



ACTION

ON GENDER EQUALITY, WOMEN'S EMPOWERMENT AND
ENDING VIOLENCE AGAINST WOMEN IN AFRICA

Achieving gender equality and women's empowerment in Africa Progress Report

Sixth The African Development Forum (ADF VI)

19-21 November 2008 - United Nations Conference Centre - Addis Ababa, Ethiopia



Economic Commission
for Africa



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Glossary of key gender equality Terms¹

Sex and Gender - Sex refers to the biological differences between men and women and is genetically determined. Gender refers to the socially determined differences between women and men, such as roles, attitudes, behaviors and values. Gender roles are learnt can vary across cultures and over time and are therefore amenable to change. Sex is therefore universal while gender is a socially defined category that can change. The concept of gender is vital because, applied to social analysis it reveals how women's subordination (or men's domination) is socially constructed. As such, the subordination can be changed or ended. It is not biologically predetermined nor is it fixed forever.

Culture - The distinctive patterns of ideas, beliefs, and norms which characterise the way of life and relations of a society or groups within a society. These patterns also include customs and traditions. Culturally determined gender ideologies define rights and responsibilities and what is 'appropriate' behaviour for women and men. They also influence access to and control over resources, and participation in decision-making. These gender ideologies often reinforce male power and the idea of women's inferiority, as for example customary laws that dictate that only men can own land. Culture is sometimes assumed to be natural and unchangeable; however it is fluid and historically determined.

Gender Discrimination - refers to the systematic, unfavorable treatment of individuals on the basis of their gender roles, which denies them enjoying their rights and accessing opportunities or resources.

Gender equality - denotes women having equal access to social, economic, political and cultural opportunities as men. It does not mean that women and men are the same, but rather that their similarities and differences are recognized and equally valued.

Gender equity - is the process of being fair to both men and women. In order to be fair, measures must be taken to compensate for historical and social disadvantages that limit women and men from operating on a level playing field. This may require a redistribution of power and resources. Equity is thus a means. Equality is the result.

Empowerment - is about people -both women and men- taking control over their lives: setting their own agendas, gaining skills, building self-confidence, solving problems and developing self-reliance, and expressing their voice. It is both a process and an outcome. No one can empower another: only the individual can empower herself or himself to make choices or to speak out. However, some institutions can support processes that can nurture self-empowerment of relegated individuals or groups.

Gender Analysis - is the systematic gathering and examination of information in order to identify, understand and redress inequities between women and men, girls and boys based on gender roles and gender relations.

Gender Mainstreaming - the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is gender equality (UN ECOSOC Definition, 1997).

Gender mainstreaming principles

1

Source: UNESCO (2003), WHO (2002), Reeves H and S Baden (2000), UN INSTRAW website.

Gender mainstreaming means:

- forging and strengthening the political will to achieve gender equality and equity, at the local, national, regional and global levels;
- incorporating a gender perspective into the planning processes of all ministries and departments of government, particularly those concerned with macroeconomic and development planning, personnel policies and management, and legal affairs;
- integrating a gender perspective into all phases of sectoral planning cycles, including the analysis development, appraisal, implementation, monitoring and evaluation policies, programmes and projects;
- using sex-disaggregated data (data that is collected and presented separately on men and women) in statistical analysis to reveal how policies impact differently on women and men;
- increasing the numbers of women in decision-making positions in government and the private and public sectors;
- providing tools and training in gender awareness, gender analysis and gender planning to decision-makers, senior managers and other key personnel.

Reproductive Rights - the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence.

Sexual rights - embrace human rights that are already recognized in national laws, international human rights documents and other consensus documents. These include the right of all persons, free of coercion, discrimination and violence, to: the highest attainable standard of health in relation to sexuality, including access to sexual and reproductive health care services; seek, receive and impart information in relation to sexuality; sexuality education; respect for bodily integrity; choice of partner; decide to be sexually active or not; consensual sexual relations; consensual marriage; decide whether or not, and when to have children; and pursue a satisfying, safe and pleasurable sexual life.

ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
AWCPD	African Women's Committee on Peace and Development
AWDF	African Women's Development Fund
BPFA	Beijing Declaration and Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSO	Civil Society Organisation
DHS	Demographic and Health Survey
GBV	Gender based violence
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ICPD	International Conference on Population and Development
ICTs	Information and Communication Technologies
IGAD	The Intergovernmental Authority on Development in Eastern Africa
ILO	International Labour Organization
MDG	Millennium Development Goal
NDP	National Development Plan
NGO	Non Governmental Organization
OAU	Organisation of the African Union
PRSP	Poverty reduction strategy paper
REC	Regional Economic Community
SSA	Sub Saharan African
SDGEA	Solemn Declaration on Gender Equality
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNSD	United Nations Statistics Division
WBI	Women's Budget Initiative
WHO	World Health Organization

Section 1

Introduction

It has become widely accepted that promoting gender equality, women's empowerment and ending violence against women is essential to achieving human development, poverty eradication and economic growth on the African continent.

To mark UNECA's 40th anniversary, a continental meeting with the theme *African women and economic development: investing in our future* was held from 28 April to 1 May, 1998. The objectives of the conference included the following (UNECA, 1998):

- To share experiences on how public policies can equalize opportunities between men and women and redirect resources to those in which women's participation would bring about the highest social return;
- To draw strategic lessons from on-going efforts to implement the Dakar and Beijing Platform for Action (BPFA);
- To identify and share best practices in strategies and programme modalities for country-level implementation of actions recommended by the conference; and
- To forge partnerships for post-conference development and implementation of the recommended actions and programmes.

The conference achieved three main outputs: firstly, the Secretary General of the Organisation of the African Unity (OAU) (now the African Union) announced the establishment of an African Women's Committee on Peace and Development (AWCPD); secondly, a group of NGOs and individuals established a fund for African Women's Development - The African Women's Development Fund (AWDF) and thirdly, participating agencies made a commitment to disseminating the results of the conference among their respective governments and institutions and to facilitate implementation by means of :

This year, the UNECA marks its 50th anniversary, with the Sixth African Development Forum (ADF VI) on *Action on gender equality, women's empowerment and ending violence against women in Africa*, as its main high light. On this occasion, it is important to reflect on the progress that the continent has made towards achieving gender equality and women's empowerment, and further, to identify the major gaps and design a common strategy to accelerate progress.

This document is a status report on the progress that has been made towards achieving gender equality and women's empowerment on the continent. It identifies the major challenges that countries are facing and suggests recommendations that can help accelerate the progress towards achieving gender equality.

This report has been prepared based on a *desk review* and analysis of published and unpublished literature to provide a synopsis of the progress made since the 40th anniversary where data is available or since 1990 where data is not available. The report is structured as follows:

Section 2 details the global and regional commitments taken to address gender equality in Africa.

Section 3 highlights the actions undertaken by countries to promote gender equality and women's empowerment

Section 4 provides an update of the progress that has been made towards achieving gender equality on the continent.

Section 5 highlights the major challenges and constraints towards the attainment of gender equality.

Section 6 provides suggestions on how to accelerate progress towards achieving gender equality and women's empowerment.

Section 2

Commitments taken to address gender equality and women's empowerment in Africa

2.1 Global initiatives

A number of global treaties and frameworks with a special focus on gender equality and women's empowerment have been discussed, debated and endorsed by the United Nations (UN) and a substantial number of these have been acceded to by African governments. The Universal Declaration of Human Rights (UDHR), the International Covenant on Social and Cultural Rights and the International Covenant on Civil and Political Rights (constituting the International Bill of Rights), are international instruments that uphold the principle of non-discrimination on the basis of sex. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and its Optional Protocol, promotes gender equality in access to social and economic opportunities and political power. As the first international treaty dealing explicitly with women's rights, it provides for the elimination of discrimination against women in all these fields in particular in the political, social, economic and cultural fields, through a range of legal and policy interventions. The Beijing Platform for Action (1995) and its follow up Plans of Action continue to provide the overarching global frameworks on gender equality and empowerment of women in twelve critical areas of concern². The United Nations Security Council in its Resolution 1325 calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence. Realizing the importance of peace for human survival, as well the need to enjoy human rights, UN Security Council Resolution 1820 adopted in 2008 criminalizes rape as a weapon of war, and recognizes its continued usage against women and children in conflict situations.

The International Conference on Population and Development (ICPD) (1994) was a ground breaking event, which highlighted and promoted the agenda for gender equality and was the first to make the linkage between gender equality and women's health and education. It succeeded in situating gender equality issues within a comprehensive reproductive health framework, signaling to states, the need to tackle issues such as violence against women and maternal mortality.

The Millennium Declaration of 2000 resolves to promote gender equality and the empowerment of women as effective ways to combating poverty, hunger and disease and to stimulate sustainable development. By implication, it recognizes the centrality of gender equality and empowerment of women to the achievement of all international development goals and also has a goal specifically addressing gender equality³. The UN World Summit in 2005 recognized the importance of achieving MDG3 through gender equality in education, non-agricultural employment and participation in decision making. In addition the Summit reiterated the importance of promoting women's right to own and inherit property; ensuring tenure of property and housing, and equal access to productive assets and resources, including land, credit and technology; ensuring universal access to reproductive health; and eliminating all forms of discrimination and violence against women and girls. The Summit noted, significantly that failure to make any meaningful strides in these areas would not only result in imbalances in the distribution of opportunities and benefits of development, but also hamper the achievement of all the MDGs.

² The 12 critical areas of concern are poverty, education, health, violence, armed conflict, economic disparity, power sharing, institutions, human rights, mass media, environment and the girl child.

³ MDG 3 Promote gender equality and empower women.

2.2 Regional Initiatives

At the regional level, the principle of equality and non-discrimination between men and women is enshrined in the founding legal instrument of the African Union (formerly the OAU, 1963) and also in the African Charter on Human and Peoples' Rights (1981) that provides for the elimination of discrimination against women and for the protection of their rights. While giving due recognition to the promotion and protection of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments. Furthermore, the AU Heads of State and Government have adopted two additional instruments that specifically address gender issues. The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the African Women's Protocol) adopted in 2003 in Maputo, addresses the concerns of African Women in a more specific manner. This may be appreciated by its total condemnation of harmful practices against women (including the girl child, widows and the elderly), unequal rights in marriage, unequal treatment of women in land distribution and their exclusion from decision-making among other issues. This instrument dictates that member States periodically report on their efforts to address harmful traditional practices.

The Solemn Declaration on Gender Equality in Africa (SDGEA) adopted at the AU Heads of State Summit in Addis Ababa in July 2004, requires States to respect existing normative standards on women's human rights. Through the SDGEA, governments have agreed to among others "expand and promote the gender parity principle, ensure the active promotion and protection of all human rights for women and girls, actively promote the implementation of legislation to guarantee women's land, property and inheritance rights including their rights to housing, undertake to sign and ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa by the end of 2004. It therefore reaffirms the commitment by Heads of States to a number of treaties such as CEDAW, the BPFA and UN Security Council Resolution 1325 (2000).

The Constitutive Act of the African Union (2000) also identifies the promotion of gender equality as one of its functioning principles (Article 4 (I)).

The AU's New Partnership for Africa's Development (NEPAD) endorsed in 2001 by African Heads of States and Governments spells out gender equality as one of its core principles upon which the new strategic vision for the long term-development of the continent rests.

The AU's Vision and Mission Statements and the Strategic Framework, have gender equality included as the main way of achieving sustainable development. In this regard, the Women, Gender and Development Directorate of the AU has developed its strategic plan with emphasis on putting the institutional fabric in place through the building of internal capacity to mainstream gender in the AU, its Organs, the Regional Economic Communities and in its Member States (AU, 2008). In this context, the constitution of membership of the Pan African Parliament and Economic, Social and Cultural Council (ECOSOCC) has been subjected to relevant articles of the Constitutive Act on gender. The Assembly of Heads of States and Government of the African Union adopted the principle of 50/50 gender parity in the election of its Commissioners.

2.3 Sub Regional Initiatives

At the sub regional level, Regional Economic Communities (RECS) have adopted gender policies, declarations and guidelines for the promotion and protection of the human rights of women. Many of these highlight the barriers to women's effective participation in regional integration and steps that

must be taken to address them. A few examples of the gender equality initiatives by selected RECs are highlighted in this section.

COMESA Gender Policy Development

COMESA (1994) serves as best practice in sub regional economic grouping gender policy development. Its Gender Policy provides a framework for appreciating gender concerns from a Common Market perspective. The main objective of the policy is stated as follows: To facilitate the mainstreaming of gender perspectives into all policies, structures, systems, programmes and activities of COMESA in order to make them gender responsive and contribute to the effective achievement of sustainable socio-economic development in the region”.

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

SADC Protocol on Gender and Development

In 1997, at SADC level, the heads of State and government signed a Declaration on Gender and Development and in 1998 signed the addendum to this Declaration on Prevention and Eradication of Violence against Women and Children. This instrument provides the region with a pillar for attainment of gender equality and a foundation for the overall policy framework. The SADC Gender and Development Declaration paved a way for regional synergy and synthesis of efforts in the attainment of gender equality and development in southern Africa. Since signing of the Addendum, member States have become more responsive by introducing laws and policies and developing national multi-sectoral action plans to address gender based violence (GBV). In August 2008, the SADC heads of state and government signed the SADC Gender and Development Protocol. This instrument elevates the commitments made in the SADC Declaration into concrete, time-bound and legally binding actions that accelerate efforts to achieve gender equality. The objectives of the SADC Gender and Development Protocol are to provide for the empowerment of women, eliminate discrimination and achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects. The protocol harmonizes the various commitments and declarations to which SADC member countries are signatory to and provides legal and policy frameworks to enhance implementation of programmes in order to deepen regional integration, sustainable development and community building.

The IGAD Gender Peer Review Framework

The IGAD Secretariat has articulated a gender policy which reflects issues that include: the need to engender development initiatives in the IGAD sub-region including the examination of such issues as feminization of poverty, women's participation and representation in development and governance processes; policy harmonization and enforcement measures at IGAD regional level; gender mainstreaming and institutional capacity building; as well as institutional mechanisms for supporting gender mainstreaming. Its proposed Gender Peer Review Mechanism includes among others: The Summit; The Council of Gender/ Women's Affairs Ministers; Sectoral ministries working on food security, the environment and peace and security; and the IGAD Secretariat.

The guiding principles of the IGAD Gender Peer Review Framework include the universal achievement of gender equality, engendering development in the IGAD region, policy implementation and harmonization at IGAD level, as well as women's participation in the development process and decision-making.

Section 3

Actions undertaken by countries to promote gender equality and women's empowerment

Actions by African countries to ratify global treaties

This section outlines how African countries have responded to the global commitments. So far, 51 out of 53 African Member States have ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and 17 have signed the Optional Protocol.

Responses to regional treaties⁴

The response to the African Women's Protocol has been slower by comparison to that in respect of CEDAW. To date, a total number of 25 countries have ratified the Protocol, while an additional number of 23 have signed. Five (5) countries have not taken any steps to endorse the instrument. Ratifying states are: Angola, Benin, Burkina Faso, Cape Verde, Comoros, Djibouti, Gambia, Ghana, Libya, Lesotho, Liberia, Mali, Malawi, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Senegal, Seychelles, Tanzania, Togo, Zambia and Zimbabwe. Countries which have only signed are Algeria, Burundi, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Congo, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, Guinea Bissau, Guinea, Kenya, Madagascar, Mauritius, Niger, Sahrawi Arab Democratic Republic, Sierra Leone, Somalia, Sudan, Swaziland and Uganda. Those which have not taken any action at all are: Botswana, Egypt, Eritrea, Sao Tome and Principe and Tunisia.

Sixteen (16) Member States have reported on the implementation of the SDGEA, namely: Algeria, Burundi, Burkina Faso, Cameroon, Côte d'Ivoire, Ethiopia, Ghana, Lesotho, Mali, Mauritius, Namibia, Nigeria, Rwanda, Senegal, South Africa and Tunisia.

Adoption of constitutions that promote gender equality

Most governments have adopted constitutions that take on board gender equality. Selected countries with progress on constitutional provisions on human rights and gender equality include Benin (1990), Ghana (1992), Ethiopia (1994) and Malawi (2006) and Uganda (1995). These constitutions guarantee equality before the law and non-discrimination, while some also mandate their respective states to embark upon affirmative action measures to remedy existing imbalances which may be occurring between males and females in the social, economic, political and civil spheres of society. Article 35 of the constitution of Ethiopia which deals with "democratic rights" in the constitution, makes the following express commitment to affirmative action:

"The historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them to compete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions" -article 35(3).

Establishment of institutional structures and mechanisms

African governments have established various institutional mechanisms at different levels, including national machineries to mainstream gender in the formulation of policies, plans and programmes, and to undertake

4 <http://www.africa-union.org/root/AU/Documents/Treaties/treaties.htm>

policy advocacy. They are also responsible for facilitating, coordinating and monitoring the implementation of national gender policies as well as regional and international instruments that promote gender equality.

Gender mainstreaming into national development policies and poverty reduction strategies

Since ECOSOC Resolution (E/1997/100) on Gender Mainstreaming, some countries have developed national development plans and poverty reduction strategies that reflect gender concerns. Through the period 1995-2005, African countries prepared PRSPs that include gender analysis, prioritization and programmes in line with meeting gender equality goals. In addition to PRSPs, some countries have also prepared sector-specific policies on gender, while others have mainstreamed gender into some sectoral policies (for example, education and health). Capacity building on gender mainstreaming has also been undertaken at national and sub-national levels in a substantial number of countries. Box 1 provides an example of gender mainstreaming in the PRSP from Sierra Leone.

Box 1: Gender Mainstreaming in the PRSP an example of Sierra Leone

What is Gender Mainstreaming?

According to ECOSOC Resolution (E/1997/100) Gender mainstreaming, known also as mainstreaming a gender perspective, is “the process of assessing the implications for women and men of any planned action including legislation, policies, and programmes, in any area and at all levels”.

The economic, social, cultural and political status of women in society has been identified as a major determinant of the poverty status of a country. Recognition of their role and empowering them is critical to poverty reduction at household level and overall national development. In Sierra Leone, although women constitute an estimated 51.3 percent of the population, their status is low and is steeped in deep structural discrimination by traditional custom and law. Some of the specific challenges that have to be addressed in the medium term include a) gender-based violence, b) barriers to economic empowerment of women, especially in terms of access to markets, training, finance, infrastructure, technology, education, counselling and entrepreneurship development to build on their social capital, c) exploitative or hazardous forms of livelihood of poor unskilled women and girls, especially commercial sex workers and d) inadequate sensitisation and education on gender and development issues. Government has also signed major international and regional human rights instruments, including the ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and its Optional Protocol. However, more radical progress is required in the situation of women in Sierra Leone to enhance their effective and contribute to the reduction of poverty and the attainment of critical PRSP objectives and MDGs. The overall objective is to work towards gender equality and equity, empowerment as well as the promotion and protection of the human rights of women in the process of achieving poverty reduction and sustainable economic growth.

Sources: ECOSOC Resolution (E/1997/100), Government of Sierra Leone, 2004.

Gender mainstreaming into resource allocation

The consideration of gender in some countries' budgets has triggered more transparent processes for gender responsiveness in public expenditures. Information available on gender responsive budgets (GRB) and the inclusion of women's unpaid work in national accounts are likely to have tremendous impact on resource allocation in the context of Poverty Reduction Strategy Papers (PRSPs) and the MDGs. Several African countries have adopted gender budgeting as a strategy to accelerate promotion of gender equality and pro-poor, equitable development. South Africa, Tanzania, Uganda, Rwanda, Mauritius, Senegal, Ghana and Morocco are among the countries that have undertaken comprehensive gender budgeting initiatives (see selected examples presented in box 2, 3, and 4). Other countries in

the Southern Africa sub region such as Mozambique, and Namibia have devised ways to introduce women-friendly national budgets following the South African experience.

Box 2. Women's Budget Initiative in South Africa

South Africa, particularly, took a practical move to narrow the gender gap in access to and participation in economic structures and policies through its innovative Women's Budget Initiative (WBI) that was introduced in 1995. The WBI, which is proving to be one of the best practices to engender national budgets, is designed to impact on the structures of allocating resources to ensure that women and men benefit equally. The WBI assesses the national, provincial, and local budgets from a gender perspective by tracking the impact of the budget on women. Many South African ministries have now accepted the concept of analyzing their budget from a gender perspective. A strong alliance between civil society activists and government departments is one of the key features of the initiative.

Source: Budlender et. al, 2002

Box 3. Women's Budget initiative in Morocco

Based on efforts that started in 2001 with the support of UNIFEM, since 2005 the Moroccan Ministry of Finance is producing a Gender Report as an annex to the Annual Economic and Financial Report, which accompanies the presentation of the Budget Law. In 2006, gender has been included in the Prime Minister's call Circular and for the first time ever, the Moroccan national budget has included a gender report called also "gender budget" as part of the Economic and Financial Report together with the Finance Bill. This report is at the heart of the public management reform process that has adopted a results-based approach. The gender report is a statement that summarizes the implications of the national and local budget on gender equity using gender-budget analysis tools and specifies targets and planned outputs vis-à-vis gender equality goals. The ministries of finance, education, health, agriculture and rural development were identified by the report as priority sectors for gender mainstreaming in their budget formulation and implementation processes.

Box 4. Gender Budgeting in Uganda

Uganda is one of the African countries that have been promoting gender budgeting. Gender budgeting is a method of examining a government budget to determine how it impacts on women and men, girls and boys of different social and economic groups with the objective of influencing budget decision-making to ensure that gender equality is integrated in the budget allocations. The Ministry of Finance, Planning and Economic Development, through the Budget Call Circulars of 2004/5 and 2005/6, initiated a mandate to all sectors to integrate gender and equity issues in their Budget Framework papers. All sector working groups and districts are required to address gender issues in planning and budgeting and a gender working group trains them on gender budgeting and is supposed to review budget framework papers to ensure compliance. Although a comprehensive evaluation to identify the impact of gender budgeting has not yet been done, feedback from consultations indicated that it had positive impact on the education and health sectors where resource allocation now address gender issues. Outstanding challenges include the limited human and financial resources required to build capacity at district and sub county levels to undertake gender budgeting.

Source: APR Secretariat and Government of Uganda, 2008.

Legislative reforms to promote women's human rights

Article 13 of the Protocol to the African Charter on Human and People's Rights on the rights of women in Africa states that *Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities*. Some countries have enacted and amended legislation that can foster promotion of gender equality in accessing resources and to protect women's rights. Examples of such legislative action include the enactment of laws on inheritance and against domestic violence. Box 5 presents an example of the new Family law that was passed in Mozambique and box 6 presents some examples on law reforms addressing gender based violence in selected countries. However although the legal framework for women's equal rights to land is in place, structural, cultural and economic constraints are still likely to limit women's access to and control of land (Akinyi-Nzioki, 2006).

Box 5. The Family law in Mozambique

On December 16, 2003, the Mozambican Parliament passed a new Family Law. The new Family Law protects a broad range of women's rights and for the first time legally recognizes customary marriages. In the past, women married under customary law could not claim any property or custody rights because their marriages were not recognized by the official law of Mozambique. The Family Law protects informal unions between men and women. Men who live with women for years will frequently avoid formalizing these relationships because they cannot pay an adequate dowry to protect their property. Under the new law, women who have lived with their partners for more than a year are entitled to inherit the property of their husbands. The Family Law also asserts that both spouses have responsibility over the family and can decide who will represent the family on a particular issue. In the past, women required their husband's consent before taking a paid job. The law also offers more protection to children by increasing the minimum age of marriage from 14 and 16 years (for girls and boys respectively) to 18 years for both sexes.

Source: Oxfam, 2004.

Box 6. Examples of Countries with Laws to address violence against women

- a. The Revision of the Ethiopian Penal Code:** The 1957 Penal Code has been revised to incorporate provisions for VAW and improve the existing ones. The new Code was approved by the Council of Representatives as law in July 2004, and published in May 2005 with the title "The Criminal Code of the Federal Democratic Republic of Ethiopia".
- b. Cote d'Ivoire:** Cote d'Ivoire in 1999 enacted a Law against Violence against Women, excision and forced marriage. This was the outcome of the collaboration of the Association Ivoirienne des droits de la femme, with the Ministry of Foreign Affairs and other organizations.
- c. South African Acts on Violence:** (i) The Prevention of family Violence Act of 1993 criminalized marital rape; (ii) The 1998 Act provided the first legal definition of domestic violence to include (emotional abuse, economic abuse, intimidation, harassment, stalking, damage to property, preventing entry into residence, and any other controlling and abusive behaviour).

Source: UNECA and AUC, Forthcoming.

Scaling up of quick impact initiatives

Some African countries have been actively involved in implementing initiatives that have proven to accelerate gender equality. These include strategies in support of women's entrepreneurship through micro-credit schemes and capacity building in enterprise management; strategies to increase gender parity in enrollment in primary, secondary and tertiary education; strategies to promote retention of both boys and girls in education; and others.

Improved good governance

Some countries have been striving to achieve better economic and political governance and accountability as an essential precondition for achieving gender equality. The African Peer Review Mechanism (APRM) of the AU's NEPAD programme is striving to enhance women's human rights through the application of social development indicators included in peer review and assessment of the performance of States on good governance. To date 28 countries have acceded to the APRM.

Section 4

Progress made towards achieving gender equality on the continent

It is important to assess the actual progress that has been made against the background of the above global, regional and national initiatives. Existing literature indicates that it is important to assess achievement in gender equality and empowerment within the framework of four broad inter-related areas: economic, social, political participation and women's human rights (as shown in table 4.1) (UNECA, 2004a; UNECA forthcoming, Longwe, 2000, World Bank, 2001, Sen, 1993).

Table 1. Overview of the different dimensions of gender inequality

Dimension of capability	Form of gender inequality
Economic participation	Gender discrimination in access to and control over resources such as land, property, agricultural inputs, extension services, employment, and a wide range of livelihood opportunities. Women and girls are disadvantaged.
Social participation	Gender discrimination in access to essential public services such as education, health, water, energy and social security and protection, community and family support.
Political participation	Gender discrimination in participating in decision-making processes, e.g. in political institutions and policy-making organizations, consultation, and the rights and responsibilities of citizenship. African women do not always participate in public and private (in the home) decision-making spheres to bring their priorities and needs into the agenda.
Women's human rights	Women's human rights are human rights violations that women face simply by virtue of being a woman. Women suffer various human rights violations that men do not, such as being deprived of schooling, forced marriage, and violence against women.

This section reviews the progress made in addressing gender equality under these four broad areas and highlights the gaps in implementation.

4.1 Economic participation

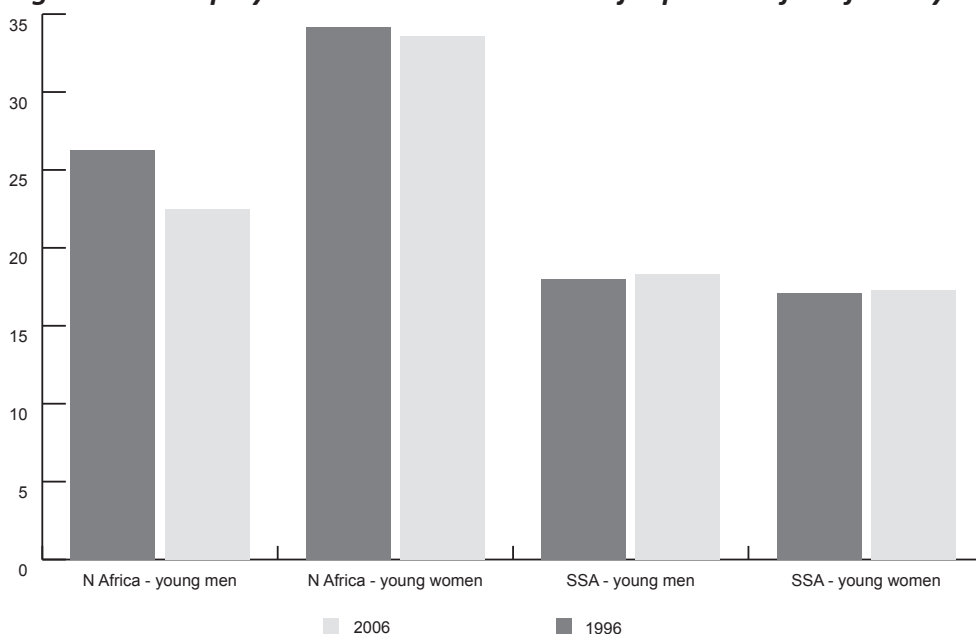
Employment

Women in Africa experience greater challenges in accessing decent jobs than men. Women's share of employment in the formal sector is still lower relative to men and their pay is on average lower than men's pay for the same work. The difference between female and male employment-to-population ratios was 22.7 percentage points in 2007 as well as in 1997 (ILO, 2008). The gap for youth stood at 14.5 percentage points in 2007, almost unchanged from 1997. As shown in figure 1, the unemployment rates for young women and men in sub Saharan Africa did not change much (it increased slightly for both cases) when compared to North Africa where it significantly declined.

While employment has increased more rapidly for women than for men over the last decade, women tend to be overrepresented in low-income, less secure employment. In addition, insufficient jobs are

being created to absorb the additional entrants to the labour market and, as a result, women are also overrepresented amongst the unemployed.

Figure 1. Unemployment continues to be a major problem for Africa's youth



Source: ILO, 2006. Note: N Africa = North Africa; SSA = sub-Saharan Africa

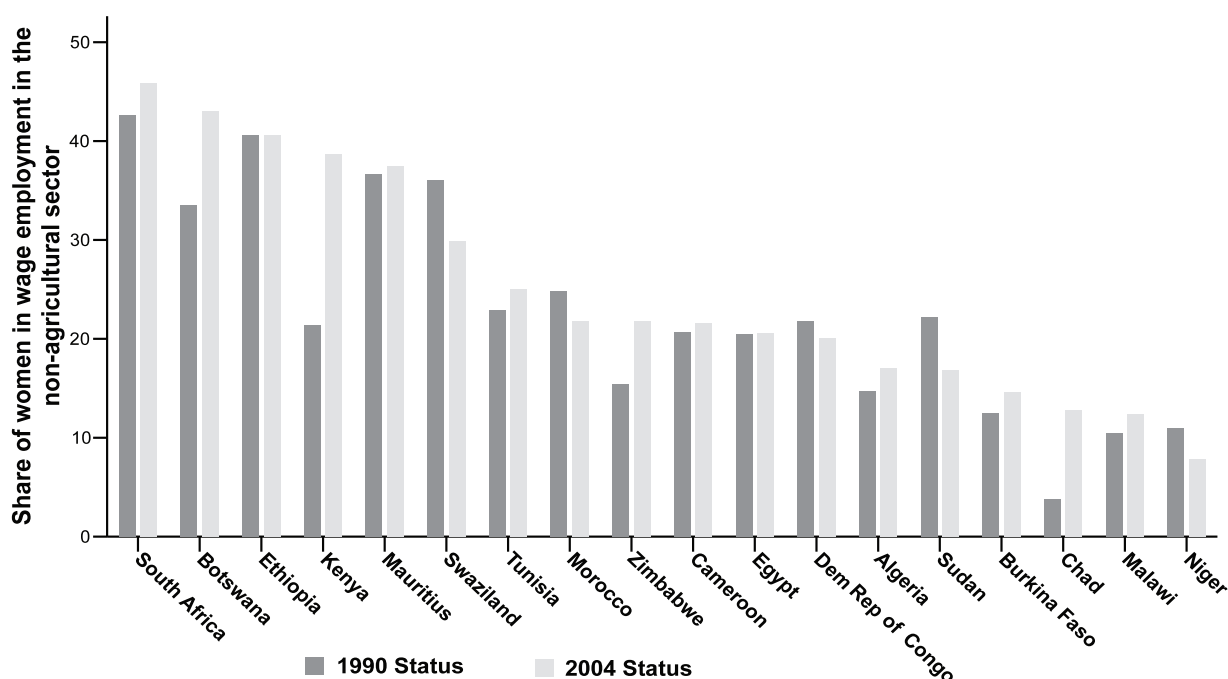
Female unemployment in Africa

Women continue to face considerable barriers in African labour markets as a result of lack of education, inadequate access to training, discrimination, and cultural attitudes about their role in the workplace. However, official figures provided by the International Labour Organization (ILO) indicate that there is very little difference between the unemployment rates of adult women and men in Sub-Saharan Africa (ILO, 2006). In 2006, it was estimated that both the female and male unemployment rate stood at 9.7 per cent.

In contrast, young women are less susceptible to unemployment in sub-Saharan Africa. This does not imply, however, that young women in sub-Saharan Africa have better access to the labour market; rather, they do not have the “luxury” to actively search for a job and hence take up employment in the informal sector, or are remaining outside the labour force, which are both not reflected by unemployment figures. At the same time, young females in North Africa continue to face barriers to gaining a job in these countries, which is captured by unemployment figures.

Women's economic empowerment is measured through their share in wage employment in the non-agricultural sector as part of MDG 3. Although female employment rate for some African countries has increased. Since 1990, none of the countries for which recent data are available has reached the 50% gender parity in wage employment (see figure 2). The countries that were closer to reaching the parity target of 50% in 2004 are: South Africa (45.9); Botswana (43); Ethiopia (40.6). Namibia scored 48.8 in 2000 and may have reached parity if such trend has been sustained. The major challenges affecting the achievement of gender parity in formal employment include the low educational level of women and girls; lack of skills; labour laws that still disadvantage women in most countries and the continuous heavy burdens of unpaid domestic work, child-bearing and child-care, which restrict the time and energy available for income-earning activities.

Figure 2. Women's share in wage employment in the non-agricultural sector



Source: UNSD database.

The specific challenges facing women in Malawi are outlined in Box 7 below.

Box 7. Challenges facing women in Malawi

The lower representation of women in employment is a result of poorer and less opportunities in accessing employment, unequal treatment in employment and lower educational attainment. The numbers of women vocationally trained are also lower than for men. At all levels, society generally perpetuates the stereotype images and roles of women as household makers. Women who are educated or trained sometimes experience discrimination during selection for jobs and interviews. Some employers have advertised that they are seeking to employ men, whilst some selection panels ask gender insensitive questions such as on pregnancy, marital status, and familial responsibilities. Sexual harassment is also common at the work place where employers seek sexual favours from the prospective and employees.

Source: Budlender *et. al*, 2002

Gender inequalities still existent in agriculture and other informal sector activities

Given difficulties in measuring the rate of unemployment in Africa and the reality that most Africans cannot afford to remain unemployed, it is crucial to analyse the situation of women in the informal economy, where most African women are working, mostly in lowly paid and often dangerous jobs. In this respect, women dominate the informal sector in most Sub-Saharan African countries, where they are found in the fields of trading, agriculture and food processing. In North Africa, the informal sector involves women as much as it involves men, the gap between the two, being very small in all the countries. The very nature of informal sector employment suggests that women will generally not be covered by social security and other benefits such as maternity leave. There are also broader

implications for an overall assessment of GDPs, due to the fact that informal sector work is generally not recognized.

In the area of agriculture, women feature mainly as small-scale farmers, producing 60-70 percent of the food requirements of many countries and playing a major role in the different aspects of agricultural production. Although men and women participate in most agricultural tasks, men predominate in land preparation, and ploughing, while women are primarily engaged in watering, planting, fertilizing, weeding, harvesting and marketing --activities that are typically labour intensive. Women work more hours per day and more days per year in agriculture than men (Green Africa Network, 2004). Cash crops are considered men's crops and men control the income, even though women do considerable amounts of the work. In some countries, farmers are identified in relation to the male gender, and therefore exclude women in access to important services such as extension.

Within the agriculture and informal sector, women's capacities are still not being fully exploited due to their denial or limited access to the tools of production. Gender discrimination in access to and control over resources such as land, extension services and credit still persists in many African countries.

Women's rights to own land

The progress in improving access to land is a prerequisite for women's effective participation in agriculture for instance, cannot be sufficiently emphasized. In most African countries however, gender relations often play a central role in determining land rights and production relations in Ghana (Awumbilla et al, 2004). However, adequate data on land access, which would have otherwise been used to analyse the situation more crucially, is generally lacking on the continent. In Ghana for example, gender inequalities in land access between men and women have mainly been documented through secondary research (for example, FAO, 2004). These show that women's access rights are dependent on men, most often their husbands (FAO, 2004). Awumbilla et al (2004) observe that while demographic factors such as population increases have resulted in a reduction in both male and female access to land, women are more adversely affected, as men tend to be given priority where land is in relatively short supply.

The lack of reliable data has led some researchers to use proxy data to determine women's status in relation to land. Awumbilla et al (2004), for instance, use data from the Ghana Lands Commission (GLC) on registration of family and stool lands in some suburbs of the Greater Accra Region to determine land ownership by sex. Although not based on agricultural plots, they do provide broad indications of access. Using records for the period 1990-2003 they demonstrate that less than a third of registered family and stool lands are owned by females (see Tables 2 and 3) and that the percentage owned by women was on the decrease.

Table 2: Distribution of Family Lands Registered at the GLC by Sex

Year	Male		Female		Total
	Number	%	Number	%	
1990-1995	317	68.8	144	31.2	461
1996-2000	331	73.1	122	26.9	453
2001-2003	182	71.1	74	28.9	256
TOTAL	830	70.9	340	29.1	1170

Source: Awumbilla et al (2004)

Table 3: Distribution of Stool Lands Registered at the GLC by Sex

Year	Male		Female		Total
	Number	%	Number	%	
1991-1995	467	69.2	208	30.8	675
1996-2000	414	67.3	201	32.7	615
2001-2003	373	71.9	146	28.1	519
TOTAL	1254	69.3	555	30.7	1809

Source: Awumbilla et al (2004)

In Togo, virtually all customary systems of landholding, bar women from owning land. Women are allowed to work on the land, only with her husband's permission or that of her original family if not married. Marriage is a means of obtaining access to land, but a somewhat precarious one, since the breakup of the marriage may deny the access at any time. The system increases the risk of nutritional deficiency within the household, given the predominant role played by women in food crop production and has implications on the ability of women to make long term investments in land, such as through cash cropping (Government of Togo, 2004).

Poverty is higher in women headed households than male headed households

In many African countries, there has been a significant increase in the percentage of female-headed households (FHH) in recent years. Among the main causes are male migration, the deaths of male due to HIV/AIDS and in civil conflicts and wars, unmarried adolescent mothers, and family disruption. There seems to be little dispute over the fact that FHHs are usually disadvantaged in terms of access to land, livestock, other assets, credit, education, health care and extension services. For instance, in Zimbabwe, female-headed households have 30-50% smaller landholdings than male-headed households. There are similar findings on Malawi and Namibia (IFAD, 1999).

3.2 Social participation

Education

There is a considerable volume of literature to demonstrate that improvements in gender equality in education are of critical importance for achieving all the MDGs (World Bank, 2001, UNECA, 2004b, Abu-Ghaida and Klasen, 2004). In particular, it leads to higher growth and thus lower poverty as society makes better use of its human resources. This is manifested through reduced under nutrition and child mortality (as better educated mothers can ensure better care for their children), reduced fertility which lowers the demographic burden of a society, it promotes education for the next generation (as educated mothers ensure better education for their children), and it increases the bargaining power of women within families which ensures greater access to resources for them (and also their children), thus becoming one important tool for empowerment (Abu-Ghaida and Klasen, 2004).

- Primary education

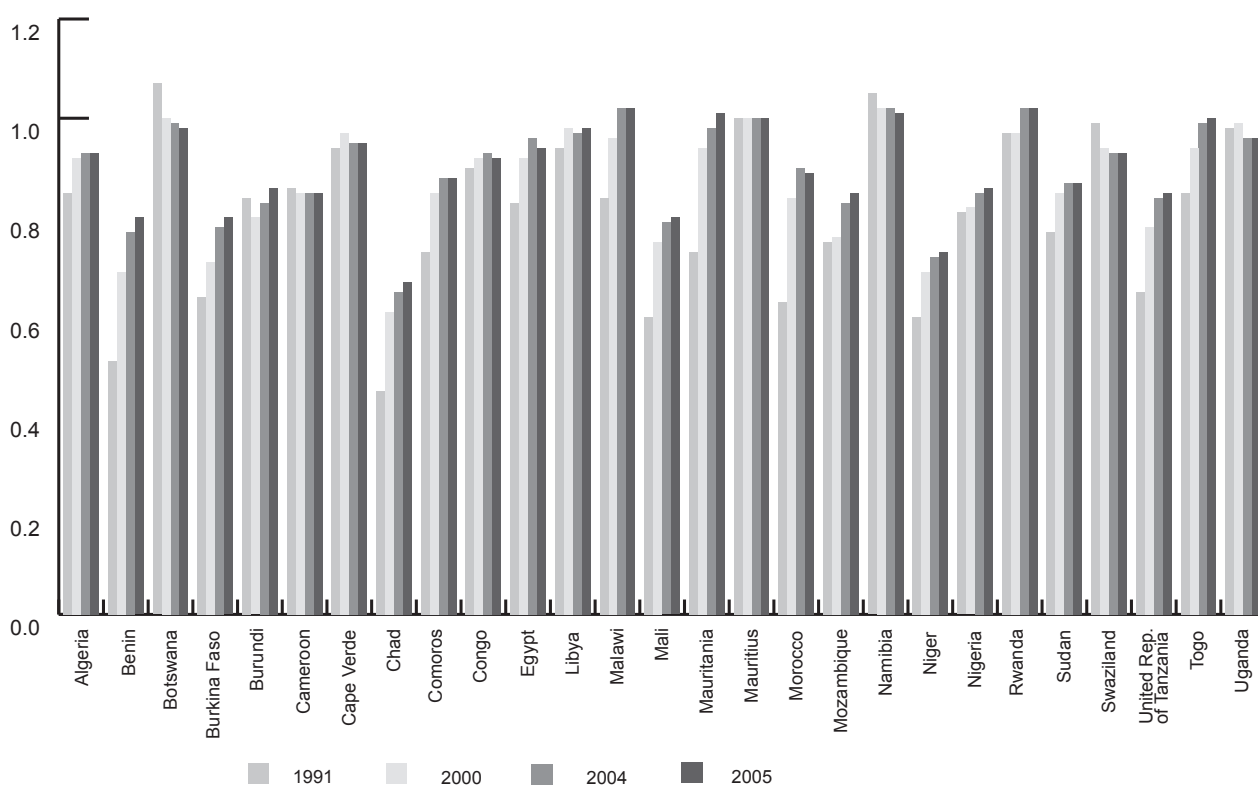
Most African countries are very likely to reach the MDG target on gender parity in primary education by 2015 (UNECA, 2007c, UNECA, 2008a). (See Figure 3). Eleven countries⁵ had already achieved gender parity in primary education in 2005, and 17 countries⁶ had over 0.90 parity rate in the same year.

5 Countries that have reached gender parity: the Gambia, Gabon, Lesotho, Libya, Malawi, Mauritius, Mauritania, Namibia, Rwanda, Seychelles and Uganda

6 Countries with 0.9 achievement of gender parity in primary education in 2005: Algeria, Botswana, Cape Verde, Congo, Egypt, Equatorial Guinea, Ghana, Kenya, Madagascar, Sao Tome and Principe, Senegal, South Africa, Swaziland, Tunisia,

These achievements in reducing gender differentials in primary education were achieved through the massive push for universal primary education and targeted programs such as affirmative action and gender-aware policies aimed at improving enrolment, efforts to recruit female teachers, retention and quality of education for girls. etc). However, the Central African Republic, Guinea Bissau and Chad have recorded limited progress on gender parity in primary education.

Figure 3: Gender parity in primary education in selected African countries (1991-2005)



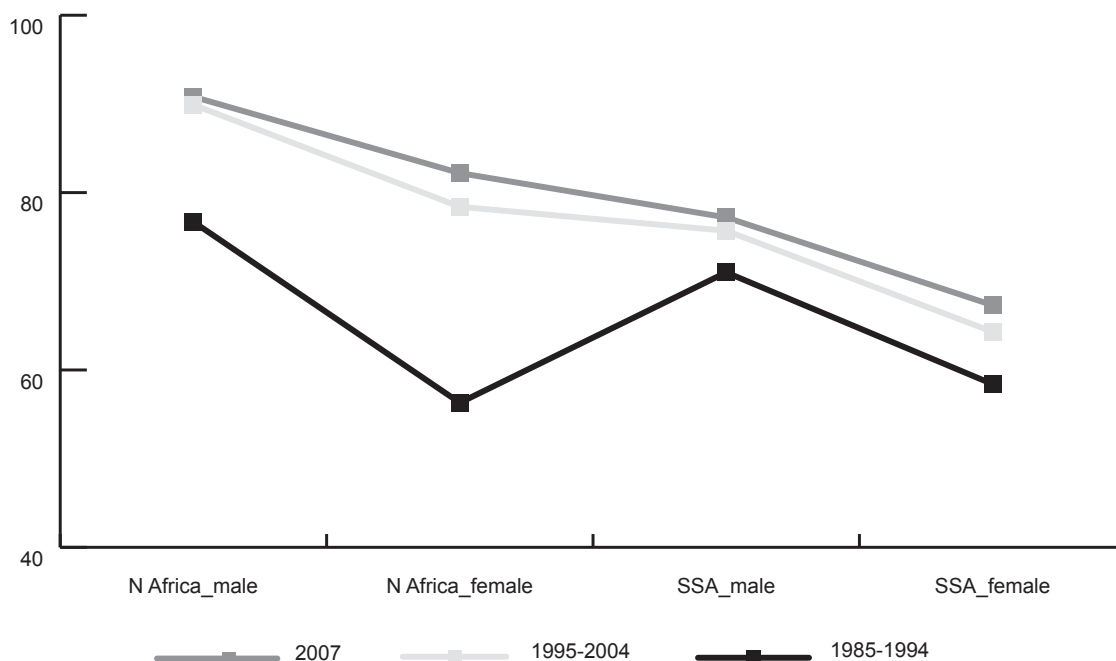
Source: UNECA, 2008c.

The analysis of performance at subregional level indicates that North Africa records the highest progress in achieving gender parity, followed by Southern Africa and Eastern Africa. With regard to Southern Africa, by 1991, four countries (Botswana, Lesotho, Mauritius, and Namibia) had already assured gender parity in primary education and Angola, Madagascar, South Africa, Swaziland, Zimbabwe were close to reaching parity, suggesting that the sub-region had already nearly achieved the goal at the time it was set. Lesotho and Botswana showed important gender disparities in disfavour of boys in 1991 and may have implemented affirmative action to improve boys schooling in primary education. Western and Central Africa account for the lowest achievements in addressing gender inequality in primary education and there is need to step up efforts towards improving gender parity.

Through improvements in access to primary education, young female literacy rates in Africa have increased. North Africa has achieved the strongest gains with young female literacy rates increasing by over 20 percentage points from the 1980s to 2007. At the same time, the literacy rate for young women in sub-Saharan Africa increased from 58.6 per cent for the period 1985-1994 to 67.3 per cent in 2007 (Figure 3). Despite this progress, the gap between the female and male literacy rates is not decreasing

fast enough, especially in the sub-Saharan region where the ratio of female to male literacy rate has remained rather static over the last decade at around 0.87.

Figure 4: Youth female literacy rates in Africa are lagging behind male literacy rates



Source: UNESCO Institute of Statistics Online Database, www.uis.unesco.org.

Notes: SSA = sub-Saharan Africa; N Africa = North Africa.

- **Secondary education**

Progress towards gender parity in secondary education is slower

Unlike the impressive improvement in gender parity in primary education, the progress in achieving gender parity in secondary education has been slower. Eight⁷ countries have achieved gender parity in secondary education, while six⁸ others have achieved a gender parity index of over 0.90 (UNECA, 2008c). The following eleven countries have a good potential to achieve gender equality in secondary education by 2015: Congo, Gabon, Gambia, Ghana, Malawi, Mauritania, Morocco, Nigeria, Rwanda, Uganda, and United Republic of Tanzania.

- **Tertiary education**

Gender parity in tertiary education: the picture is gloomy

Accessing recent gender disaggregated data on tertiary education remains a challenge because baseline data are missing for many countries. Nine⁹ countries have achieved gender parity in tertiary education

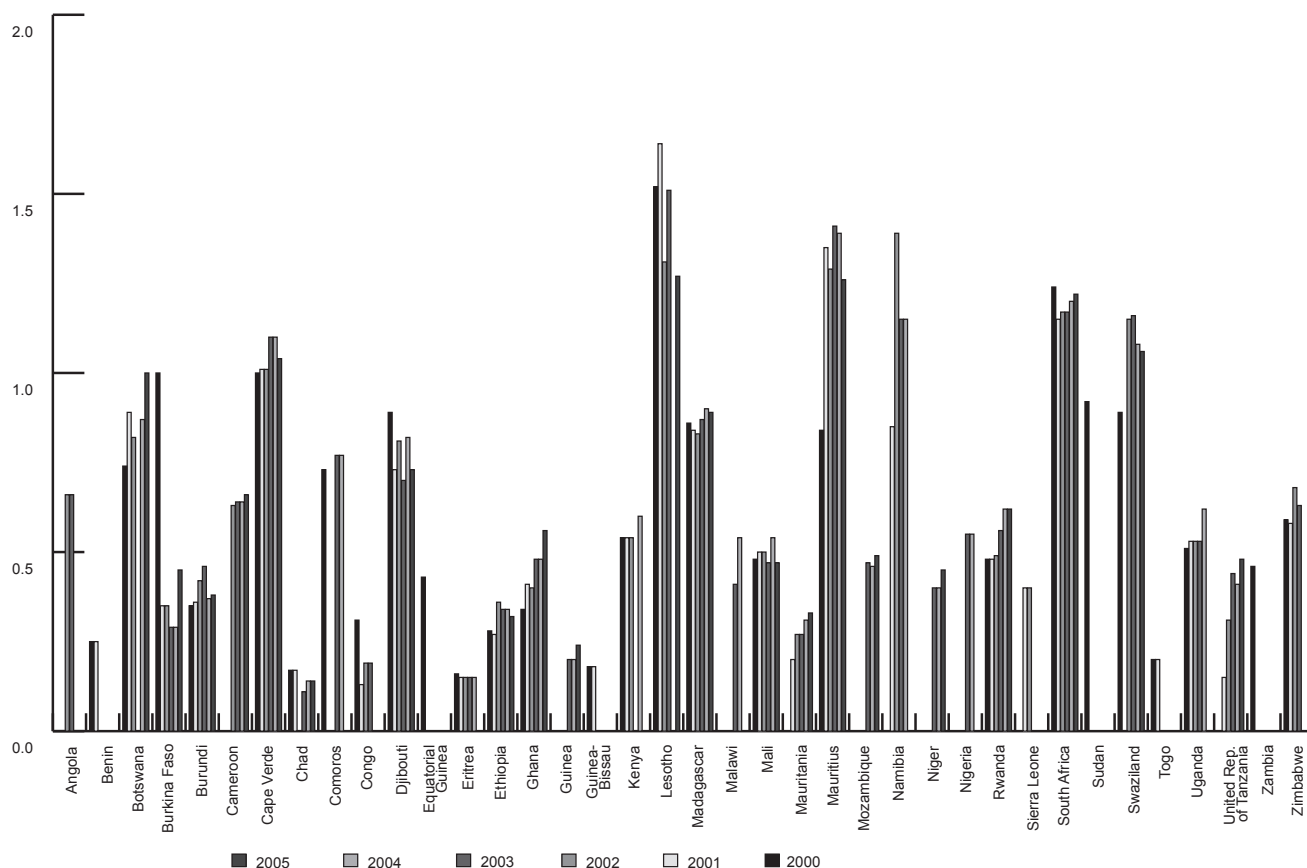
⁷ Gender parity in secondary education in 2005: Algeria, Botswana, Cape Verde, Lesotho, Namibia, Sao Tome and Principe, Seychelles (2004), South Africa (2004).

⁸ Over 0.90 in gender parity in Secondary education: Egypt, Kenya, Mauritius, Sudan and Swaziland

⁹ Gender parity in Tertiary education in 2005: Algeria, Botswana, Cape Verde, Mauritius, Libya, Namibia(2004)South Africa, Swaziland and Tunisia

(see Figure 5). Madagascar and Sudan are likely to achieve gender parity in tertiary education by 2015. Gender gaps at the tertiary and university levels are particularly pronounced in science, mathematics and computer sciences.

Figure 5: Gender parity in tertiary education in selected African countries



Source: UNECA, 2008c.

- **Vocational training**

Gender parity in enrolment in vocational training is low and women are concentrated in ‘feminine’ courses like secretarial courses, home economics, dressmaking and accounting. Very few women are enrolled in construction related courses, carpentry and leather works. The major obstacle facing young women in vocational and technical training is the absence of a gender aware counseling and guidance and women trainers.

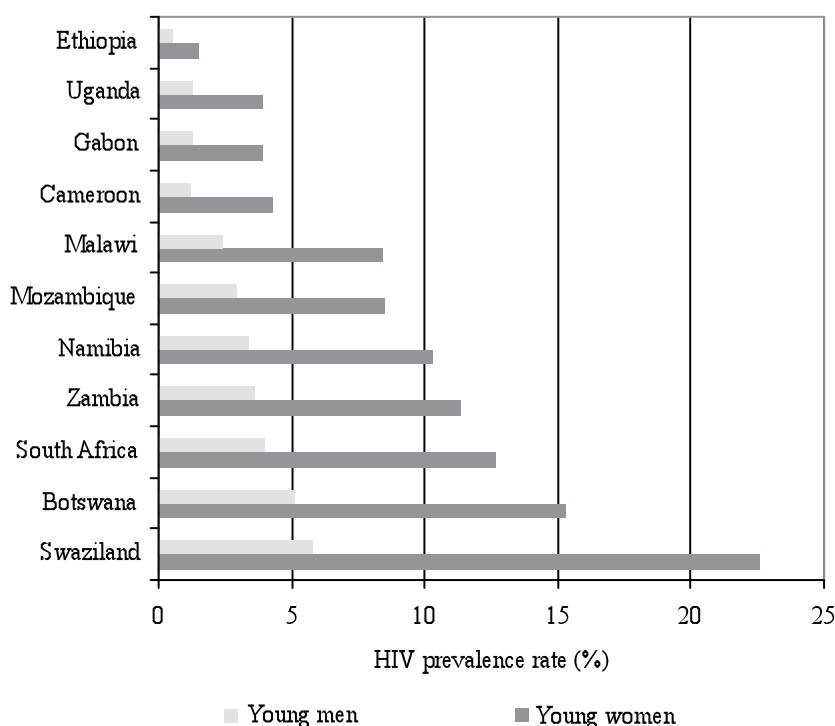
Health

Some African countries have prioritized women’s health as an area of concern. This has resulted in increased attention to the reproductive health and rights of women, encouraging breast-feeding and other infant feeding options making facilities available for the management of sexually transmitted diseases, including HIV/AIDS, and raising awareness among men on their responsibilities in reproductive health. In many countries, progress has been made in offering free or subsidized sexual and reproductive health care services and commodities, affordable preventive health services for rural populations and training grassroots health providers.

- **HIV and AIDS**

It is widely acknowledged that HIV and AIDS has severe socio-economic impacts on both sexes but is not gender neutral. Women and girls bear the brunt of the epidemic because they are highly vulnerable to infection, they are the main care givers and, when the breadwinner is gone, they have to support the family with limited resources. The proportion of women infected by HIV is higher than men and is increasing on the continent. The percentage of adults living with HIV who are women increased from 54% in 1990 to 59% in 2006 and 61% in 2007 (UNAIDS, 2007). HIV prevalence among the 15 to 24 year old age group is up to six times higher for women than for men in most countries (UNECA, et al, 2004) (see Figure 6). Women are more vulnerable to HIV infection because of their low nutritional status, limited education and employment opportunities and low social status. Once infected women are more likely to avoid or postpone seeking care due to constraints based on gender, among which include, stigmatization, domestic and reproductive responsibilities and the costs of travel and treatment. It is important that gender inequalities that make women be more vulnerable to HIV and AIDs are addressed and sexual and reproductive rights are enforced.

Figure 6: HIV prevalence rates vary but are always higher for young women



Source: UNAIDS (2008).

Most countries on the continent have designed HIV/AIDS policies which take account of the gender dimensions of the pandemic. The HIV/AIDS policy of Tanzania (2001) for instance recognizes that addressing issues of gender equity and promoting equal participation of men and women in negotiating safer sexual practices is highly desirable. It also recommends that men and women should be accorded equal status, equal opportunities for education, access to reproductive health education, and access to health care services, leadership and advancement in all spheres. It sets out the following strategies for addressing the gender issues (Government of Tanzania, 2004):

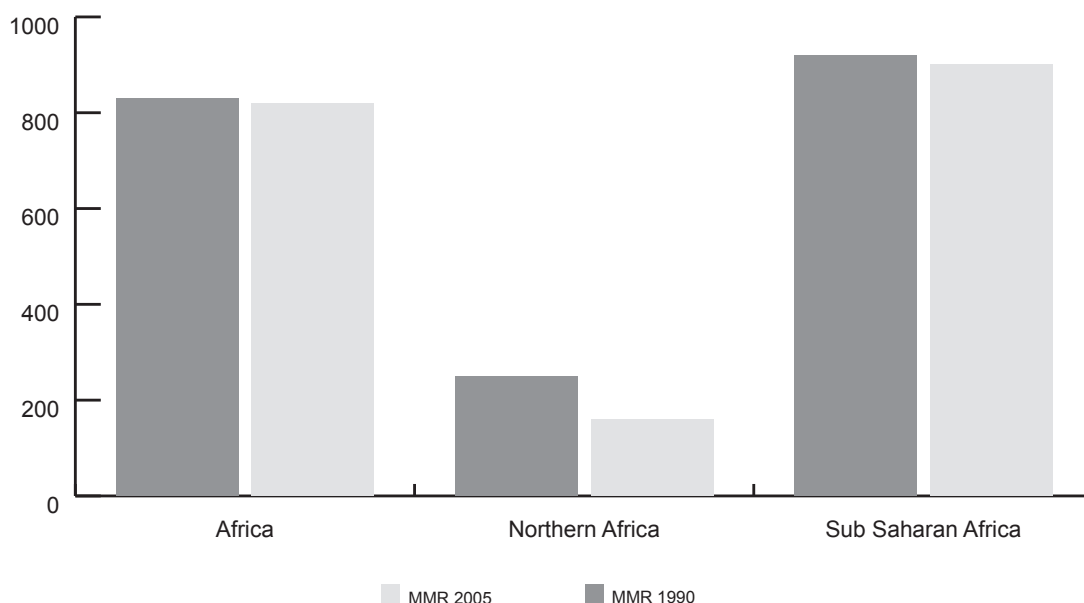
- Power relations in traditional and customary practices that inhibit equal participation of men and women in preventing the spread of HIV/AIDS are to be addressed by all sectors.

- Customary practices and cultural institutions that provide opportunities for public awareness shall be utilized as fora for empowerment and dissemination of IEC on reproductive health, HIV/AIDS.
 - Community programmes shall address the issues of multiple sex partnership and the issues of gender and reproductive rights in relation to the spread and transmission of HIV/AIDS.
 - Integrated, quality and user-friendly reproductive health services shall be made accessible to men, women and the youth.
 - Existing inheritance laws shall be reviewed and harmonized and efforts shall be made to influence customary laws and practices to become gender sensitive.
- **Maternal mortality**

A recent progress report on implementation of the MDGs (UN, 2008) world wide ranks sub-Saharan Africa with the highest maternal mortality rate of 900 per 100,000 births. This is to be contrasted with North Africa where the rate was recorded as being 130 per 100,000 births. Maternal mortality has only improved slightly falling from 920 to 900 per 100, 000 births in 1990 and 2006 respectively. Figure 7 using data from WHO, also confirms the high level of mortality rate and disparities between North Africa and sub-Saharan Africa. Maternal mortality rates continue to be higher in rural than urban areas. The major causes of maternal deaths in the region include severe bleeding (hemorrhage), infection (sepsis), eclampsia, obstructed labour, unsafe abortions, HIV and AIDS, tuberculosis, malaria and anemia (WHO, 2006). The major policy related factors behind the high maternal mortality rates include, personal variables such as limited maternal education; community factors such as social capital, gender and cultural norms; and factors related to health services provision such as inadequate health service delivery, poor affordability of services, low coverage of deliveries attended by a skilled health professional.

One of the factors behind maternal mortality in Africa is the high rate of adolescent pregnancies. Girls in sub-Saharan Africa have the highest rates of early marriage and early motherhood, as well as the highest mortality rates for young mothers and their babies. Young teenagers in the sub-Saharan region are more vulnerable to becoming pregnant than in other regions. The adolescent fertility rate in sub-Saharan Africa reached 144.2 births per 1,000 women aged 15-19 in 2000. While this has fallen to 131.8 in 2005, this rate still represents a large percentage of young women who are prematurely removed from the education system and labour market because of early motherhood. They also face the risk of dying during childbirth.

Figure 7: Trends in maternal mortality ratios between 1990 and 2005



Source: WHO, 2007

In Kenya, it has been estimated that approximately 14,700 women of reproductive age die each year due to pregnancy-related complications; while between 294,000 and 441,000 suffer from disabilities caused by complications during pregnancy and childbirth. Despite the strategies and policies designed to improve maternal health, the proportion of mothers assisted by skilled health personnel declined from 51% in 1989 to 45% in 1993 and further down to 42% in 2003 (while 40% delivered in a health facility). Only 15% of the health facilities are able to provide Basic Obstetric Care, while for emergencies a mere 9% of the facilities are equipped to provide Comprehensive Essential Obstetric Care. According to the 2003 Kenya Demographic and Health Survey, about 90% of women receive any antenatal care. The use of antenatal care is less likely in rural areas while wide regional differentials still exist. Currently only 52% receive the required 4 or more antenatal visits (against the recommended 12 visits), while only 11% do visit within the first trimester) (Government of Kenya, 2005).

Similarly, findings from the 2004 Lesotho Demographic Survey affirmed escalating maternal mortality trends. The maternal mortality rate (MMR) of 762 per 100,000 live births estimated from the 2004 Lesotho Demographic Survey is a huge leap from 416 per 100,000 live births estimated in the 2001 Demographic survey, and is certainly significantly higher than rates in other countries within the Southern African region. Maternal mortality rates are significantly higher in rural areas as compared to urban areas. This disparity between urban and rural areas is plausibly linked to the limited access to health facilities and skilled personnel in rural Lesotho. Additional contributing factors to this maternal mortality pattern are related to the prevailing economic, food production and disease conditions.

Box 8. Best Practice in Reducing Maternal Mortality from Egypt

In Egypt, maternal mortality was cut in half in only 8 years. This extraordinary accomplishment was the result of a comprehensive programme to boost the quality of medical care, especially the management of obstetric complications, and to ensure skilled attendants at births. Attention was also focused on mobilizing community support for women during pregnancy and childbirth and addressing reproductive health needs, including family planning, where employers seek sexual favours from the prospective and employees.

Source: UN: 2005.

4.3 Political participation

Proportion of seats held by women in national parliament

Women's representation in national parliament has improved in a majority of African countries

This section reviews the participation of women in decision making at different levels: the Executive, Judiciary and Legislature). Recent data (2008) collected by the Division for the Advancement of Women in collaboration with the Inter-Parliamentary Union (IPU) provides the summary of the overall presence of African women at the highest levels of national level politics as presented in table 4

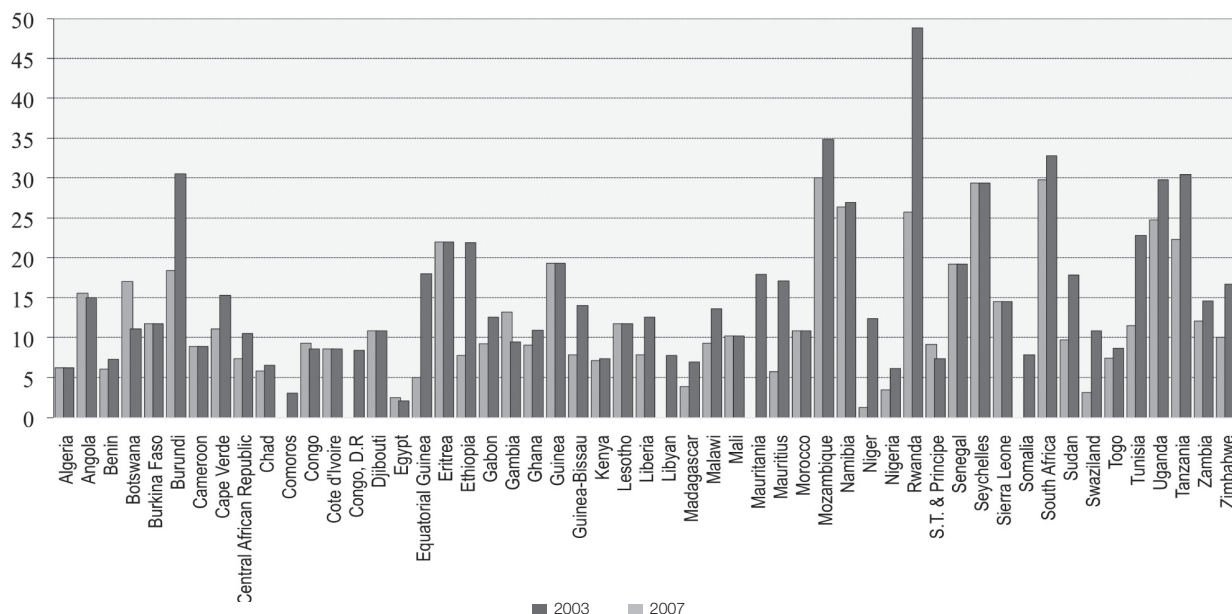
Table 4. Women in Ministerial Positions (%)

40-49.9	35-39.9	30-34.9	25-29.9	20-24.9	15-19.9	10-14.9	5-9.9	3-4	0
1 (South Africa)	1 (Cape Verde)	1 (Lesotho)	9 (Burundi Uganda Botswana Gambia Mozambique Niger Guinea-Bissau Namibia São Tomé and Príncipe)	6 (Malawi Mali Nigeria Benin Liberia Seychelles)	11 (Morocco Swaziland Senegal Eritrea Chad Gabon Rwanda Zambia Zimbabwe Ghana Guinea)	11 (Burkina Faso Sierra Leone Equatorial Guinea Congo Central African Republic Côte d'Ivoire Madagascar DRC Congo Mauritania Cameroon Algeria)	7 (Ethiopia Togo Djibouti Tunisia Egypt Angola Sudan)	0	1 (Libya)

Source: UNDAW and IPU, 2008.

Several countries have significantly increased the level of women's representation in parliament, with one country reaching an impressive 49 percent (Rwanda) and four at 30 percent or more (Mozambique, South Africa, Tanzania, and Burundi) (see Figure 8). Africa has the highest reported rate of progress, 10%, on this target in the world over the period 1990 to 2007. But the story is not all together cheerful as 17 countries have shown only a slight improvement over the period 2003-2007 (UNECA, 2008c).

Figure 8: Percentage of women in National Parliament



Source: UNECA 2008c

The study by UNDAW and IPU also show that women in high positions include: 1 head of State; 5 Presiding officers in national assemblies and senate (Gambia, Lesotho, South Africa, Swaziland, and Zimbabwe); and 2 Chief Justices (Egypt, Ghana). Female representation in countries that have made considerable progress has been supported by some form of affirmative action policy such as electoral quotas reserved seats. For example, in South Africa the representation of women jumped from 2.7 per cent to 25 per cent in one election, and from less than 15.0 per cent to 48.8 per cent in Rwanda. Rwanda uses reserved seats, where 30 per cent of the seats in parliament are set-aside for female legislators. In Mozambique, South Africa, one or more political party, usually the ruling party, has adopted a voluntary party quota setting a target or firm percentage of the number of women candidates it fields for election.

Table 8. Female representation in parliament

Country	% Women	Quota
Rwanda	48.8	30% Reserved Seats - indirectly related Voluntary party quotas
Mozambique	34.8	Voluntary party quotas
South Africa	32.8	Voluntary party quotas
Burundi	30.5	Legislated quota for 30% women candidates on party lists

What has been the quality of participation of women in decision making? Has women's participation made a difference to decision making? Although African countries have made some progress in women representation in parliament and ministries, it is important to note that this higher representation of women has not yet systematically led to adequate budgets, institutional frameworks and policies for implementing gender programmes for gender equality (UNECA, 2007). The major challenges affecting effective participation of the women include illiteracy and lack of confidence that make the women unable to effectively articulate the issues and make contributions; gender relations of power and party politics. There is a clear need for building the capacity of women who are in politics, in addition to those who hold promise as leaders through tailored training programmes, particularly in areas such as leadership skills, confidence building, networking, advocacy and fund raising.

A few countries have created parliamentary portfolio committees on gender, which function as accountability mechanisms. During the 2004 Beijing Plus Ten review process of the Africa region, it was found that less than 15% of the participating countries had parliamentary committees for enforcing accountability on gender mainstreaming and implementing gender policies, including those related to gender equality in decision-making (UNECA, 2004b).

4.4 Women's human rights

It is important to appreciate that all of the issues discussed above fall under the umbrella of human rights. In this section, the aim is to assess the human rights situation, with respect to those issues which fall more within the scope of cultural rights. Hence the focus shall be on harmful traditional practices, in addition to other forms of violence against women.

Despite many years of public education, African countries continue to be beset by a range of harmful traditional practices, the most common being female genital mutilation (FGM), early/enforced marriages, child betrothal and polygamy (UNECA, forthcoming). Violence against women and girls in conflicts and situations of insecurity is widespread in areas such as the CRC Congo and Dafur. In such circumstances, violence against women is often used as a weapon of war, with the primary objective of dehumanizing women themselves or to persecute the community to which they belong. This violence may take specific forms such as forced pregnancy, sexual slavery, incest and rape. The CEDAW Committee has had occasion to comment on the situation of violence against women and girls occurring globally. Highlight of this Comment in addition to some recommendations of the Committee are shown in Box 3.1 below.

FGM continues to be practiced in several African countries (for example, Burkina Faso, Cameroon, Central African Republic, Cote d'Ivoire, Djibouti, Ethiopia, Egypt, Mauritania, Ghana, Guinea, Nigeria, Sierra Leone, Senegal, Somalia, Sudan, Tanzania, Togo and Uganda). Of these, some (Burkina Faso (1996), Cote d'Ivoire (1998), Djibouti (1995), Ethiopia (2005), Ghana (1994), Kenya (2002), Senegal (1999), Tanzania (1998) and Togo (1998) have enacted legislation banning the practice.

UNICEF (2001) suggests that there are two, groups of countries in SSA: those where the age of marriage is rising (for example, Kenya, Uganda, Zimbabwe and Senegal), and those where there is little change (for example, Cameroon, Cote d'Ivoire, Lesotho, Liberia and Mali). In several countries, over 40 per cent of young women have entered marriage or a quasi-married union by the time they reach the age of 18. By contrast, in only two countries are more than 10 per cent of boys under 19 married. Early marriage is generally more prevalent in Central and West Africa – affecting 40 per cent and 49 per cent respectively

of girls under 19 – compared to 27 per cent in East Africa and 20 per cent in North and Southern Africa. Many of these young brides are second or third wives in polygamous households.¹⁰

In some countries, girls are more prone to marry before reaching the age of adulthood (18 years) compared to boys due to the absence of a minimum age for marriage under customary law or the existence of specific legislation, setting out different minimum age requirements for both girls and boys. Section 52 of the Cameroon Civil Status Registration Ordinance, for example, sets the minimum age of marriage for males at 18 and females at 15 years respectively (the same age limits also apply in Niger).

¹⁰ See Innocenti Digest, Early Marriage, Child Spouses (2001).

Section 5

Major Obstacles to the Promotion of Gender Equality and Empowerment

Notwithstanding the widespread commitment shown through the ratification of international and regional gender equality frameworks, normative gains are not yet fully reflected in substantial changes in women's lives, as shown in the preceding section. Large gaps remain between policy and practice and it is the aim of this section to discuss some of the major challenges that have been experienced.

Continued presence of strong cultural and traditional practices constraining progress in achieving gender parity

The continued presence of long standing cultural and traditional practices that discriminate against women and girls' have constrained the progress towards achieving gender equality. Discriminatory practices and public attitudes towards the advancement of women and gender equality have not changed at the same pace as policy, legal and institutional frameworks.

Lack of ratification of the instruments that promote gender equality

Previous sections have identified the status with respect to a number of regional instruments, particularly the African Women's Protocol. Some countries are yet to sign this instrument, while a considerable number are yet to ratify it.

Ineffective institutional and policy implementation mechanisms

Thirteen years after the adoption of the BPFA by the Fourth World Conference on Women in 1995, the greatest challenge facing countries and regional institutions is the effective implementation of the adopted commitments. Good policies that do not have well formulated implementation plans and resources render the policies ineffective. In some countries, the capacity of gender machineries has also contributed to the slow pace. Some policies are not effectively implemented because they were not developed in a participatory way inclusive of both men and women. Lack of targets with well defined time-frames are also some of the factors that have hampered effective implementation of policies. Lack of monitoring and evaluation mechanisms also plays a significant role in the lack of implementation. Moreover, some policies tend to focus on the symptoms rather than addressing the persistent underlying causes of gender inequality. African women, especially those living in rural communities and those with disabilities, still face exclusion from participating in development processes that can empower them and improve gender equality. It is crucial to undertake inclusive participatory approaches in policy development that involve women as equal partners.

Lack of adequate resources

Lack of human and financial resources severely limits gender mainstreaming to achieve gender equality and women's empowerment. Even in situations where a comprehensive plan of action for gender mainstreaming has been developed, countries may not have adequate resources to implement the plan. In particular National Gender Machineries (NGMs) experience limited financial and other material resource base to enhance the implementation of gender equality mandates, roles and responsibilities. In addition, there are gaps in human capacity, there is generally a challenge with respect to gender competence skills of officers in the NGMs to influence the engendering of macro-economic and sector policy frameworks. There is high staff turn over of experts, and low staff retention, most countries are facing difficulties of retaining and sustaining staff with the necessary expertise.

Continued presence of strong cultural and traditional practices constraining progress in achieving gender parity in education

In taking decisions with respect to the education of their children, some families continue to have preference for educating boys rather than girls. As noted female-to-male school enrolment, retention and completion favor boys in a majority of countries. Very few countries have female to male enrolment rates that favour girls over boys and these countries have been making progress to redress the situation.

Continued presence of strong cultural and traditional practices constraining progress in achieving gender parity in health

Some cultural and traditional practices continue to inhibit progress in the area of sexual and reproductive rights. Women and girls continue to risk death from maternal mortality. There is need to provide accessible sexual and reproductive healthcare services and education to reduce maternal mortality. Such interventions need to address the roles of both men and women. The rate of HIV infection is much higher among women than men and in this regard, governments must establish and monitor strict legal frameworks to address the vulnerability of women and girls. Furthermore, access to anti-retroviral treatment should be ensured.

Continued presence of strong cultural and traditional practices constraining progress in achieving gender parity in ownership of property and land

With regard to women's and girls' rights to own and inherit land and property, some cultural and patriarchal behaviors are still the major sources of discrimination. Some customary systems are fairly democratic and functional whilst others are conservative, it is important to find ways to support well functioning customary systems while engendering and strengthening the channels for change in those that are not (UNECA-SA, 2003). There is need to review, reform and harmonise customary and statutory laws, and legislation to address sources of discrimination against women owning land. However the removal of legal clauses that discriminate against women can not change cultural and social behaviour. The result is that not much will change on the ground, because women will still be discriminated against under customary law. This calls for the need to actively engage in sensitisation and education campaigns to influence traditional norms, values and laws to allow women to own and control land and property. There is need to disseminate information about new laws that promote the rights of women to land and property so that they are familiar to all stakeholders working on the issues. Governments and development partners need to support the training of legal personnel, including those who administer customary law ie. traditional leaders, on women's land rights issues.

Lack of enforcement of laws that promote gender equality and lack of knowledge of laws

In some countries laws that promote gender equality are in place, however lack of enforcement of such laws leads to the perpetuation of gender inequalities and violence against women. In some countries, laws are in place, but interpretation of these laws is lacking and as such, they are not enforced.

Lack of full involvement of men and boys

Changing cultural and traditional beliefs including patriarchy requires the involvement of men, and boys in the promotion of gender equality through innovative rights-based, culturally sensitive programmes and continued education and sensitization.

Continued lack of recognition of women's unpaid work

The continued lack of recognition of unpaid work (domestic, reproductive, care and support) performed by women hampers the development of policies that can effectively promote gender equality. There is therefore need for such work to be given due recognition in the computation of national income.

Violation of women's human rights

Women and girls continue to be seriously affected by gender-specific violations of their human rights. The protection of girl-child against discrimination, ill health, malnutrition, violence, FGM, forced marriage, trafficking and exploitation has been partly constrained by lack of knowledge by those who can offer such protection. Direct advocacy to achieve this should start with the parents, traditional and religious leaders and parliamentarians. It is also important that the girl children are knowledgeable of their rights. The continuation of armed conflicts have affected the pace towards achieving gender equality. Armed conflicts have continued to bring different forms of sexual violence to which women and girls. Governments should ensure that measures are put in place to ensure that women are given opportunities to participate at all levels of negotiation, disarmament, demobilization, and reconstruction phases as set in the UN Resolution 1325.

Limited gender equality in decision making and governance

Although some progress has been achieved towards gender equality in parliaments, women continue to be under-represented in most structures of power and decision-making, including leadership positions in political parties, local government, the public and private sector and civil society organizations. Passing of laws and policies alone does not bring about substantial gender equality in political participation. It is important to implement key supportive mechanisms that include transparent selection processes within political parties; access to public funding; the provision of training for women candidates and elected officials; and awareness raising for voters and the public at large (Ballington, 2004). The Committee for the Elimination of Discrimination against Women has repeatedly noted the importance of ensuring equal opportunities for women's participation and emphasized that where there is full and equal participation of women in public life and decision-making, the implementation of their rights and compliance with the Convention improves (UNDAW, 2005).

Lack of supportive complementary policies

Promoting gender equality requires a multi-sectoral approach with all the sectors playing their role. For example although in some countries such as Cameroon the credit legislation in force does not discriminate against women, there are several factors preventing the majority of them from obtaining access to formal loans. Some of these include lack of basic training in management and bookkeeping; poor understanding of the notion of the return on a loan; ignorance of banking and tax procedures; and lack of collateral and security.

Inadequate documentation and dissemination of successful practices for replication

There is still limited documentation and sharing on effective practices for achieving gender equality in particular in areas such as violence against women, governance and HIV and AIDS. Sharing of information is important within countries, between countries and internationally and is critical to the success of achieving gender parity. There is need to intensify information sharing and dissemination through various channels such as the printed media, radios, television programmes, national events and the internet. It is important for member states, development partners and international and regional bodies to document best practices for wide dissemination and identify institutions that can host information exchange system for best practices at national and regional levels.

Limited role of the media

The media can play a major role in promoting gender equality beyond what it is currently doing. In particular in creating awareness, sensitization and education campaigns to change patriarchal attitudes. As noted before establishing new laws alone is not enough; existing gendered social relations and cultural norms may quickly shape these laws. There is need for measures to counter preexisting

social forces through education and training of both men and women. The media can make a major contribution towards promoting these gender equality messages.

Lack of sex disaggregated and gender responsive data

Sex-disaggregated data and information from gender-sensitive indicators are often not collected, lost in aggregation of published data, or not used. Gender responsive data would help in tracking the progress made towards achievement of gender equality.

Weak monitoring and evaluation systems

There is a lack of good monitoring and evaluation systems to monitor the impact and results of the gender mainstreaming initiatives. In this context, governments and all stakeholders should develop guidelines and indicators for the monitoring and evaluation of gender equality interventions and establish benchmarks and databases, using, for example the AGDI as a basic tool.

Section 6

Suggested Recommendations

Translation of commitments and policies promoting gender equality and women's empowerment into action on the ground remains a major challenge in Africa. Based on the findings of this study, this section highlights some recommendations that can help countries successfully implement the commitments and policies aimed at promoting gender equality and women's empowerment.

Expedite the ratification and domestication of international and regional frameworks

There is need to encourage ratification and to propose creative approaches to reporting on the SDGEA and other supportive instruments on the continent. There is continued disconnect between gender and development and general reluctance to domesticate international instruments into national laws and constitutions. While policies, constitutions and legal frameworks might be put in place, the extent to which they can facilitate improved gender equality and women's empowerment very much depends on whether these policies are explicitly translated into action. It is necessary to develop implementation plans and programs and to ensure that adequate resources are allocated to their realization. Given the importance of gender equality to poverty eradication and overall national development, it is important that governments prioritize implementation of gender equality, and women's empowerment and establish and fund medium and long term programmes to support it.

Strengthen National Gender Machineries

Substantial capacity building of NGMs is required in the form of human and financial resources to enable implementation of roles and responsibilities assigned to these structures and also to review their mandates to enable them focus on engendering macro and sector policies and skills development activities by various government ministries. Allocate resources for capacity building and sustainability of gender skills in structures that are involved in the implementation and monitoring of macro economic and sector policy frameworks, planning and budgeting.

Improved research and collection of gender responsive statistical data

It is important to systematically collect accurate sex and gender disaggregated data and conduct research that is essential for monitoring and evaluating progress towards achievement of gender equality and women's empowerment. More efforts are needed to build capacity of national experts to collect gender disaggregated data in order to enhance integration of gender perspectives in the development process.

Improve coordination

Improve coordination to ensure linkage and collaboration between and among stakeholders to avoid duplication of efforts.

Expedite review and amendments of discriminatory laws

There is need to expedite review and amendments of discriminatory laws and procedures to ensure women's access to productive resources and sustainable economic empowerment. Having comprehensive laws in-place without the necessary implementing structures and resources is not adequate, provision of harmonized gender responsive services is critical. Efforts need to be scaled up to set up entrepreneurial programs, development funds and women centered credit institutions.

Scale up measures that economically empower women

It is important to scale up measures that can economically empower women. This includes among others measures to improve women's access to land, property, and technologies and to other means of production and through initiatives such as gender-sensitive budgeting. Creating an enabling environment that enables more women to work in the formal sector such as affirmative action measures. Promote equality between men and women on salary, leave, and pension.

Strengthen documentation and dissemination of information on promoting gender equality and women's empowerment

Sharing of information is important within countries, between countries and internationally and is critical to the success of achieving gender equality and women's empowerment. There is need to intensify documentation of experiences with successful and unsuccessful practices and widely disseminate this information. It is important for member States, development partners and international and regional bodies to identify information exchange systems that can facilitate wide exchange of this information in the region.

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