legal systems in Gambia. Several organizations have set out to run sensitization campaigns to reduce sexual violence.<sup>109</sup>

### GENDER POLICY FORMATION

The government set out a National Gender Policy for 2010 to 2020 to *"improve the life of all Gambians (meaning men, women and children) through the elimination of all forms of gender inequality by concrete gender in development measures"*.

The policy intends to mainstream gender equality in all aspects of government policy, instituting an important shift from women in development (WID) which focuses primarily on women's empowerment, to Gender and Development (GAD) to include gender equality. While no laws directly discriminate against women, family codes and cultural norms do lead to discrimination. The National Gender Policy aims to help achieve the MDGs in Gambia and ensure the end to discrimination against women.<sup>110</sup>

## TOGO

Togo has no National Action Plan yet for the implementation of UNSCR 1325. Togo ratified CEDAW in 1983 and the Maputo Protocol in 2005. Discrimination against women is widespread. The Family code remains to be the most widely enforced law. Domestic violence and Female Genital Mutilation remain common in the country. However, some legislative progress has been made to increase gender equality.<sup>111</sup>

### POLITICAL PARTICIPATION AND GENDER POLICY FORMATION

In 2011, women held 11% of the positions in Parliament and in 2010, 14% of the Ministerial positions.<sup>112</sup> In 2010, only one woman ran for president of Togo. There is a burgeoning women's rights movement that is run by several women's rights organisations who raise awareness of women's rights in Togo.

According to the Africa Progress Panel, Togo is on track for the Millennium Development Goal of promoting gender equality and women's empowerment, however they are off track in improving maternal health.<sup>113</sup> Polygamy is legal in Togo. The

minimum age for marriage is 20 years for men and 17 years for women, however the court can waive the minimum age requirement under special circumstances.<sup>114</sup>

### ACCESS TO ECONOMIC SECTORS

In general, women do not have access to land or ownership rights. In the event of divorce, women are often unable to inherit anything. Husbands are the legal administrators of property although they cannot sell anything under the couples' possession without the consent of the wife. Women typically earn lower wages than men. In urban areas, women have greater access to the market than in rural areas.<sup>115</sup>

## VIOLENCE AGAINST WOMEN

Togolese women have been victims to political violence. In 2005 they were targets for sexual violence during the elections. The violence during the elections has yet to be

properly investigated.<sup>116</sup> Sexual violence, while prohibited by Presidential decree, is still common. There are laws that prohibit Female Genital Mutilation, however the practice is still deeply rooted in local culture and the law is rarely enforced.<sup>117</sup>

# CENTRAL AFRICA

As a region Central Africa is diverse in developments regarding women's rights and gender equality, and there have been both positive and negative steps taken. Angola passed a law criminalising domestic violence,<sup>1</sup> where in Chad this was already in place, however the implementation of the legislation there has not been successful considering that gender based violence (GBV) is a pressing issue in the country<sup>2</sup>. In the Central African Republic (CAR) there have been reports of increasing cases of human rights violations including rape.



The reports of rape continue to come from the DRC and some reports state that 1,152 women are raped every day. The DRC has also been voted the worst country in the world to be a woman in.<sup>3</sup> Women who have been victimised are often stigmatised and rejected by their spouses and communities. There are also obstacles for those who have been subjected to rape to overcome to obtain justice. The courts are usually far away, there are costs involved both to be able to file a complaint and to obtain legal aid.<sup>4</sup> Cameroon has during the year been the focus of reports on the phenomenon of breast ironing which is one method used to delay sexual development of teenagers. These actions can cause permanent effects on the breasts such as cysts and infections. It also has psychological effect on the girls that are subjected to this treatment. There are estimates saying that up to 24 percent of Cameroon's teenage girls have experienced breast ironing.

Equatorial Guinea ratified the Maputo Protocol and so became the 31st country to do so. This adoption may prove very important for the development of gender equality and adherence to the human rights of women in the country.

## ANGOLA

Angola has ratified the UNSCR 1325 but has not yet adopted a National Action plan. The Maputo Protocol was ratified on the 30<sup>th</sup> August 2007.<sup>5</sup> Women are under-represented in the Angolan political institutions and violence against women is widespread in the country with a high level of domestic violence.<sup>6</sup>

## VIOLENCE AGAINST WOMEN

During the year 2011, Angola has taken important steps towards increased gender equality and adherence to the human rights of women. In July 2011 Angola passed a law that states that domestic violence is a criminal act; this law is an important step towards securing human rights of women in the country. The law puts down that women who are financially dependent on their abusers are now assured financial as well as medical support from the state.<sup>7</sup> This is an

important step towards a safer society for women where human security is promoted. The new legislation formulates new definitions on what domestic violence constitutes, for example, failing to support a pregnant woman or withholding food from a child. Furthermore, marriages to girls who are under the age of 14 have also be prohibited. The legislation concerning family money has also been improved with the aim of securing women's inheritance rights.<sup>8</sup>

## WOMEN'S POLITICAL PARTICIPATION

The ruling party of Angola the MPLA did in February issue a statement in support of women's effective participation and promotion<sup>9</sup>, stressing women's equal rights and access to education and employment<sup>10</sup>. The MPLA also emphasised the important work of Angolan women in development and social progress<sup>11</sup>.

## CAMEROON

Cameroon has not yet adopted a National Action plan for the implementation of the UNSCR 1325. The Maputo Protocol was signed by Cameroon on the 25<sup>th</sup> July 2006.<sup>12</sup> The percentage of women in the political institutions of the country remains significantly low, only few women are represented in the government. Violence against women is widespread in Cameroon; an estimated 53% of women experience physical violence, in most of the cases the husbands are the perpetrators.<sup>13</sup>

### REPRODUCTIVE HEALTH & HIV/AIDS

Cameroon has during the last year seen some negative developments with regards to women's human rights and gender equality. The aim of Cameroon is to reduce maternal mortality with 75 percent as a way of meeting Millennium Development Goal 5 (MDG 5). However, since 2000 the rate of maternal mortality has instead increased. According to the latest United Nations statistic the mortality rate has gone up from 550 deaths per 100,000 births in 1990 to 1,000 deaths per 100,000. The reasons for this development are varying, but prominent factors are poverty; about 30 percent of the

country's population lives on less than \$1,25 per day. Furthermore, there is insufficient access to maternal care before, during and after birth.<sup>14</sup>

### VIOLENCE AGAINST WOMEN

Breast ironing is another difficult issue in Cameroon. This is a phenomenon that aims at delaying sexual development of teenagers, foremost among girls. There are different techniques used for this aim, where one is breast ironing. The purpose is to delay the development of the girls' breasts, which is then supposed to make the teenage girl look younger. It is also a response to many parents' fears that their daughters will get pregnant as soon as they develop breasts and so drop out of school. Another method with the same purpose is to massage the breasts. These actions can cause permanent effects on the breasts such as cysts and infections. It also has psychological effect on the girls that are subjected to this treatment. There are estimates that up to 24 percent of Cameroon's teenage girls have experienced breast ironing. In response to these activities there are a growing number of charities that are targeting this issue.<sup>15</sup>

## THE CENTRAL AFRICAN REPUBLIC

CAR has not yet adopted a National Action Plan on the UNSCR 1325. The Maputo Protocol was signed on the 17<sup>th</sup> June 2008, but it has not been ratified.<sup>16</sup> Due to the instability of the country, being a woman is an everyday struggle in CAR. The members of the Lord's Resistance Arm (LRA) frequently abduct women and girls. They are beaten, raped sometimes and killed by LRA members.<sup>17</sup>

### VIOLENCE AGAINST WOMEN

Reportedly, violations of human rights including gender based violence are increasing in the north-eastern part of the country. As a way of improving the situation of women's human rights and gender equality, the Danish Refugee Council together with the AFJC initiated in 2010 a legal aid programme with the aim of sensitisation and raising awareness for women's human rights. As part of this programme, legal clinics have been set up in rural areas of the north-eastern area of the country. Some 5,461 people, 11 paralegals and 55 focal points have been trained and 1,395 people across the country have been sensitised to human rights and protection issues.<sup>18</sup>

## CHAD

The Maputo Protocol was signed on the 6<sup>th</sup> December 2004 but Chad has yet to ratify it<sup>19</sup>, and CEDAW on the 9<sup>th</sup> June 1995. Chad has not yet adopted a National Action Plan on the UNSCR 1325. Women remain largely discriminated against in Chad. Although the constitution provides equal rights for all citizens, in practice, there is great inequality between men and women. Despite the government effort to promote gender equality, women are still under-represented in government and decision-making positions.<sup>20</sup>

### VIOLENCE AGAINST WOMEN

In Chad there have been a variety of developments both in positive and negative directions in relation to human rights of

women and gender equality. Chad has laws granting women and men equal rights in many aspects, albeit women are rarely aware of the legislation prohibiting gender-based violence<sup>21</sup>. Violence against women and gender-based violence are pressing issues in the country, and violations of the laws are common. Rape, forced marriages, polygamy and genital mutilation are just a few examples of the violations that are occurring. However there are examples of empowerment initiatives aimed at increasing awareness around such issues, as well as encouraging women to take a stand against these practices.<sup>22</sup>

## THE REPUBLIC OF CONGO

The Republic of Congo signed the Maputo Protocol on the 27<sup>th</sup> February 2004 but has not ratified it. CEDAW was ratified on

the 26<sup>th</sup> July 1982. Congo has not yet adopted a National

Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

Although the status of women has improved in Congo, there are still few women in leadership positions. Women lack access to education, health care, and other basic amenities. Violence against women and societal discrimination against women remain widespread in the Republic of Congo.<sup>23</sup>

Women have a high degree of civil liberty in the Republic of the Congo. However their protection within the family is low. The minimum age of marriage is 18 years for women and 21 years for men. Through dispensation from the rule marriage can occur at younger age, this is reportedly common, in 2005 for example it was indicated that 56 percent of girls between 15 and 19 were married, divorced or widowed. In Congo

polygamy is legal but women have the right to decide before marriage if they are willing to agree to this arrangement, and if the husband wants to take a second wife, their wife must be informed.

## VIOLENCE AGAINST WOMEN

The Criminal Code of Congo prohibits various forms of violence against women, though men are placed as the head of the household both in traditional practices and modern law. Rape within marriage is not considered a crime and domestic violence in general is perceived as common. It is viewed as a husband's right to chastise their wives. Female genital mutilation is not prohibited within the legislative system however it is not perceived as a common practice in the country.<sup>24</sup>

## THE DEMOCRATIC REPUBLIC OF THE CONGO

The DRC ratified the Maputo Protocol on the 9<sup>th</sup> June 2008. The DRC launched its National Action Plan on the UNSCR 1325 in June 2010<sup>25</sup>. Combatants use gang rapes, rapes, and sexual mutilation as weapons of war to terrorise the population. Women are repeatedly raped and sometimes held as sex slaves. The principal perpetrators of these crimes are the armed group combatants and government soldiers. Because of the culture of impunity, rape victims have little chance of seeking justice.<sup>26</sup>

### VIOLENCE AGAINST WOMEN

The DRC has been voted the worst country in the world to be a woman in; 1,152 women are raped every day.<sup>27</sup> It should be noted that these are only estimates and that the figure could be higher.<sup>28</sup> In connection to a report released in 2011 the UN special representative on sexual violence in conflict Margot Wallström stated:

**“Conflict-related sexual violence is one of the major obstacles to peace in the DRC”**

furthermore that:

**“unchecked it could disrupt the entire social fabric of the country”.**

Wallström also stressed:

**“the number of reported violations are just the tip of the iceberg of actual incidents”.**<sup>29</sup>

The last statement really points at the size of the matter. A UN panel highlighted the need for a change of culture with regards to violence against women, pointing to the fact that women who have been raped are usually blamed for the act rather than the perpetrators. Women who have been victimised are often also stigmatised and rejected by their spouses and communities. There are also obstacles for those who have been subjected to rape to go to obtain justice. The courts are usually far away, there are costs involved both to be able to file a complaint and to obtain legal aid.<sup>30</sup>

In relation to the report there has during the year been reports of rape by the Congolese army. Following the rape of more than 50 women in January, the first high-ranking officer ever was convicted for 'crime against humanity' in February 2011: they now face sentences up to 20 years in prison. The UN Peace Keeping Mission in the DRC welcomed the verdicts<sup>31</sup>. Following the prosecutions there have been new reports of mass rapes by members of the Congolese army.<sup>32</sup>

In 2006, the DRC revised its laws relating to violence against women and gender based violence, however the results are still not visible. The crimes are rarely reaching court and so the perpetrators are not prosecuted and more importantly the victims are not given justice. One of the main issues is that the legislation regarding violence against women and gender based violence clashes with other laws. One example is that sexual contact with someone under 18 is now regarded as rape while marriage is permitted from the age of 15<sup>33</sup>. Furthermore, marriage of under-age girls is reportedly common in the region of Bukama, however since September when a magistrate's office was established, both investigations into these unlawful acts as well as arrests have been carried out<sup>34</sup>



### WOMEN'S POLITICAL PARTICIPATION

Women's participation is still insignificant in the DRC, one major factor can be found in the electoral law that was passed by the Transitional Parliament, which does not express gender parity as a requirement for party lists. In a 2010 report it was

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reported that only 42 women out of 500 in the National Assembly and five out of 108 in the Senate were women.<sup>35</sup>

## EQUATORIAL GUINEA

Equatorial Guinea signed the Maputo Protocol on the 30<sup>th</sup> January 2005, and ratified it in 2011<sup>36</sup>. The country has not yet adopted a National Action Plan on the UNSCR 1325. Despite the government's efforts to ensure equal opportunity for women, customs and traditions remain an obstacle to women's enjoyment of their human rights. Women account for 8.1 per cent of government officials, including traditional chiefs, local council members, mayors and members of Parliament. While equal representation has not been achieved in any aspect of life, considerable progress is being made.<sup>37</sup>

### HUMAN RIGHTS OF WOMEN

Equatorial Guinea became in 2011 the 31<sup>st</sup> country to ratify the Maputo Protocol – the African Union Protocol on the Rights of

Women. Equatorial Guinea does have legislation in regards of women's rights and domestic violence but there are reports of discrimination, physical and sexual abuse, and inadequate access to health care, employment, and political participation.<sup>38</sup> There are diverse statistics that portray the situation for women and girls in the country: for example, 82 percent of girls in each grade of primary school are overage, showing that the educational system has not been functioning with regard to girls' education.<sup>39</sup> Measures that might improve the situation and transform the ratification of the Maputo Protocol into action are for example: allocation of resources for improvements of the health care system in order to make it more accessible, and enforcement of the existing legislation on violence against women and domestic violence.<sup>40</sup>

## GABON

Gabon signed the Maputo Protocol on the 27<sup>th</sup> January 2005. The country has not yet adopted a National Action Plan on the UNSCR 1325. Polygamy remains a tradition that is still practiced in Gabon. In the past, a man could have up to 50 wives, but the current government has limited the number to four. Although some women hold high-ranking positions in the army and the judiciary, women are still discriminated against based on customary laws such as marriage, divorce and inheritance.<sup>41</sup>

### GENDER POLICY FORMATION

Women and men are regarded equal before the law as put down in the Gabon Constitution. However, among other factors cultural practices and social attitudes present obstacles to the advancement of women in the country. Early marriage is common in Gabon, where the minimum legal age for marriage in the country is 15 for women, and 18 for men. Husbands are given prominence within the family, as they are considered the head of household. Reports indicate that 22 percent of girls between 15 and 19 were married, divorced or widowed in 2004.

## SAO TOMÉ ET PRINCIPE

Sao Tome and Principe signed the Maputo Protocol on the 1<sup>st</sup> February 2010 but has not ratified, and CEDAW was ratified on the 3<sup>rd</sup> June 2003. Sao Tome and Principe has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

Although the constitution gives equal rights to women and men in politics, access to education, business and governments, women still encounter a widespread societal discrimination. Domestic violence and rape are among the various forms of violence against women. Many women are reluctant to take legal action because traditional customs prohibit them from reporting domestic violence outside the family.

Women have equal access to political, economic, and social rights according to the constitution, however women do encounter discrimination within the society. Tradition is a hindrance for many women and girls as it stipulates that their role is within the home and with responsibility for their children. Teenage pregnancy rates are high.<sup>44</sup> It is also reported

Women's ownership rights are weak; land itself is considered the property of husbands, albeit the legalisation on land gives equal rights to men and women. Women's civil liberties are only met to a moderate degree. Women who want to travel outside the country are required to provide proof of the husband's permission.

The law stipulates equal access for women and men to education, business, investment, employment, credit, and pay for similar work. However, women face discrimination both socially and legally especially in rural areas.<sup>42</sup> Violence Against Women

The protection of women in regards to physical integrity and violence against women is low in Gabon. Domestic rape has during recent years become common, and at present the protection and access to legal and medical assistance is limited. Although the law regards rape as a criminal act that can render 5 to 10 years in prison, there are few cases that lead to prosecution.<sup>43</sup>

that more girls than boys are enrolled in secondary schools in the country.<sup>45</sup>

### VIOLENCE AGAINST WOMEN

Rape is punishable with up to 12 years in prison. Reportedly there were human rights abuses in 2010 that included violence and discrimination of women. Women are allegedly not aware of their rights under the law, and traditions hinder women from bringing domestic abuse outside the family. Sexual harassment is not prohibited according to the law.<sup>46</sup>

### POLITICAL PARTICIPATION

The number of seats held by women in the parliament of Sao Tomé et Príncipe was in 2009 reduced compared with the figures for 1990.<sup>47</sup> However, women held in 2010 seats in the government, for example 11 seats out of 55 in the National Assembly.

# EASTERN AFRICA

In the past year, East Africa has been characterised by the drought which is afflicting the region and its people both female and male. Whether it is as a result of human created conflict or natural disasters, women bare the full brunt.

Somalian women migrating to the Dhabab refugee camp in neighbouring Kenya have experienced harassment and rape by bandits. If and when they finally reach Dhabab many are subject to rape in and around the refugee camp.

Women of the region are resorting to tying rope around their stomachs in a bid to subdue the hunger. Other women feed their children first, often leaving nothing for themselves.

Kenya has been abuzz with the amendment of the constitutional Bill that guarantees no gender will hold more than a two-thirds majority in the National Assembly or Senate.

Unfortunately Malawi has produced report after report detailing on-going harmful cultural practices. Child brides, incest and paedophilia, belief in witch-craft and subsequent accusations directed at women of acts of witch-craft, made not only by the population but also by the police, are detailed in the following review of Malawi.

Eritrea's mandatory national service for both females and males often lasts indefinitely. Year after year reports emerge of the violence, forced bondage and rape of female conscripts.

Ethiopia's inaction of the 2009 CSO law (Charities and Societies Organisation) prohibits a variety of civil society organisations, including women's organisations, from accessing international funding. Such a law has continued to impinge upon the work Ethiopian women have attempted to do in the past year.



Rwanda has proven to be a regional leader in terms of gender main-streaming, access to legal aid and women's political participation with 51% of females holding parliamentary seats—the highest in the world.

## DJIBOUTI

Djibouti ratified the Convention on the Elimination of all Forms of Discrimination (CEDAW) on the 2<sup>nd</sup> December 1998, as well as ratifying the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol) on the 2<sup>nd</sup> February 2005. Djibouti has not developed a National Action Plan (NAP) for UNSCR 1325.

### GENDER POLICY FORMATION

There exists robust prison terms for those convicted of rape, although implementation of such laws is lacking. The law includes sentences of up to 20 years' imprisonment for rape, though the government does not enforce the law effectively. There is no law against spousal rape. Rape cases, which often are not reported to the police, are usually settled informally between the families of the victim and the perpetrator. Reliable statistics on the prevalence of rape are not available.

Domestic violence against women is a common occurrence, but few cases are reported. While the law does not specifically prohibit domestic violence, it prohibits "torture and barbaric acts" against a spouse and specifies penalties up to 20 years' imprisonment. Families or clans rather than courts generally address cases of violence against women. Police rarely intervene in domestic violence incidents, and the media

reports only the most extreme cases, such as murder. The Union of Djiboutian Women's counselling centre helps women with a variety of problems, including domestic violence. Twenty-eight percent of the 344 women assisted by the counselling centre reported physical violence, 30 percent reported psychological abuse, and more than 50 percent sought assistance in obtaining alimony or child support payments. During the year the counselling centre opened a new station in the Ali Addeh refugee camp.

The law does not prohibit sexual harassment, and it remains a problem. Statistics on the prevalence of sexual harassment are not available.

### ECONOMIC AND LEGAL RIGHTS

Women legally possess the same rights as men, with the exception of inheritance practices that, in accordance with Sharia law, provide males a larger proportion of estates than females; custom and traditional societal discrimination, including in education, result in a secondary role for women in public life and fewer employment opportunities in the formal sector. Many women own and run small businesses, although mostly in the informal sector, where they do not receive the same benefits or access to credit available in the formal sector.

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The government promote female leadership in the small business sector, including through expanded access to microcredit<sup>1</sup>

## BURUNDI

Burundi ratified CEDAW on the 8<sup>th</sup> January 1992, as well as ratifying the Maputo Protocol on the 3<sup>rd</sup> September 2003. Burundi has not developed a National Action Plan (NAP) for UN SCR 1325.

### GENDER BASED VIOLENCE

The law prohibits rape, which is punishable by up to 30 years' imprisonment; however, the government does not enforce the law effectively, and rape and other sexual violence against women and girls are problems. The rape of minors, or rape committed by persons who infect their victim with an incurable sexually transmitted disease, is punishable by life imprisonment. Spousal rape is punishable by fines of 10,000 to 50,000 francs (\$8 to \$40) and eight days' imprisonment.

Many women are reluctant to report rape for cultural reasons, fear of reprisal, and the unavailability of medical care. Men often abandon their wives following acts of rape, and rape victims are ostracised. According to a March 2009 report by Medecins Sans Frontieres de Belgique (MSF-Belgium), many victims who sought judicial redress faced an unresponsive judicial system, and courts often refused to act on cases without witnesses. Some victims were reportedly required to pay 15,000 francs (\$12.07), a large sum for most victims, to obtain a certified medical report. Other problems included judges who did not regard rape as a serious crime and a lack of medical facilities to gather medical evidence.

According to women's rights organisations, at times families or communities force victims to withdraw their complaints and negotiate settlements with the perpetrator or his family outside of the formal judicial system. In other cases the victims were forced by their families and local arbiters to marry their attackers. According to the local NGO Centre Seruka, 60 percent of persons responsible for rape were arrested, and of these 30 percent were prosecuted. As of September the APRODH recorded 61 rapists arrested. Of the limited number of cases that were investigated, successful prosecutions of rape were rare.

The law prohibits domestic abuse of a spouse or child, with punishment ranging from fines to three- to five-years' imprisonment; however, domestic violence against women is common. As of December the ADDF had received 1,650 cases

of domestic violence. Many victims do not report crimes of domestic violence, fearing retaliation, loss of economic support for their children, or a lack of support from the justice system. Police occasionally arrest persons accused of domestic violence but usually release suspects within a few days without further investigation. During the year the government, with financial support from international NGOs and the UN, continued to sponsor civic awareness training on domestic and gender-based violence as well as the role of police assistance in 12 of the country's 17 provinces.

### WOMEN'S HEALTH

The government provide free childbirth services, but the lack of sufficient doctors means that most women use nurses or midwives during childbirth as well as for prenatal and postnatal care, unless the mother or child suffers serious health complications. According to the United Nations Population Fund, less than 34 percent of all births took place with skilled attendants. The maternal mortality rate remains high at 620 deaths per 100,000 live births.

### ECONOMIC AND LEGAL RIGHTS

Despite constitutional protection, women continue to face legal, economic, and societal discrimination and are often victims of discriminatory practices with regard to credit and marital property laws. By law women must receive the same pay as men for the same work, but in practice they do not. Some enterprises suspend the salaries of women while they are on paid maternity leave, and others refuse medical coverage to married female employees. Women are less likely to hold mid- or high-level positions in the workforce, though there are many women-owned businesses, particularly in Bujumbura. While representation of women in decision-making roles remains low, women constituted approximately 20 percent of public administration roles in the country.

The government has a department dedicated to the empowerment of women and promotion of women's rights within the Ministry of Solidarity. Several local groups also worked to support women's rights, including the Collective of Women's Organisations and NGOs of Burundi, and Women United for Development.<sup>2</sup>

## KENYA

Kenya ratified CEDAW on the 9<sup>th</sup> March 1984, as well as ratifying the Maputo Protocol on the 17<sup>th</sup> December 2003. Kenya has not developed a National Action Plan for UN SCR 1325. Kenya is ranked 96 by the World Economic Forum's Global gender Gap Index 2010 and 117 by the Human Development Index 2010.

### WOMEN'S HEALTH

The Kenyan government has distributed free sanitary towels to school going girls following the 300 million budgetary allocations by the treasury.<sup>3</sup>

A campaign by the UN Population Fund (UNFPA) urged FGM/C practitioners in the area to put down their razors and campaign for women's rights in their communities. Local officials estimate that more than 50 percent of Ilchamus girls and women have undergone FGM/C.

The campaign to dissuade traditional practitioners from cutting girls continues. According to UNFPA gender programme officer Florence Gachanja, a campaign targeting Ilchamus elders to fight FGM/C has borne fruit, leading to the community's endorsement of the anti-FGM declaration.<sup>4</sup>

Kenya has become the latest African country to ban female genital mutilation, with the passing of a law making it illegal to practice or procure it or take somebody abroad for cutting. The law even prohibits derogatory remarks about women who have not undergone FGM. Offenders may be jailed or fined or both<sup>5</sup>.

Concerned about the high number of women being infected with HIV compared to men, the government has, for the first time in 12 years since HIV was declared a national disaster, launched an aggressive action plan that will see massive resources allocated to programmes targeting women.

The new strategy is aimed at, among other things, cutting the number of new HIV infections among women, which have reached worrying levels and continue to rise. This new intervention will involve providing women, especially young girls and other vulnerable groups, with skills on how to prevent HIV infection.

Those who run HIV programmes are from now on expected to ensure gender equality in care and treatment, and to provide

the National Aids Control Council (NACC) with concrete results in achieving the targets on reducing HIV infection in women.

The government is also focusing on increased access to antiretroviral drugs to reduce chances of HIV-negative women living with HIV-positive partners - discordant couples - from getting infected.<sup>5</sup>



### WOMEN'S POLITICAL PARTICIPATION

The town of Mumias in the Western province of Kenya has elected its first female mayor. Councilor Lilian Osundwa was elected the first woman mayoress of Mumias Municipal Council. She succeeds nominated councillor Rashid Omwendo who has held the seat since July 2009.

Osundwa, the Township Ward councillor, has been heading the education, social services, children and housing committee. All councillors (both victors and losers) described the polls as free and fair.<sup>6</sup>

The Bill to amend the Constitution has been published, providing for extra seats to ensure that there are no more than two-thirds from either gender in the National Assembly or Senate. This is similar to the CoE's suggestion, rejected by the Parliamentary Select Committee in Naivasha, and also similar to the provision for counties.<sup>7</sup>

The Constitutional Implementation Oversight Committee has agreed to merge the Kenya National Commission on Human Rights Bill and the National Gender and Equality Commission Bill. The move is aimed at clearing the controversy over the sub-division of the mandates of the Kenya National Human Rights Commission in two.<sup>8</sup>

## MALAWI

Malawi ratified CEDAW on the 12<sup>th</sup> March 1987, as well as ratifying the Maputo Protocol on the 20<sup>th</sup> May 2005. Malawi has not developed a National Action Plan (NAP) for UN SCR 1325. Malawi is ranked 68 by the World Economic Forum's Global gender Gap Index 2010.

### HARMFUL CULTURAL PRACTICES

Poverty-stricken parents are marrying their daughters off at a tender age, robbing young girls of their right to education and exposing them to gender-based violence and HIV and AIDS in a country with one of the world's highest prevalence rates.

In Chitipa, Mulanje, Mzimba and Karonga districts, some of the worst cultural practices persist. These are what locals call Kupimbila, Kupawila and Chithyola imvi.

Kupimbila and Kupawila involve parents arranging marriage for their young daughters without the child's consent or knowledge. Money or cattle exchange hands between the parents and the soon-to-be husband (usually much older than the girl) and the oblivious youngster is allowed no objection to the arrangement.

Chithyola imvi is when young girls are forced to have sex with their father or grandfather. It is said this act will help boost a business venture or bring financial rewards.

Another practice involves parents sending their daughter to live with a rich man in the community. The understanding is that after the young child comes of age she will hopefully then get married to the man, bringing money to her family.<sup>9</sup>

More than eighty suspected witches (mostly elderly women) are currently incarcerated in Malawian jails. Under Malawian laws, witchcraft is not recognised. The arrests of these women on the grounds of witchcraft is controversial and has incited fierce debate and opposition from various quarters.

### LEGAL RIGHTS

Malawi's Witchcraft Act was put into place by Malawi's colonial power in 1911. The intention of the Act was to, "eradicate what the colonialists referred to as dangerous practices such as trial by order, the use of charms and witchcraft itself." At core, the act denies the existence of witchcraft. This implies that:

It is an offence to allege that someone practices witchcraft. Accordingly, it is also an offence for one to claim that he practices witchcraft. In this case, one is charged of pretending (to practice) witchcraft. Furthermore, the profession of witchdoctor or witch finder is an offence punishable by life imprisonment.<sup>10</sup>

## RWANDA

Rwanda ratified CEDAW on the 2<sup>nd</sup> March 1981, as well as ratifying the Maputo Protocol on the 25<sup>th</sup> June 2010. Rwanda developed a National Action Plan (NAP) for UN SCR 1325 in May 2010.

A former Rwandan women's minister has been sentenced to life in prison for her role in the genocide and the rape of Tutsi women and girls. Pauline Nyiramasuhuko, 65, is the first woman convicted by the UN-backed tribunal for the Rwanda genocide. She was found guilty, along with her son and four other former officials, AFP reports, after a 10-year trial. Mrs. Nyiramasuhuko was accused of ordering and assisting in the massacres in her home district of Butare in southern Rwanda. The prosecution at the International Criminal Tribunal for Rwanda (ICTR) accused her of taking part in the government decision to create militias throughout the country. Their mission was to wipe out the Tutsi population as fast as possible.<sup>11</sup>

### ECONOMIC EMPOWERMENT

President Paul Kagame has called upon the East African Community (EAC) member states to invest in programmes and institutions that improve the livelihoods and incomes of women, if they are to succeed in empowering them.

The Head of State said that women constitute the majority in the informal sector but ironically, still struggle with low incomes, unemployment, unequal access to financial resources, as well as legal obstacles to their potential as entrepreneurs.

The President noted that women leaders have a crucial role to play in such areas as trade transformation and facilitation as well as other business related policies.

The Head of State highlighted the need for countries to formulate policies that are critical in empowering women financially, citing the example of Rwanda where initiatives such as gender responsive budgeting, women cooperatives and financial products targeting women have already taken root.

President Kagame called on women to move into more lucrative areas such as mining, banking and financial services, as they are areas of high potential which have remained male dominated.<sup>12</sup>

The deputy Chief Gender Monitor, Ramazani Barengayabo, has petitioned districts to support policies aimed at economically empowering women.

He made the remarks during a training workshop for district coordinating committees on enhancing gender responsiveness in agriculture.

According to a survey carried out by NISR in 2008, whereas women perform the bulk of agricultural tasks, they have no control over revenues from crop sales and key farm inputs, extension services and rural development loans.

Theonestine Nyiramahoro, the head of coffee growers in Kirehe, noted that women do not have a say on sales or what to plant.

## LEGAL RIGHTS

UN Women is supporting a project in Rwanda to provide legal and medical services to widows who survived the 1994 genocide. The project specifically focuses on providing services to widows with HIV/AIDS, thousands of who were systematically raped by HIV-infected men during the genocide to spread the virus. The Association of Widows of the Genocide AVEGA Agahozo in Rwanda launched the project in the nation's capital, Kigali. The project, Property and Inheritance Legal Support for Genocide Women Survivors Infected and Affected by HIV/AIDS, aims to secure widow's rights and improve their access to legal and medical services, including their access to property and land. In particular, 100 paralegals have been trained to educate HIV-positive widows and genocide survivors about their property and inheritance rights. The paralegals will also provide basic legal advice to beneficiary victims seeking redress or involved in property and inheritance disputes and act as advocacy and liaison officials in such cases.<sup>13</sup>

## WOMEN'S POLITICAL PARTICIPATION

Rwanda has proven to be a regional leader in terms of gender main-streaming, access to legal aid and women's political participation with 51% of females holding parliamentary seats; the highest in the world<sup>14</sup>.

The National Women's Council (NWC) in Nyagatare District elected a new leadership committee. Peace Mbabazi was elected the chairperson of the NWC committee that will represent women at the sector and district level for the next five-year mandate. The Chairperson vowed to mobilise more women in the district to engage in income generating activities. She also promised to encourage women to work with micro-finance institutions in order to rid themselves of poverty.<sup>15</sup>

A UN Women report released in July, has once again positioned Rwanda as the country with the highest representation of women in politics, and participation in the development of their country indicates that where women have attained a critical mass in parliaments, laws and policies to advance women's rights have followed. The report points out:

**"In Rwanda, 51 percent of parliamentarians are women – the highest level of women's representation in the world"<sup>16</sup>**

According to the report, women parliamentarians have spearheaded legal reforms to improve women's prosperity and inheritance rights, and passed laws to protect women from domestic violence and marital rape.

While presenting the report, Michelle Bachelet, UN Under-Secretary-General and Executive Director of UN Women, noted that the rights of women have universally improved compared to previous years, but hastened to add that more has to be done.

To ensure that justice becomes a reality for all women, the report calls on governments to repeal laws that discriminate against women, put women on front-line of justice delivery, and invest in justice systems that can respond to women's needs.<sup>17</sup>

## UGANDA

Uganda ratified CEDAW on the 22<sup>nd</sup> July 1985, as well as ratifying the Maputo Protocol on the 22<sup>nd</sup> July 2010. Uganda developed a National Action Plan (NAP) for UN SCR 1325,/1820 and launched the Goma Declaration in December 2008.

## WOMEN'S POLITICAL PARTICIPATION

Women are big winners in recent cabinet appointments; the number of women ministers rose from 16 in the last cabinet to 22 in the current one, and women now constitute 28% of ministers.

Women occupy key ministries such as trade and industry (Amelia Kyambadde), education (Jessica Alupo), finance (Maria Kiwanuka), energy (Irene Muloni), information and national guidance (Mary Karooro Okurut) and the ministry of health (Christine Androa). Uganda also has a female Speaker of Parliament (Rebecca Kadaga) for the first time.<sup>18</sup>

## GENDER POLICY FORMATION

The Women Members of Parliament are accusing Parliamentary leadership of ignoring international protocols in

ensuring gender balance. The women say they should be given at least 30% of all leadership positions, which is not the current case. The matter was raised by MP Cecilia Ogwal, supported by Beti Amongi and the Speaker Rebecca Kadaga, after the NRM had assigned its members to the various committees.

The NRM Chief whip John Nasasira however told the house that the leaders were appointed in consultation with the caucus, adding that the female legislators did not offer themselves for the task.<sup>19</sup>

## WOMEN'S HEALTH

At least 71% of women in Nebbi are ignorant of the ways to prevent the transmission of HIV/AIDS and other sexually transmitted diseases (STDs).

The women are also not informed on the subsequent action to take when infected with these diseases. A baseline survey carried out by Nebbi district from July 18 to 22, 2011 found that 59% of the women in the district could not identify two symptoms of HIV/AIDS and other STDs, while 91% knew

nothing of prevention of mother to child transmission of HIV/AIDS.

Anthony Androzi, the Nebbi district health inspector, admitted that the findings in the survey were a true picture of the prevalence of HIV/AIDS and STDs in those communities.<sup>20</sup>



Bribes, poorly trained medical staff and the lack of medical care for pregnant HIV-positive mothers are among the reasons for high rates of infant and maternal mortality in Uganda. According to the latest official figures from a 2006 health survey 16 Ugandan women a day die in childbirth, and 76 newborns in every 1,000 do not reach the age of one.

These unacceptable figures prove that basic maternal and infant care is not being provided, which is against the right to health recognised by international treaties ratified by Uganda, and against the constitution, which guarantees the rights of mothers, a point made recently by Moses Mulumba, director of the Centre for Health, Human Rights and Development (CEHURD).<sup>21</sup>

The leading direct causes of these deaths are haemorrhage (26 percent), sepsis (22 percent), obstructed labour (13 percent), unsafe abortion (8 percent) and hypertensive disorders in

pregnancy (6 percent), according to the International HIV/AIDS Alliance in Uganda.

CEHURD has lodged a petition with the Constitutional Court, saying the government is contravening, among others, the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>22</sup> and the Convention on the Rights of the Child (CRC)<sup>23,24</sup>

Uganda announced that it has eliminated maternal and neonatal tetanus (MNT). The country is the 20th to do so since 2000. Between 2002 and 2009, 25 high-risk districts in Uganda were targeted for intervention, and close to two million women of child bearing age received three doses of tetanus vaccines in those areas.

In compliance with the World Health Organization's guidelines, the most at-risk district for MNT in a given country must have no recorded cases for a specific period of time in order to claim elimination. In 2010, Uganda reported it had eliminated the disease – and this year, a validation survey has taken place, confirming Uganda's elimination campaign has been successful.<sup>25</sup>

At least 254 former Sabin female genital surgeons in three districts of Kapchorwa, Kween and Bukwo have received grinding machines to start up a new way of life other than depending on mutilating women.

The machines were donated by Inter African Committee, Uganda, an NGOs based in Kapchorwa district. Mr. Geoffrey Sande, the committee's program coordinator, said that the machines were a way of attracting those still practicing female genital Mutilation (FGM), by serving as an alternative way of earning a living.<sup>26</sup>

Members of Parliament have described female genital mutilation (FGM) as brutal and called for more punishments to end the practice among the Karimojong and Sabin.

## MAURITIUS

Mauritius ratified CEDAW on the 22<sup>nd</sup> July 1985, as well as ratifying the Maputo Protocol on the 29<sup>th</sup> January 2005. Mauritius has not developed a National Action Plan (NAP) for UN SCR 1325.

### WOMEN'S POLITICAL PARTICIPATION

Prime Minister of Mauritius, Navin Ramgoolam, gave a thought-provoking presentation on why it is important to have

women in politics. Ramgoolam even assured the hundreds of participants that his party was very much aware of this deficit (women were then just 5.4% in Parliament) and added:

*"the first past the post system constitutes a major impediment for women while a proportional or a mixed system can be favourable to women."<sup>27</sup>*

## SOMALIA

Somalia has neither signed nor ratified CEDAW, though the Maputo Protocol was ratified on the 23<sup>rd</sup> February 2006. Somalia has not developed a National Action Plan (NAP) for UN SCR 1325.

As of January 2011 there were 375,000 internally displaced persons in and around Mogadishu, and 1.4 million nationwide.

This population has swelled in recent months. Between mid-May 2011 and mid-July, 100,000 new IDPs, displaced as a result of the drought, arrived in and around Mogadishu, 70,000 of whom arrived in July alone.

A radical Islamist group Al-Shabaab has recently ordered that boys and girls should not sit in the same classroom. The group

also added that all lectures must also stop at ten minutes to noon, while teachers must inculcate in their students the importance of Jihad (holy war), a point made by a senior official of the group which controls most of central and southern Somalia.<sup>28</sup>

## WOMEN'S POLITICAL PARTICIPATION

Khadra X. Ismail Yonis has been elected Somaliland's first female mayor. Khadra joined the ruling Kulmiye Party of President Ahmed Silanyo in 2002 during the local governmental elections. Khadra admits that things are moving slowly for women in the male-dominated society.

"I am the first woman mayor, but believe me there will be others,"

she said, pointing to a group of young girls around her.

The appointment of a woman to the top civic role in the community of livestock breeders, defying the trend in the increasingly conservative Muslim nation, was confirmed by the interior ministry in May 2011. "I don't believe it. I am the first woman mayor of Somaliland," she said as a band of children swarmed around her, smiling in admiration.

Her appointment has certainly shaken the norms in Somaliland, where women lag far behind men in politics. Although Somaliland was the first conservative Muslim country to hold free, transparent and fair elections in the last 2 decades, women's progress in the public sphere has been slow over the decades amid both increasing conservatism and a moderate Islamic revival.<sup>29</sup>

## WOMEN'S HEALTH

UNFPA, the UN Population Fund, is alarmed about the increasing number of cholera cases being reported near

Somalia's capital, Mogadishu. "Pregnant women who suffer from anaemia and malnutrition are especially vulnerable, because of their weakened immune system," explains Henia Dakkak, Humanitarian Technical Advisor at UNFPA.

## GENDER BASED VIOLENCE

It has been widely reported that Women and girls are being subject to rape whilst making their way to the Dhabab refugee camp in Kenya. Victims expressed doubt that the Kenyan police would act if they reported the attacks. A.M. said: "I don't want to report it because I don't think the Kenyan police will do anything." Every victim of criminal attacks interviewed by Human Rights Watch echoed this sentiment.<sup>30</sup> Further, accusations have been surfacing of some members of the Dhabab police committing rape against Somali refugee women<sup>31</sup>

UN Special Representative to the Secretary-General on Sexual Violence in Conflict, Margot Wallström, said in a statement recently that she is concerned over reports that women and girls fleeing famine in Somalia were being raped or abducted and forced into marriage by bandits and other armed groups as they tried to reach refugee camps in Kenya:

"Once they cross the Somalia-Kenya border or reach Dadaab - the world's largest refugee settlement - their hopes of finding a safe haven are often overshadowed by new dangers and hardships, including the risk of rape,"

Wallström said that the UN office has also received alarming information about alleged rapes by Somalia's Transitional Federal Government (TFG) forces and allied militias in south-central Somalia. In addition, her office has heard that Al-Shabaab militants, who are fighting to overthrow the government of Somalia, were abducting girls for forced marriage to fighters.<sup>32</sup>

# ZIMBABWE

Zimbabwe ratified CEDAW on the 13<sup>th</sup> May 1991, as well as ratifying the Maputo Protocol on the 15<sup>th</sup> April 2008. Zimbabwe has not developed a National Action Plan (NAP) for UN SCR 1325.

## GENDER POLICY FORMATION

The Research Advocacy Unit (RAU) has attacked the Zimbabwean government for failing to enact laws that criminalise politically-motivated and election-related violence against women. RAU is an independent, non-governmental organisation that conducts research on victims of organised violence and torture. In a report, RAU noted there was need for comprehensive legislation to deal with electoral and political violence against women.<sup>33</sup>

## WOMEN'S HEALTH

A recent report on Zimbabwe's progress toward achieving the Millennium Development Goals, compiled by the UN Population Fund (UNFPA), the UN Children's Fund (UNICEF) and the World Health Organization (WHO), said about 80

percent of the posts for midwives were vacant in the public sector.

The lack of midwives has severely hindered Zimbabwe's chances of meeting Millennium Development Goal Five, which seeks to reduce maternal mortality by three-quarters by 2015 while also improving the ratio of pregnancies attended by skilled health professionals.<sup>34</sup>

## VIOLENCE AGAINST WOMEN

Members from the Women of Zimbabwe of Zimbabwe Arise (WOZA) were indiscriminately beaten by police in Bulawayo on the 10 May during their demonstration against Zimbabwe Electricity Transmission and Distribution Company (ZETDC), who they claimed are short-changed the public.<sup>35</sup>

WOZA leaders Jenni Williams and Magodonga Mahlangu and 10 other women were arrested in Bulawayo on Wednesday, September 21 while attempting to commemorate the International Day of Peace with hundreds of WOZA women

and men. As well as those arrested, over 20 others were injured after being beaten by riot police.

The arrested members were all due to be charged with criminal nuisance under the Criminal Law (Codification and Reform) Act. As is WOZA practice, those arrested refused to secure their release by paying 'acknowledgement of guilt' fines. As it was, the prosecutor declined to press charges against ten of the women and they were released without charge.

The theme for this year's celebrations was to be '*Peace and Democracy: Make Your Voice Heard*'. WOZA notes with great concern that the arrests of its members occurred on a day that was meant to celebrate and encourage peace and democracy.<sup>36</sup>

A male member of parliament was rebuked recently for implying that women caused rape. He also asked all single women in parliament to marry so that they could become "decent." Another example was that of two female members of parliament in the opposition, who were assaulted by young

male supporters of their parties. This is evidence of family-level gender relations playing out in the public arena. In marital relations, men beat up so-called "loud-mouthed women," and this is also happening in the public sphere.

Both houses of parliament trivialise issues of women's human rights and access to basic commodities. A case in point is that of MP Priscilla Misihairambwi for bringing up the unaffordable high cost of sanitary supplies. A male MP asked her to demonstrate how women used these, amid jeers from other male MPs.

Another critical term for women in the democracy discourse is the issue of access to resources. In the traditional cultures of Zimbabwe, women did not own the primary resource, land. Land was transferred from father to son; women and girls were left out. Women have access to land only as daughters or wives; their rights were therefore very limited and could be withdrawn by the owner, who is male in almost all cases.<sup>37</sup>

## SEYCHELLES

Seychelles ratified CEDAW on the 5<sup>th</sup> May 1992, as well as ratifying the Maputo Protocol on the 9<sup>th</sup> March 2006. Seychelles has not developed a National Action Plan (NAP) for UN SCR 1325.

### LEGAL RIGHTS

Women enjoy the same rights as men, and the society is largely matriarchal. Unwed mothers are the societal norm, and the law requires fathers to support their children. There is no officially sanctioned discrimination in employment, and women are well represented in business. There is no economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Inheritance laws do not discriminate against women.<sup>38</sup>

### VIOLENCE AGAINST WOMEN

Rape, spousal rape, and domestic abuse are criminal offences punishable by a maximum of 20 years' imprisonment. The police registered 25 rape cases for the year; however, many rape cases went unreported for fear of reprisal or social stigma. Two rape cases were prosecuted during the year, and one case remained under investigation.

Domestic violence against women is a problem. Police rarely intervene in a domestic dispute unless it involves a weapon or major assault. Authorities often dismiss the few cases that reach a prosecutor, and the court generally orders light sentences for perpetrators. The Family Tribunal issued 466 protection orders related to domestic violence during the year.

## ERITREA

Eritrea has not signed or ratified the Maputo Protocol, though CEDAW was ratified on the 5<sup>th</sup> September 1995. Eritrea has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

Eritrea is a highly secretive state, which makes gathering evidence difficult. With the closure of the independent press in 2001, no domestic institution exists to investigate or report on abuses of human rights. Further, Human rights organisations have been denied entry since 2001.<sup>39</sup>

### GENDER BASED VIOLENCE

Issues relating to women are scarce on account of the information blackout, but accounts of women being subjected to sexual abuse during their national service have been well documented. Women in national service are frequently

sexually abused or raped by their commanding officers: a 2007 study of Eritrean women seeking asylum in Norway reported rapes and other abuses during national service, including: detention (short- and long-term), beatings, forced abortions (and attempted abortions), forced heavy labor, forced ingestion of drugs, death threats, degrading treatment, continuous sexual violence and rape, as well as possible forced pregnancy and sexual enslavement.

The women said that military leaders other than the ones they served directly were also abusers. Refusal to submit to sexual exploitation was punished by detention, torture, and limitations on food rations. Women described being forced to perform domestic duties for military officers. The Norway asylum applicants stated that some colleagues committed suicide to escape the sexual violence.<sup>40</sup>Ethiopia

## ETHIOPIA

Ethiopia signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) on the 1st of June 2004. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Ethiopia on the 10th of September 1981. Ethiopia has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

### WOMEN'S RIGHTS

In 1995, the constitution of Ethiopia adopted equal rights for men and women in every sphere of life. Despite the government efforts for gender equality, little attention is being given to promoting women's participation within the community. Men dominate political, decision-making and leadership positions. Women have limited access to education.

Since the enactment of the 2009 CSO Law (Charities & Societies), which prohibits local organisations working on human rights and women's issues from receiving international funding, the ability of these local women's organisations to mobilise funds and campaign vigorously has been severely hampered to the point of rendering all the advancements made useless. A decline in women's activism on the issues of women's rights can be witnessed within the past two years

with the heads of relevant organisations reporting that their institutional capacity to address and tackle issues of violence against women is timid because of the uncertainty and the climate of fear induced by this law.<sup>6</sup>

The 2009 bill bans international non-governmental organisations (NGOs) from five sorts of activity<sup>7</sup>:

- The advancement of human and democratic rights
- The promotion of equality between peoples, sexes or religions
- Campaigning for children's rights or the rights of the disabled
- Conflict resolution and reconciliation
- Work on criminal justice issues.

### VIOLENCE AGAINST WOMEN

According to recent report, violence against women in on the rise in Ethiopia. Victims of gender based violence have nowhere to turn to ask for help due to the lack of institutional and social support. There is a decrease on the number of women advocating and campaigning for gender based violence because of the lack of funding due to 2009 CSO Law (Charities & Societies<sup>8</sup>).

## COMOROS

Comoros ratified the Maputo Protocol on the 3<sup>rd</sup> of March 2004, and CEDAW on the 31<sup>st</sup> of October 1994. Comoros has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325). While

tradition tends to outweigh civil law, women are increasingly participating in political and economic arenas. Women are increasingly holding decision-making positions but still remain

under-represented in politics. Domestic violence is prevalent and rights for divorced women are lacking.<sup>41</sup>

## WOMEN'S POLITICAL PARTICIPATION

Women's issues in Comoros are closely associated with tradition, customs and religion, which govern most aspects of the day-to-day life. Women are increasingly playing an active role in politics and decision making bodies; however, women are still under-represented at the political level, which remains a key challenge for gender equality in Comoros. As of April 2011, the US department of state's 2010 Human Rights Reports found that there is still discrimination against women in Comoros. As an indication of women's representation in

elected positions, there is only 1 female member in the 33 member national assembly, and there are no women in ministerial seats, nor in cabinet positions.<sup>42</sup>

## VIOLENCE AGAINST WOMEN

While there is a law that prohibits trafficking, abuse, and discrimination, there is still prolific discrimination against women. The government does not enforce laws for the punishment of Rape. Laws against domestic abuse or spousal rape are not enforced. Cases of domestic violence rarely enter the formal court system as most of them are settled amongst village elders. Sexual violence is rarely reported to government authorities due to societal pressure and stigma.

# MADAGASCAR

Madagascar ratified CEDAW on the 17<sup>th</sup> March 1989, as well as signing the Maputo Protocol on the 28<sup>th</sup> February 2004. Madagascar has not developed a National Action Plan (NAP) for UNSCR 1325.

## VIOLENCE AGAINST WOMEN

The law prohibits rape, but does not specifically refer to spousal rape. Penalties range from five years to life in prison, depending on factors such as the victim's age, the rapist's relationship to the victim, and whether the rapist's occupation put the individual in contact with children. Rape of a child or a pregnant woman is punishable by hard labour. An additional two to five years' imprisonment can be added in the case of rape with assault and battery, though the government does not always enforce these penalties. In 2008, the Morals and Minors Brigade, a department in the Ministry of Interior, reported receiving 10 to 12 rape-related complaints a day countrywide. There were 217 cases of rape reported in 2008 in Antananarivo; 130 were investigated. All of these figures probably underestimated the extent of rape nationwide, but there were no reliable figures available.<sup>43</sup>

## WOMEN'S HEALTH

Couples and individuals freely exercise their reproductive rights with no legal or policy discrimination or coercion. The government provides free access to contraceptives and family planning information at public clinics, and services are also available in the private sector. According to the UNFPA, the modern contraceptive prevalence rate is 28 percent. Skilled attendance during childbirth is infrequent, particularly in rural areas, where there are few trained health workers. However, the Population Reference Bureau reports that 54 percent of births were attended by skilled personnel. All delivery services, including caesarean sections, are free in government health facilities. However, since much of the population lives more

than two miles away from public clinics over difficult terrain, many in rural areas are unable to access reproductive health and maternity services; the government and donors have identified this as a critical constraint, and a variety of programs were instituted to expand the availability of quality care. However, there are a lack of resources to address the issue comprehensively.<sup>44</sup>

Madagascar is one of 12 developing countries receiving support to improve access to contraceptives through the UN Population Fund's (UNFPA) Global Programme to Enhance Reproductive Health Commodity Security, and has been described as a success story.

Despite this increase, birth control is still not always available, even in urban areas, one in four births occur less than 24 months after the preceding one. This means Madagascar is facing rapid population growth. By 2050 the population is expected to more than double, from 19.5 million to 42.3 million<sup>45</sup>.

## WOMEN'S ECONOMIC EMPOWERMENT

Women generally enjoyed the same legal status as men. Under the law wives have an equal voice in selecting the location of the couple's residence and generally received half the couple's assets if the marriage ended. While widows with children inherit half of joint marital property, a husband's surviving kin have priority over widows without children—leaving them eighth in line for inheritance if there is no prior agreement and potentially leaving them with none of the estate or a very small portion of it. In practice these requirements were not always observed.

A tradition known as "the customary third," which provided the wife with the right to only one-third of a couple's joint holdings, was occasionally observed. There was no special government office to ensure the legal rights of women.<sup>46</sup>

# MOZAMBIQUE

Mozambique ratified the Maputo Protocol on the 9<sup>th</sup> December 2005, and CEDAW on the 21<sup>st</sup> April 1997.

Mozambique has not yet adopted a National Action Plan on

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United Nations Security Council Resolution 1325 (UNSCR 1325).

## HUMAN RIGHTS OF WOMEN

Mozambique suffered from a 16 year civil war that killed 1 million people and displaced millions. Many girls participated in the civil war, hopeful to gain rights after the war's end. Today, the law mandates equal rights between women and men however discrimination and violence persists. Mozambique's women's political participation peaked in 2004 when the first female prime minister was elected. Women occupy 35 seats in the new parliament.<sup>47</sup>

Mozambique's Alice Mabota won the 2010 International Woman of Courage award for her work in human rights.<sup>48</sup> Also, according to research done by the US department of State, Men and women receive equal access to medical and health services related to HIV/AIDS.<sup>49</sup>

However, Mozambique has gone off track for most of its Millennium Development Goals. The Africa Progress Report shows that Mozambique has improved in the realm of maternal health. However it has gone off track or acted too slowly to promote gender equality and empower women in the public sector.<sup>50</sup>

## VIOLENCE AGAINST WOMEN

Despite laws against rape, sexual violence is still very prevalent and largely unpunished. In March of 2010, President Armando Guebuza spoke at the opening session of the Second National Conference on women and gender and condemned all violence against women.<sup>51</sup>

Lastly, girls in fighting forces in Mozambique have largely been discriminated against and left out of Demobilisation, Disarmament and Rehabilitation programs. They also fight stigma at home.<sup>52</sup>

# TANZANIA

Tanzania ratified the Maputo Protocol on the 3<sup>rd</sup> of March 2007, and CEDAW in 2006. Tanzania has not yet adopted National Action Plan on United Nations Security Council Resolution 1325 (UNSCR).

## HUMAN RIGHT OF WOMEN

Discrimination against women is prohibited by the constitution of Tanzania, however, the country's legislation has yet to be adjusted to support this principle. In general, legal protection for women remains limited, this is due partly because Tanzania's judicial authorities take into account both customary and Islamic Sharia laws.

## WOMEN'S HEALTH

From the Africa Progress Report, Tanzania has in fact achieved the Millennium Development Goal of the promotion of gender equality and empowerment of women. However, it has regressed in its attempts to improve maternal health.<sup>53</sup> However, the UN News centre reported earlier this year that a UNFPA program has teamed up with a group of artists from the United States and Tanzania to raise awareness, through music, on the need to have better maternal health services.<sup>54</sup>

## ZAMBIA



Customary law tends to trump civil law in the government's attempts to increase gender equality. More recently, HIV/AIDS has become a seriously developmental issue, especially for women who are more susceptible to the infection as they have

not been given the ability to control their sexuality or family planning.<sup>55</sup>

From the Africa Progress Report, Zambia has in fact achieved the Millennium Development Goal of the promotion of gender equality and empowerment of women. However, it has regressed in its attempts to improve maternal health.<sup>56</sup> Conversely, the abolition of basic school fees in Zambia has resulted in gender equality in primary school, with 80% enrolment of both genders.<sup>57</sup>

### VIOLENCE AGAINST WOMEN

According to Zambia's Demographic Health Survey, 1 in 5 women reported that they have experienced sexual violence at some point in their lives and 64% reported that their current partner has committed an act of sexual violence<sup>58</sup>. Women in Law in Southern Africa (WILSA) working in Zambia have advocated this year for sexual violence prevention programs as integral to achieving the Millennium Development Goals. As a result, the Zambian parliament passed the Anti Gender-Based Violence Act in response to a long-standing recommendation to enact legislation that specifically addresses gender-based violence.<sup>59</sup>

### WOMEN'S POLITICAL PARTICIPATION

According to IPS, "After the last tripartite elections in 2006, there was an outcry mostly from civil society over the low levels of women's representation. This past year there were 24 female members of parliament out of a total 150. In cabinet there are five female ministers out of a total of 21. There are only six female deputy ministers out of a total of 20. It is expected to see more women running for office in the next elections.<sup>60</sup>

# NORTHERN AFRICA

As a region, North Africa has made some considerable steps forward in protecting and implementing women's rights, though there have also been numerous setbacks. Perhaps one of the most unifying themes in the region during the 2010-2011 year was revolution. All countries in the region have been affected by the *Arab Spring* with revolutions occurring in Tunisia, Algeria, Egypt, and Libya. The revolution inspired Morocco to act ahead and amend the constitution<sup>1</sup>, while South Sudan seceded from Sudan. During these revolutions, women have had the unique opportunity to protest on the street with their male counterparts and were often integral to the ousting of leaders. However, as the protests and demonstrations ended so did the participation and recognition of women's rights.

In the region, although women played an influential role in the revolutions, in most countries they were left behind. In countries like Egypt and Libya, women only comprise either 1 or 3 members of the new transitional governments.<sup>2</sup> These transitional governments are in charge of creating the new draft constitutions, which continue to discriminate against women.<sup>3</sup> All of these countries, however, have an exceptional opportunity to incorporate a gender perspective into the constitution as well as women into the political field. Hopefully, as the countries continue to transition into a full democracy, women will be more apparent in decision-making roles. After the revolutions in Tunisia, the country took extra precautions to incorporate women into government. In a historic moment for the Middle East and North African region, Tunisia enacted a gender parity clause calling for equal participation between men and women in elections.<sup>4</sup> Perhaps, neighbouring countries will look to Tunisia for inspiration in their own transition to democracy.

Domestic violence is widespread in the region and affects women across all sectors of society.<sup>5</sup> In many countries in the region, domestic violence is considered a personal matter to be dealt with within the family.<sup>6</sup>

In Morocco, the government has created family tribunals as an alternative to official investigations. Although most women prefer to handle situations of domestic violence within the family, those who do seek help tend to seek out the family tribunals, which offer information, social workers, and legal assistance.<sup>7</sup> This is a considerable step to help protect women in the country. To offer a comparison, women in Sudan face various forms of punishment including flogging and lashing for acts of *indecent* which has such a broad definition and can include conversing with a male who is not an immediate family member.<sup>8</sup>



Many states in North Africa have an extraordinary opportunity to protect women and recognise their full rights. Some states have made considerable advancements in protecting women from sexual violence and encouraging women to participate in politics and elections, while others have taken steps backwards by limiting the role of women in government. Hopefully, as the different countries successfully transition to democracy, women's rights will come to fruition and will be recognised.

## ALGERIA

Algeria signed the Maputo Protocol on the 29<sup>th</sup> December 2003 but has not ratified it, and CEDAW was ratified on the 22<sup>nd</sup> May 1996. Algeria has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

The advancements of women's rights in Algeria has been marred by traditionalist views that discriminate against different aspects of participation in society. Although there has been little government initiative to overcome these traditional ideas, it has taken a step forward by seeking advice from the United Nations. In November of 2010, the Algerian

government invited the Special Rapporteur on Violence against Women, Rashido Manjoo, to conduct an official visit to evaluate what hinders women's rights and what can be done to improve the current situation.<sup>9</sup>

## WOMEN ECONOMIC AND POLITICAL PARTICIPATION

Based on the Rapporteur's findings, women are discriminated against in both the public and private spheres in society. The public sector employs as much as 60 percent of the female workforce, however, women's participation in the labour force is limited to mostly "low-level management functions".<sup>10</sup> In addition, women only earn approximately one-third the wages of their male counterparts.<sup>11</sup> These discrepancies in economic and political participation arise mainly from the traditional view of women in society. According to a study in 2009, about 45 percent of men would forbid their future spouse from engaging in the work force.<sup>12</sup>

## VIOLENCE AGAINST WOMEN

Violence against women, in particular domestic violence, is a widespread and common occurrence effecting women from all parts of society in Algeria. Domestic violence is seen as a private affair to be dealt with within the familial structure rather than the legal structure.<sup>13</sup> As a result, very few women report cases of domestic violence to the authorities and suffer

in silence while the epidemic continues to grow.<sup>14</sup> The Government, understanding the necessity to protect women from violence, has enacted a national strategy to combat violence against women. The strategy utilises different institutions in establishing, implementing, and monitoring the different aspects of the strategy. These different aspects include providing protection and support to victims, socio-economic reintegration, public awareness campaigns, and the creation of coalitions to design and implement policies, programmes, and legislation.<sup>15</sup>

Currently, most government initiated programmes and strategies in Algeria have been aimed at protecting women from violence. These programs are multi-faceted and target others areas such as economic empowerment and reintegration. Despite this progress, there has been no specific legislation adopted to prevent domestic violence, except in the result of injury. In addition, the government has not taken any initiative to establish a framework for engaging women in decision-making roles or involvement in the labour force. Although the Algerian government has made some progress advancing and protecting women in society, there is still a long road to the adoption of full-fledged women's rights.

## EGYPT

Egypt has neither signed nor ratified the Maputo Protocol, though CEDAW was ratified by Egypt on the 18<sup>th</sup> September 1981. Egypt has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

Egyptian citizens, in this past year, have seen and participated in perhaps one of the most media covered revolutions in the region. The protests and demonstrations eventually led to the ousting of the then president Hosni Mubarak. One of the most significant features of this revolution, along with several others in the region, is the prominent participation of women. Women protested alongside men, and were central to the success of the revolution. Despite the central role women played in the revolution, the future of women's rights in the country remains to be determined.

## WOMEN POLITICAL PARTICIPATION

In the weeks and months after the ousting of Mubarak, the fate of women's rights has been jostled back and forth between recognition and complete amnesia. To illustrate, on the heels of one of the major blows to women's rights, announcing only one woman would be sworn into the new cabinet, the new Prime minister announced the establishment of a committee that deals exclusively with the advancement of women.<sup>16</sup> There has been widespread criticism about the creation of such committee. As it operates under the male dominated cabinet, the committee is seen as an instrument to appease women.<sup>17</sup> These events however, are only the beginning of a path of dwindling rights for women in the post-revolution era. Aside from the draft constitution, which

implied that the future Presidents of Egypt must be male,<sup>18</sup> the overall camaraderie between men and women during the revolution started to fade.

## VIOLENCE AGAINST WOMEN

Long before the revolution, women faced unparalleled sexual harassment in public, particularly on the streets. During the revolution, the harassment women faced in public subsided and they were able to take to the streets and protest without the prospect of being discriminated against.<sup>19</sup> It was seen as a step forward to gender equality in the Egypt. However, once the protests dwindled, harassment against women became more public than before.<sup>20</sup> As women demonstrated for gender equity in Cairo a group of men approached the group and began to attack.<sup>21</sup> Women in Egypt, similar to before the revolution, still face unparalleled sexual harassment, as well as domestic violence, discrimination in the work force, and FGM.<sup>22</sup>

## WOMEN'S POLITICAL PARTICIPATION

Egypt is at a unique crossroads to not only include women in the new government, but also to transform and promote women's rights in the country. Until the country transitions, the full understanding of women's rights in Egypt will not be understood. Unfortunately under this current political environment the Egyptian transitional government is marginalizing women, women's rights, and women's political participation.

## LIBYA

Libya ratified the Maputo Protocol on the 23<sup>rd</sup> May 2004, and CEDAW on the 16<sup>th</sup> May 1989. Libya has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

Throughout the past decades, Libyan women have been considered to be some of the most liberated in the Arab world. Women have been able to vote and participate in politics since the early 1970 and are considered to be among the most highly educated women in the Arab world.<sup>23</sup> During the revolution, women played an integral part in protesting and demonstrating to overthrow the former dictator Muammar Gaddafi. Although women have participated in politics in the past and actively demonstrated during the revolution, the current National Transitional Council has tossed the rights of women aside by electing only one female representative.<sup>24</sup>

Although the rights guaranteed to Libyan women were considered to be enviable, they were superficial at best, and little has changed. The rights of women rarely escaped urban areas and worked to marginalise women in rural areas.<sup>25</sup> This continues to be the case and even in urban areas women are discriminated against. Gender-based violence, in particular domestic violence and sexual violence, are prevalent in both urban and rural areas. Sexual violence, specifically rape, is a very difficult issue for women to discuss and receive support for.<sup>26</sup> Women who come forward and admit being raped run the risk of honour killings.<sup>27</sup>

## MOROCCO

Because the Kingdom of Morocco is not a member of the AU, it has neither signed nor ratified the Maputo Protocol, though CEDAW was ratified on the 21<sup>st</sup> June 1993. Morocco has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

The revolutions in North Africa and the Middle East did not spare Morocco. Although the country did not have an outright revolution, both women and men demonstrated and protested for reforms to the constitution. The government acknowledged the situation in the region and started drafting a new constitution. Although the constitution has not been finalised, the draft demands equality between men and women, and will strive to implement an authoritative role to promote this agenda.<sup>32</sup>

### ECONOMIC AND POLITICAL PARTICIPATION

Today, women still face different forms of social and cultural discrimination. According to research by the American Bar Association, women make up more than 50 percent of the country's highly trained persons.<sup>33</sup> In spite of this statistic the employment rank among women is 23.3 percent, while for men it is about 69 per cent.<sup>34</sup> Among the percentage of

### VIOLENCE AGAINST WOMEN

During the revolution, Gaddafi used rape as a weapon of war<sup>28</sup>. It was the government's reaction to Eman al-'Obeidy distraught plea that prompted an investigation into the use of rape as a government tactic. In March of 2011, Eman al-'Obeidy entered the Rixos hotel searching for journalists, and claimed she was gang raped by government troops.<sup>29</sup> It was the action of the hotel staff and government officials that made al-'Obeidy's story attract the media's attention. As she recounted her story and showed her scars and bruises, the hotel staff and government officials tackled her and dragged outside of the hotel to a car that sped away. In going public with her story, Eman al-'Obeidy risked her life, and the 'honour' of her family.

### WOMEN POLITICAL PARTICIPATION

After decades of superficial rights, women in Libya are fighting back for a strong, gender inclusive government and society. The revolutions reaffirmed that women are key actors in making change happen. Since the revolution women's student groups, volunteers, and ordinary women have united to empower women and protect their rights.<sup>30</sup> They aim to make gender equity a reality in their country through the new constitution. When a new constitution is drafted however, it is speculated that women's rights will be left aside in place of 'hardened cultural norms' which can include preventing women from travelling unaccompanied, or talking to men beyond their immediate family.<sup>31</sup>

employed women, the majority work in civil service, education, and health fields, with some working as department heads and senior employees.<sup>35</sup> Women, however, still face discrimination in their search for decision-making roles due to views about women in society.

## VIOLENCE AGAINST WOMEN

Social and cultural ideas also affect the private life of women. Like most other states in North Africa, women are victims of gender-based violence, in particular domestic violence. In Morocco, women have different avenues to seek justice for crimes against them, although these too are subject to personal biases of judges.<sup>36</sup> The government has taken steps to provide justice for women who are victims of gender based violence by setting up family tribunals, information centres, and providing social workers to help advise and support women as they recover.<sup>37</sup> The majority of these centres, however, have been run by local and international NGOs.<sup>38</sup>

Regardless, according to the 2011 UNWOMEN Progress Report, about 63 percent of women prefer to resolve domestic violence issues within the familial structure, and those who do seek redress tend to approach the family tribunals rather than starting and official prosecution proceeding.<sup>39</sup>

Morocco, like so many North African states sits in a unique position to promote, support, and implement the rights of women in the form of a new constitution. Morocco has taken the step to establish an equality clause between men and women, but much remains to be done in promoting change in traditions.

## SUDAN

Sudan signed the Maputo Protocol on the 30<sup>th</sup> June 2008 but has not ratified it, and CEDAW has not been signed or ratified. Sudan has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

In 2011 South Sudan had a historic vote that divided Sudan into North Sudan and South Sudan. For the purposes of this 2010-2011 report, both countries will be represented under the country of Sudan with references being made to both countries and the country as a whole.



## VIOLENCE AGAINST WOMEN

Before the division of the country, women faced extreme discrimination in both the public and private spheres of life. *Indecency* under the Public Order Law is an all-encompassing law that the government has used to perpetrate various forms of violence against women.<sup>40</sup> Acts of *indecency* can include anything from talking to a male who is not a close relative, violating the Islamic dress code, demonstrating, speaking adversely about the government, etc. It is not a clearly defined

law and as such, women can be punished for an array of unknown reasons.<sup>41</sup> The punishment for violating the public decency law can range from flogging and lashing to detention.<sup>42</sup>

In addition, activists, specifically women activists, face horrific consequences in Sudan. In January and February of 2011, the National Intelligence and Security Services arrested six female activists who were allegedly victims of various forms of gender-based violence including verbal abuse and rape.<sup>43</sup> Al-Bashir warned that if the South succeeded from Sudan, the human rights situation of the north would deteriorate and Sharia law would be more strictly enforced.<sup>44</sup> North Sudan is still governed by Al-Bashir and the National Congress Party, and women continue to face undue discrimination and are politically isolated.<sup>45</sup>

## GENDER EQUALITY

The rights of women remain to be determined in the coming months and years as the country develops; the new constitution of the country offers an unparalleled opportunity to incorporate gender parity laws and enshrine the rights of women. In South Sudan however, women still face various set backs and forms of discrimination. Girls lack education due to early forced marriages<sup>46</sup>, and as a result, a majority of women in the country are illiterate. Furthermore, the country has an alarming rate of maternal mortality and women are still subject to various forms of gender-based violence<sup>47</sup>. In order for women to actively engage in the new government, steps need to be taken to ensure the rights and education of women and girls.

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## TUNISIA

Tunisia has not signed or ratified the Maputo Protocol, and CEDAW was ratified on the 20<sup>th</sup> September 1985. Tunisia has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

Tunisia was not immune to the revolutions of 2011. Women and men protested and demonstrated together to successfully oust the former President Zine El Abidine Ben Ali. This is not uncommon for women in Tunisia. Compared to neighboring countries in the region, Tunisian women are prominent in public life<sup>48</sup>. In fact, men and women have the same divorce rights, have access to birth control and family planning, and abortion is far from taboo after having the right for over 46 years<sup>49</sup>.

### WOMEN POLITICAL PARTICIPATION

In April of 2011, the interim new Prime Minister Beji Caid-Essebsi established a gender parity clause calling for equal participation between men and women in the upcoming elections<sup>50</sup>. The government, in collaboration with different international organisations, has sponsored different workshops

for women interested in running to exchange ideas with their female counterparts worldwide<sup>51</sup>. The gender parity clause was a first for the Middle East and North African region. Elections were moved from their anticipated date in July until October 23 2011. The government has not only initiated a gender parity clause into the next elections, but has also tried to entice women to vote. Tunisia launched a national multimedia campaign, spanning from radio and television spots to posters and advertisements, encouraging women to participate in the upcoming elections<sup>52</sup>.

### GENDER EQUALITY

Women in Tunisia have had a long history of equal rights. The upcoming election in October will only help to secure and solidify women's rights, and women's political engagement and participation. Historically, the government of Tunisia has been taking necessary steps to secure and protect women's rights and hopefully the future leaders of the nation will follow in their footsteps.

## WESTERN SAHARA

Western Sahara signed the Maputo Protocol on the 20<sup>th</sup> June 2006, though CEDAW remains neither signed nor ratified. Western Sahara has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

There is very little information regarding the status of women in Western Sahara. According to Freedom House, women in Western Sahara, Sahrawi women, encounter similar discrimination to women in Morocco in the cultural and legal practices, as well as in the public and private spheres of society. Like the rest of North Africa, women living in rural areas are most affected by poverty and illiteracy.<sup>53</sup>

# SOUTHERN AFRICA

A review recently done by SADC agencies responsible for gender and women's affairs outline key successes made during 2010/2011 in the achievement of gender equity and women empowerment as follows:

*“Although the region has created a legally enabling environment in terms of frameworks for women's participation in peacemaking, peacekeeping and peace building, as well as for their protection from violence, there is still a long way to go towards creating equitable participation of women in peace and security structures, protecting women during conflict and the prevention of gender-based violence”<sup>1</sup>*

The following case studies (Namibia, Lesotho, Swaziland, Botswana and South Africa) have ratified the Convention on all Forms of Discrimination Against Women (CEDAW), Resolution 1325, and recently the SADC Protocol/Declaration on Gender and Development (apart from Botswana). Unfortunately these cases have also failed to actively implement these legal instruments.

All five countries are in the process of developing or adopting a National Action Plan to end Gender Violence. New and innovative approaches have been undertaken to combat GBV violence and ensure gender equality in all sectors of society, such as proactive lobbies to reform family law (Swaziland and Lesotho), media and student led efforts to criminalise GBV (Namibia and South Africa) and counteract traditional harmful customs and practices.

South Africa, Lesotho and Namibia have achieved the highest score on the SADC Gender and Development Index, while the Namibian constitution provides an example for many constitutions in the world because it uses gender-neutral language throughout and “explicitly forbids discrimination on the basis of sex”.

Nevertheless all five case studies reveal several issues. As noted by the SADC Committee, mainstream policies and institutions neglect women, which undermines the profitability and visibility of their activities. Women's lives in these five case studies are still governed by contradictory dual legal systems (customary/traditional law and common law). Despite numerous legal commitments, the rights of women are still not fully represented or respected.

The prevalence of customary law and traditional practice remains an obstacle to the achievement of gender equality. Contradictions between customary and statutory law abound even in cases where these have been outlawed by the constitution. Women still do not have equal access to assets,

resources and basic services such as HIV/Aids treatment. There is evidence pointing to the 'feminine face' of poverty while women's status remain relatively low compared to that of their male counterparts. Women and girls are still considered to be more vulnerable to HIV infections than men and boys, while laws, services and resources to address gender-based violence are still "patchy".



Family law affects mainly women in rural areas by marginalizing them and national government need to encourage proportional representation in all levels of decision-making positions. Women's representation in local election in South Africa slipped to 38%. All four cases have adopted a GBV, with the exception of Lesotho, which is currently drafting a legislation to target it. The legal instruments that have been put in place must be implemented and monitored to actively combat GBV, and women must be granted full reproductive rights.

In Swaziland there are currently no affirmative action interventions to ensure that women benefit equally from economic opportunities, while procurement in Namibia remains gender-blind. Employment conditions in Swaziland fall short of being gender responsive while in Lesotho women tend to be marginalised to certain economic sectors such as manufacturing and the textile industry and retail. In Botswana the government has invested in creating employment opportunities that are gender sensitive.

It remains difficult to sum up the highlights and lowlights of a single year, but the most positive trend that is visible in all five case studies is that the national governments envision a future that includes gender equality. There is still a long road to cover in which a number of actors regional and local have a part to play. The recent introduction of the SADC Barometer (2011) to measure and monitor progress is only the first step.

## SOUTH AFRICA

South Africa ratified the Maputo Protocol on the 17<sup>th</sup> December 2004, and CEDAW on the 15<sup>th</sup> December 1995. South Africa has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

“Gender equality has been recognised by the South African Constitution and its Bill of Rights as a cornerstone of democracy in the country.”<sup>2</sup> The South African Constitution positions the right to gender equality as essential and fundamental to the struggle for a more just and equitable society (Act 108 of 1996). The equality clause prohibits discrimination on the grounds of race, gender, sex, pregnancy or marital status, ethnic or social origin, while the clause on freedom and security establishes the individual right to “bodily and psychological integrity.” This includes the right to make decisions concerning reproduction; and to security and control over one’s body.

South Africa’s commitment to gender equality is also reflected in the high level of female enrolment in higher education institutions and participation in government. Women make up a total of 34 ministers and 32 deputy ministers; South Africa has almost attained gender parity with 45% women in parliament.

### GENDER POLICY FORMULATION

In 2009, the Government created the Department for Women, Children and People with Disability (DWCPD) with the mandate to “Emphasise the need for equity and access to development opportunities for vulnerable groups in our society.”<sup>(8)</sup> It was established to empower women, particularly the rural poor; to ensure that they have access to basic necessities in their communities regardless of class and status.

This policy is supposed to ensure social justice and development for women, especially for the rural poor who are most vulnerable; unfortunately the implementation process has been slow. It still needs to be fully integrated into the National Gender Policy Framework that promises to “infuse a gender perspective into all policies and programs.”<sup>3</sup>

Regardless of the 'abundance' of legal documents that establish women’s rights in South Africa, the rights of women depend largely on race and the type of marriage. There are three kinds of marriage: civil marriage (with or without a joint property agreement), religious marriage, and customary marriage, which perceives women as minors. The state only recognises civil and religious marriages, but does not address the presence of customary marriage in which polygamy is still allowed.

Inheritance rights poses another challenge; in a civil marriage women are entitled to half of a property, while in a customary marriage women receive nothing and have no legal entitlement. Women in rural areas face cross-sectional discrimination, because customary law is more prevalent in

rural areas, and access to resources and services more complicated and defined by tradition.

### GENDER BASED VIOLENCE

The National Government has openly acknowledged the prevalence of violence against women and girls, putting in place a number of mechanisms to address this challenge. Domestic violence remains a crime, which receives scant attention and is not logged in South Africa Police Services (SAPS) annual crime statistics.

Criminality and instances of domestic and sexual violence are very high: according to Amnesty International 120 per 100 000 women are raped per year. The report claimed that 25.4% of women experienced rape at least once in their lifetime, although only 3.9% had reported it to the police. Just 2.1% of women raped by an intimate partner reported the incident to police; as stated by Mthethwa the actual number could be much higher since many go unreported.<sup>4</sup>

On the other hand local women’s organisations have been lobbying the government to strengthen justice systems, monitor progress, and make policing institution more sensitive to the needs of victims of GBV. A Gender Links Report revealed that although there was no change in crime levels overall between 2010-2011, there was a 5.6% increase in the number of women murdered. Despite this figure, police claim violence against women and children is a priority.

The police have taken a step in the right direction by including rape as a separate category for the first time since the Sexual Offences Act came into force in 2007.

The South African Government, in collaboration with UNIFEM, took advantage of the spotlight during the 2010 World Cup to raise awareness on and prevent human trafficking before and during the 2010 World Cup: the awareness campaign ‘*Say No to Trafficking in Women, Say Yes to Women’s Rights*’ resulted in the drafting of a legislation on human trafficking that should come into force shortly.

These achievements must be applauded but as Mthethwa (2011) rightly noted, more effort and different approaches are required in order to curb all forms of domestic violence. “It is most critical to step-up education, outreach and awareness programmes to sensitise citizens about existing legislation.”

### ACCESS TO ECONOMIC SECTORS AND RESOURCES

The feminisation of poverty in South Africa has a rural and a racial and ethnic dimension, to the extent that it obstructs the well-being of women and sustainable development. “ Women’s lives especially in the African, coloured and Indian populations were exacerbated by apartheid legacy with its related socio-economic ills which has had adverse consequences on their economic and social standing in society today.

The poverty alleviation strategies of the South African Government seem unable to reduce inequalities and the consequences of poverty amongst women in rural areas. Many of the existing policies deal mostly with the formal sector, to the detriment of the informal, non-remunerative roles rural women perform. Most of these policies are furthermore not well implemented and hence do not benefit the maximum number of citizens.

According to the Women Leadership Pilot Study Frontier Group (2011) women make up 44.6% of the formal workforce but women are often found in support roles, rarely managers. These statistics do not incorporate the large number of women in the informal economy, that fall within the legal requirements and protective framework of the state (ILO, 2011).

The Department for Women, Children and People with Disabilities (DWCPD) is well placed to deal specifically with empowering women and other vulnerable groups, but this can only be achieved through a Departmental socio-economic development model, which adequately utilises gender budgeting and addresses critical areas of women's needs, such as housing, health, education and employment. Unless these

critical areas are managed by the DWCPD through proper main-streaming, budgeting, monitoring and evaluation, endemic and pervasive poverty will remain, and women will continue being the face of South African poverty.<sup>5</sup>

The government also recently passed a health-care bill (2011) that ensures the "Right to Health Care." New policies and strategies will be implemented during 2010/11-2012/13 to combat the scourge of HIV and AIDS and TB. All children less than 1 year of age who test positive for HIV will be initiated on treatment, irrespective of their CD4 count. Antiretroviral Treatment (ART) will be provided to pregnant women at CD4 count of 350 or less, to enhance maternal survival and reduce the possibility of vertical transmission.<sup>6</sup>

Lastly, South Africa has been so intent on Gender Main-streaming in the National Budget that it has become too difficult to determine the resources allocated specifically to the empowerment and benefit of women and gender equality. The budget contains a range of different allocation that should contribute towards gender equality but the allocations need to be more closely monitored.

## BOTSWANA

Botswana has neither signed nor ratified the Maputo Protocol, though CEDAW was ratified on the 13<sup>th</sup> August 1996. Botswana has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

The Constitution of Botswana guarantees equality before the law and outlaws discrimination on the basis of sex or gender. Unfortunately the constitution does not address the contradictions between formal and customary law and there appears to be no motion in place for a constitutional review.

Botswana has a dual legal system with customary law existing side by side with common law; traditional laws are also in practice enforced by tribal structures.

These laws and discrimination within the customary law and common law system restrict women's property rights and economic opportunities, particularly in rural settings. Unmarried women fall under the guardianship of their father and women are generally viewed as second-class citizens or legal minors.

### GENDER POLICY FORMULATION

In 2010, a number of women were appointed to key managing positions, such as the Botswana Development Corporation and the National Development Bank. Despite this, economic policies implemented within the country remain gender blind. Women currently hold 11% of the seats in Parliament<sup>7</sup>; renewed government effort could increase the position of women in leadership and governance roles to 60% by 2016 at this rate.

The Botswana Council of Non-Governmental Organisations Gender sector has been a critical actor in pushing forward the Beijing Action Plan, highlighting the need for a *National Action*

Plan. In 2010 it commissioned a consultancy to develop a gender budget strategy, though unfortunately to date no implementation strategy has been put in place to accompany this framework.

### GENDER BASED VIOLENCE

Violence against women is highly prevalent with a majority going unreported, and where they are, unpunished. UN Data (2009) estimates that 3 in 5 women have experienced some form of domestic violence, and an increase in cases of murder of women by their partners. 2010 also marked a turning point with a woman defying the odds to bring her case to court; a case that revealed the acceptance of GBV in everyday society, providing leverage for a national organisation combating GBV.<sup>8</sup> The Women's Affairs also reviewed and improved the National Action Plan to End Gender Violence first formulated in 2007, but there has been no budget allocated to the project.

The Botswana police have also attempted to address the 'patriarchal' nature of the criminal justice system. In 2009 the Police Service compiled a study which highlighted the need for a collaborative approach between the legal, medical and psychological service providers to successfully address the needs of victims. Unfortunately, these findings have not been put to practice.

The ministry of health has also developed a framework for health sector that is responsive to GBV, and the country is in the process of providing economic empowerment programs that will contribute to alleviating the effects of GBV.<sup>9</sup> There is still a very high HIV presence among women, and abortion remains a criminal act unless in case of rape, defilement, incest, or if there is a risk of physical or mental health risk to pregnant woman or child.

## ACCESS TO ECONOMIC SECTORS AND RESOURCES

Although the government has invested in creating employment opportunities that are gender sensitive, such as the Amendment of the Employment Act 2010 to enhance condition of work for women, the latest data on Botswana reveals a downward trend in the economic participation and opportunity sub index. Botswana has also recently signed a Decent Work Program with the ILO (2011)<sup>10</sup> to ensure equal access to work, pay and social protection for men and women alike.

There appears to have been little incentive to promote the participation of women. A study by Put Women Fist Trust a

local NGO found that access to services including government services were not gender sensitive and tended to exclude women. Young women, for example, do not have access to youth economic programs to the extent that young men do<sup>11</sup>, though Botswana is one of two countries from the region that has achieved gender parity on education.

Women still require their husband's or a legal male guardian's permission to buy or sell land, apply for bank loans, and enter into legally binding contracts. As a result of the lack of access to resources such as land, women specifically in rural areas are more vulnerable to food insecurity and economic shocks both of which perpetuate inequality.<sup>12</sup>

## SWAZILAND

Swaziland signed the Maputo Protocol on the 7<sup>th</sup> December 2004 but has not ratified it, and CEDAW was ratified on the 26<sup>th</sup> March 2004. Swaziland has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325). The government has demonstrated a genuine commitment to include gender in the national development agenda. The existing dual legal system is a constant source of conflict. Swaziland's political system, known as the Tinkhundla system, marginalises women at decision-making levels, which consistently sidelines women into non-political traditional roles, reflected by the low number of women who participate in government. Gender Policy Formulation

There appears to be no common agenda for the promotion of women's issues: Swaziland is in need of a national action plan for the implementation of UNSCR 1325. As pointed out by Lungile Magongo (2011) in Swaziland the implementation of Resolution 1325 is still a challenge, specifically because the government will not acknowledge that the country is in conflict. With the support of the UN system the country has drafted a gender policy that has been submitted.

## GENDER BASED VIOLENCE

Throughout 2010, Swaziland has been committed to improving the health of women and girls, with national data reflecting improving maternal health and decreasing child mortality. Yet many critics claim that insufficient efforts have been made to tackle the taboos around GBV and the transmission of HIV/AIDS: 2010 presented a failed opportunity to implement and measure the impact of a Sexual Offence and Domestic Violence Bill passed in 2009.

Recognising the threat of human trafficking with regards to women, Swaziland adopted the UN Global Plan of Action Against Trafficking Persons in July 2010. Other efforts include the Change the River Flow Programme<sup>13</sup> that had been particularly successful in 2010 at challenging traditional values

and views on GBV and HIV/AIDS through community based projects. SWAGGA, a national NGO, has ensured broad media coverage of the topic and established a project that provides counselling and support to victims of GBV.



## ACCESS TO ECONOMIC SECTORS AND RESOURCES

A large number of women still live in rural areas where they face a growing number of difficulties accessing public services. Only 24% of women are formally employed according to recent UN Data. Lungile Magongo argues that primary issues confronting Swaziland, such as high unemployment levels, widespread hunger and poverty, HIV/AIDS, and declining economic growth are in general "feminised". Women and girls bear the brunt of the effects of these issues.<sup>14</sup> Several actors must be highlighted, such as the Business Women Forum of Swaziland born in 2007, which has been a source of support, advocacy and information. In September 2011 it held a number of workshops geared at generating business growth and equality for women.

## LESOTHO

Lesotho signed the Maputo Protocol on the 26<sup>th</sup> December 2004 but has not ratified it, and CEDAW was ratified on the

22<sup>nd</sup> August 1995. Lesotho has not yet adopted a National

Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

The National Government of Lesotho has consistently tried to implement the drafted gender and development policy through gender sensitive policies and strategies that target the critical areas identified by the Beijing Platform for Action.

Between 2010 and 2011 there has been a growth in women's groups and interest in civil society for the rights of women in Lesotho: groups such as Lentsoe La Basali (Women's Voice) offer free legal guidance to women and offer information on the Sexual Offence Act of 2003.

The Catholic Commission for Justice and Peace implemented a project that sensitised traditional leaders, women, men, as well as adolescents on discriminatory customary practices, while the Ratanang Bo'ME Association and Dynamic Women's Club focused on encouraging the economic empowerment of women and addressing socio-cultural issues affecting women (Gender Links-Ref).

Lesotho has also made significant progress in gender parity with 58% women in local government and established a Human Rights Commission in 2010 to deal with the protection, promotion and monitoring of human rights. According to UNDP Lesotho is on track to achieving gender equality and empowering women.

## GENDER POLICY FORMULATION

Lesotho has a dual legal system, incorporating both civil and customary law, which continues to limit women's rights in several areas, particularly in regard to inheritance and ownership (including the right to enter into contracts).

The economic situation in Lesotho also affects women. Job opportunities are very limited and nearly half of the mainly

male labour force works in South Africa. As a result, women effectively head a large proportion of households.

## GENDER BASED VIOLENCE

In recent years, domestic violence has become less socially acceptable, largely due to awareness-raising programmes and actions undertaken by NGOs. In 2006, the government passed a civil law that aimed to eliminate the discrimination currently imposed upon married women through customary law; to date, the new law has had little effect (SIGI-Online source).

## ACCESS TO ECONOMIC SECTORS, RESOURCES AND POLITICAL REPRESENTATION

The government of Lesotho has made strides in promoting access to education for women and girls by targeting discrimination and making basic education free, accessible, and now compulsory. In June 2010 the national government and donors put in place a joint programme that targeted on the eradication of poverty and hunger, reducing child and maternal mortality and combating HIV/AIDS.

*"The best chance of success, everyone agreed, was to focus interventions on helping mothers."*<sup>15</sup>

This new approach has been more efficient because it allowed for the sharing of skills and resources. According to UNICEF (2011) the government acknowledges the threat HIV/AIDS poses for women but does not allocate sufficient resources and finances to HIV treatment and prevention.

Economic and social risks are intertwined as recognised in section 10 of the *Reform of the Land Act* established in 2010 that redefined ownership in cases of widowhood. Social sources of vulnerability such as the enforcement of discriminatory laws and changing gender remains an important barrier to sustainable livelihoods and general well being.

## NAMIBIA

Namibia ratified the Maputo Protocol on the 11<sup>th</sup> August 2004, and CEDAW on the 23<sup>rd</sup> November 1992. Namibia has not yet adopted a National Action Plan on United Nations Security Council Resolution 1325 (UNSCR 1325).

Namibia has been a key actor in the Women, Peace and Security agenda, hosting an open session that enabled the drafting of resolution 1325. This progressive leadership role reflected an unprecedented commitment to implementing Resolution 1325. Namibia was also the site from which the SADC Gender Barometer was launched this year.

A major element of Namibia's National Vision for 2030 is inequality and social welfare. This vision illustrates a Namibia where:

*"Namibians are healthy, empowered, innovative, confident and determined to succeed; everyone has a role*

*to play, and the playing field is level, unhindered by race, colour, gender, age, ethnicity, religious affiliation or political inclination."*<sup>16</sup>

The United Nations Development Report (UNDP, 2010) on the other hand defines Namibia in terms of a low HDI and high Gender Inequality Index that has increased over time.

Namibia has also ratified international and national instruments that include the Beijing Platform for Action, the SADC Protocol on Gender and Development but politicians have yet to ratify it.<sup>17</sup> Lack of data on the progress of the implementation of SCR 1325, women maintain low positions in the police force with the Ministry of Defence only stipulating a minimum intake of 10% of women. In Suzanne LaFont's words Human rights discourse is still:

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“at odds with the ‘new’ Namibian national identity and morality.”<sup>18</sup>

## GENDER POLICY FORMULATION

On a positive note Namibia is currently translating aspects of the SADC protocol into two local languages to make it more accessible to the public. The protocol addresses a wide range of gender related issues, such as inequalities in constitutional and legal rights, governance, education, employment, gender-based violence, health, and HIV/AIDS.

It is a first step in addressing laws regarding women’s reproductive rights and maternal health that must be put to practice. Under Namibian law abortion is still outlawed, except in special circumstances. In Namibia, the Minister of Gender Equality and Child Welfare, Doreen Sioka, said the country is doing its best to ensure that the country makes significant progress in line with the SADC Protocol on Gender and Development by 2015.<sup>19</sup>

## GENDER BASED VIOLENCE

Although GBV has become an acknowledged social challenge, not enough has been done to 'stamp out the issue'. Students of the University of Windhoek recently spearheaded an awareness campaign after research revealed the extent of the problem that exists in educational institutions too.

The Government of Namibia has shown its concern over GBV through the enactment of various laws and policies related to the occurrence.<sup>20</sup> However, the problem of GBV still persists and is seen as acceptable by many, which may suggest a new plan of action is needed. The *Domestic Violence Act* has not yet led to 'concrete changes' in the lives of women. In February 2010 the government embarked on GBV Campaigns, to challenge the barriers to its implementation. Numerous workshops with various members of civil society, women’s groups and members of government together developed a GBV action plan complied to the SADC Protocol standards.<sup>21</sup>

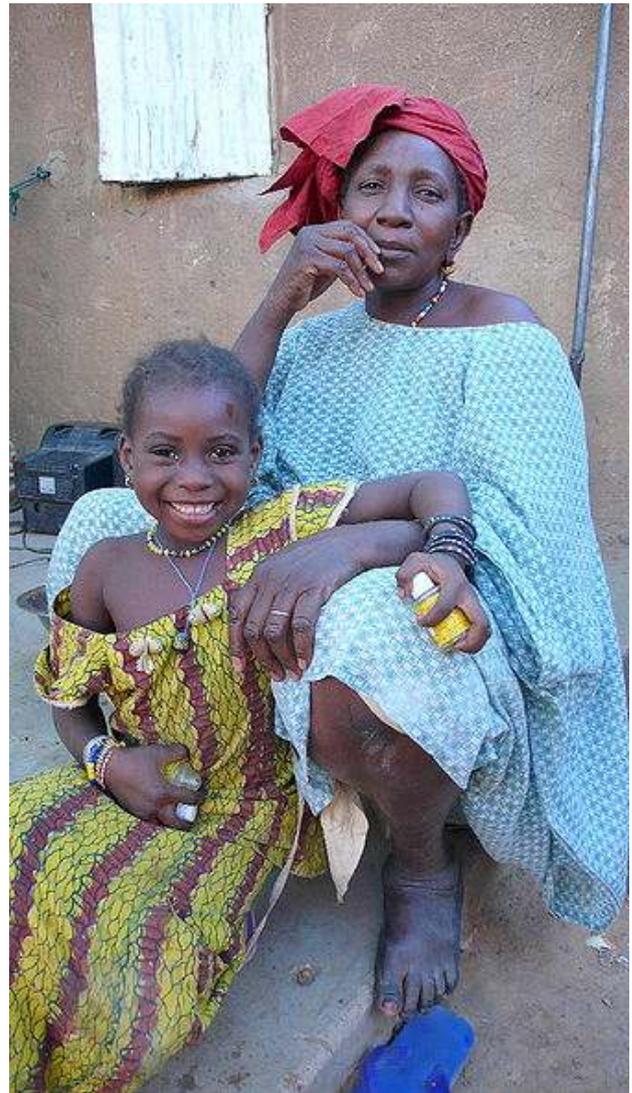
## CONCLUSION

Despite the progress that has been made on the African continent in terms of legislation, the reality in implementation remains a huge disappointment, and all actors, both state and non-state actors are obliged in ensuring that women's rights matter and that laws passed actually have an impact on the lives of the people. We need to ensure that gains made in women's political mobilisation, advocacy, and government representation actually reflect a substantial change in the lives of ordinary women, which is still far from a reality.

The realisation of women's rights is based on universal human rights and the rule of law. We need to continue the struggle to end traditions, practices and laws that harm women in Africa.

Women's empowerment can drive economic growth, promote peace and advance development and social justice. Women and girls need to be considered as agents of change so that they can participate to the economic, social, and political development of the continent and have equal access to health information and services, education, employment and political positions.

We need to work to ensure that women have a real voice in all governance institutions, from the judiciary to the civil service, as well as in the private sector and civil society, so they can participate equally with men in public dialogue and decision-making, and influence the decisions that will determine the future of their families and countries. We can't develop a continent if half of its population is left behind.



- <sup>1</sup> United Nations (2011) “Millennium Development Goals Report”, page 4
- <sup>2</sup> UN Women (2011) “2011-2012 Progress of the World’s Women: In Pursuit of Justice” page 133
- <sup>3</sup> *ibid.* page 137 UN Women (2011) “2011-2012 Progress of the World’s Women: In Pursuit of Justice”
- <sup>4</sup> *ibid.* page 80 UN Women (2011) “2011-2012 Progress of the World’s Women: In Pursuit of Justice”
- <sup>5</sup> *Constitution of the People's Republic of Benin* [Benin], 11 December 1990, available at: <http://www.unhcr.org/refworld/docid/3ae6b57d4.html> [accessed 27 September 2011]
- <sup>6</sup> Immigration and Refugee Board of Canada, *Benin: Domestic violence; protection and resources available to victims of domestic violence*, 10 January 2008, BEN102632.FE, available at: <http://www.unhcr.org/refworld/docid/47ce6d7c21.html> [accessed 27 September 2011]
- <sup>7</sup> “Child marriages fought in Benin,” *afrol News*, 24 May, available at <http://afrol.com/articles/36183> [accessed 27 September 2011]
- <sup>8</sup> OECD, “Gender Equality and Social Institutions in Benin,” *Social Institutions & Gender Index*, available at <http://genderindex.org/country/benin> [accessed 27 September 2011].
- <sup>9</sup> OECD, “Gender Equality and Social Institutions in Benin,” *Social Institutions & Gender Index*, available at <http://genderindex.org/country/benin> [accessed 27 September 2011].
- <sup>10</sup> Ali idrissou-Toure, “Polygamy Somewhat Out of Bounds – If Not Out of Fashion,” *Inter Press Service News Agency*, 21 June, available at <http://ipsnews.net/africa/interna.asp?idnews=24300> [accessed 27 September 2011].
- <sup>11</sup> Ali Idrissou-Toure, “Polygamy Somewhat Out of Bounds – If Not Out of Fashion,” *Inter Press Service News Agency*, 21 June, available at <http://ipsnews.net/africa/interna.asp?idnews=24300> [accessed 27 September 2011].
- <sup>12</sup> Office of the High Commissioner for Human Rights, Concluding comments of the Committee – CEDAW: Benin. 22 July 2005. A/60/38, paras. 127-170. Available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/A.60.38,paras.127%E2%80%93170.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.60.38,paras.127%E2%80%93170.En?Opendocument) [accessed 27 September 2011].
- <sup>13</sup> OECD, “Gender Equality and Social Institutions in Benin,” *Social Institutions & Gender Index*, available at <http://genderindex.org/country/benin> [accessed 27 September 2011].
- <sup>14</sup> U.S. Department of State, *2010 Human Rights Report: Benin*. 8 April 2011, available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154331.htm> [accessed 27 September 2011].
- <sup>15</sup> Immigration and Refugee Board of Canada, *Benin: Domestic violence; protection and resources available to victims of domestic violence*, 10 January 2008, BEN102632.FE, available at: <http://www.unhcr.org/refworld/docid/47ce6d7c21.html> [accessed 27 September 2011]

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