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4th PROGRESS REPORT ON THE IMPLEMENTATION
OF THE SOLEMN DECLARATION ON GENDER EQUALITY IN
AFRICA

4th PROGRESS REPORT ON THE IMPLEMENTATION OF THE SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA

1. Introduction

This fourth annual report is being submitted pursuant to the obligation under Article 13 of the Solemn Declaration on Gender Equality in Africa (SDGEA) which enjoins the Chairperson of the Commission to submit an annual report for the consideration of the Heads of State and Government on measures taken to implement the principle of gender equality and gender mainstreaming at national, regional and continental levels.

This report is based in part on the reports received from several Heads of State in keeping with their own commitment under the SDGEA Article 12 to provide updates on progress made regarding the implementation of the Declaration. The AU Commission applauds those member states that submitted reports, and encourages those who have not to do so.

The report is structured as follows:

An executive summary is provided in Section 2 including main recommendations for improved country-level implementation of the SDGEA (pages 2 to 7).

Section 3 covers activities carried out by the AU Commission with regards to meeting its obligations under the SDGEA (pages 10 to 15).

Section 4 gives an overview of country progress reporting on implementation of the SDGEA and also highlights best practices where noted from the reports received as well as from international reports where a member state is recognized for a good initiative as it related to the implementation of the commitments under the SDGEA (pages 16 to ???).

2. Executive Summary

2.1 Introduction

This section gives an overview of the main points in the AUC Chairperson's fourth annual report on implementation of the SDGEA. The report looks at progress made in the past years based on country reports submitted by member states. The section mainly focuses on key issues noted in reports or in the lack of reporting, and offers recommendations as a way-forward in engaging in a meaningful implementation of the SDGEA.

2.2 Progress Report

2.2.1 African Union Commission Activities

The Women, Gender and Development Directorate (WGDD), as the focal point in overseeing the implementation of the SDGEA continued to provide spaces for discussion and sharing information and strategies for implementation of the SDGEA at country levels. The Commission activities for 2008 are well elaborated under section 3.2 of this report.

2.2.2 Country Reports

The AU Commission received only three country reports from Niger (first progress report) Senegal (second progress report covering the period 2007) and Zimbabwe (first progress report covering the period 2004 to 2006). This is half the number of countries that submitted reports in 2008. As reported in the third progress report presented by the AU Chairperson to the Thirteen Assembly, a total of 15 countries reported during 2005 to 2007 and only two reported this year excluding Senegal which is reporting for the second time. Due to the insufficient reporting it is hard to draw comparisons on progress taking place in the continent vis-à-vis meeting the objectives of the SDGEA.

Some progress is marked in regards to Article 9 (i.e. Ratification and implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa). Three countries have ratified since the last report was presented to the Assembly and hence bringing the total ratification to 26 countries; while 27 countries are yet to deposit their instrument of ratification. The level of implementation of the Protocol by the member states is however undetermined due to the lack of reporting by the member states. Even those who have submitted reports to-date have not accounted for implementation. Under Article 9, member states have committed to not only ratification but also to its implementation soon after its entry into force in 2005.

2.2.3 Progress on Gender Mainstreaming

Country Reports need to inform from a systematic approach in which national plans have very strong elements of gender equality planned for with targets set in every sector of national development. The current reports point to a lack of planning from a gender perspective which in turn makes reporting difficult for most member states.

Further, the lack of progress in several sectors shows that while tools and systems have been provided for by for example African Gender Development Index (AGDI) these have not been applied. The AGDI cover both quantitative and qualitative issues that can be measured to show progress at the level of policy intervention as well as the human development and poverty reduction levels from a gender perspective and it is a tool that is developed in Africa and for Africa.

2.2.4 Standard Indicators as Measures of Gender Equality

The lack of standard indicators for measuring the SDGEA in a systematic and standard way point to a need for countries requiring assistance with the necessary skills to either develop specific tools for SDGEA or to use available tools to measure progress in all areas as articulated by the SDGEA. There are areas in which progress for parity have been easy to collect information and there are others in which new ways of collecting data have to be developed and innovative ways of measuring progress have to be created. For example issues of environment and climate change pose exceptional challenges and need exceptional means of setting up baseline surveys and measuring progress that may until now be unprecedented.

2.3 Key Issues Arising

It is noted with a concern that the majority of member states have not submitted their initial reports; and that the reports of those who did were alas sketchy and did not include comprehensive information needed for establishing their country situations. This seems to be the biggest challenge in documenting and learning from the experiences of countries in the implementation of the SDGEA.

2.4 Main Recommendations for Improved Country-Level Implementation of the SDGEA

Article 1: HIV/AIDS and Other Related Infectious Diseases

During the High level meeting of the UN General Assembly on Implementation of the Declaration of Commitment on HIV/AIDS and the Political Declaration on HIV/AIDS which the majority of AU member states participated, it was noted:

“..the epidemic continues to outpace the response, a stronger and more broad-based leadership across all sectors of society will be required to halt and begin to reverse the global AIDS epidemic by 2015.”

In addition, the UNAIDS chief Peter Piot, underlined that “AIDS is the leading cause of death in Africa..” Other studies also show that the majority of victims are women and that there is need to pay closer attention to programming interventions in such a way that violence against women and its relation to HIV/AIDS be urgently addressed. This is further affirmed in the recommendations from the above high level meeting which called for:

“Promoting gender equality and women’s empowerment – countries should give priority to programmes aimed at promoting gender equality, economic empowerment of women, education for all, and legal reform to recognize, promote and protect women’s property rights.”

Article 2: Peace and Security

The Best Practice as presented by Ghana in the previous report has not been emulated by member states who have since reported on the implementation of the Peace and Security commitment. With so many wars and civil strife on our continent member states are encouraged to document best practices that are a result of involving women in the preventive, resolution and rehabilitation of conflicts. Research shows that women are generally more tolerant and have intuition about situations of conflicts even before they erupt. It is these qualities that are sought after in ensuring gender parity in addressing conflict on our continent. The Peace and Security article seeks to bring about a difference when women and men are involved in decision making about the situations of conflict. The AU Commission has initiated first step of mainstreaming UN Resolution 1325/2000 into AU Peace and SECURITY architecture through the development of the Training Manual of AU Peacekeepers. This manual will be tested and ready for use by July 2009.

Article 3: Child Soldiers and Abuse of the Girl Child

The reports that have been received since the last report show a need for member states to acquire gender skills in assessing the issue of child soldiers and abuse of the girl child from a gender perspective. There is need to do more case studies on the impact that the war has on child soldiers as opposed to adult soldiers. There is need to study these child soldiers including girl children who are abused in war zones for a period of time so that the recommendations that are made will take the differential impact of war on children and on girl children in particular. Unless the impact is assessed systematically the rehabilitation programmes will fail to make an impact on the affected child soldiers and abused girl children. Incorrect measures will be a waste of resources and will not lead to conflict resolution in future as these child soldiers and abused girl children would not have been given correct assistance.

Article 4: Violence against Women

Studies are showing that violence against women and girls in Africa is on the increase. More violent forms, such as femicide, acid attacks, ritual rapes and murders, gang rapes, abductions, defilement and forced early marriages, military sexual slavery, rape as a weapon of war have become wide spread. Some violations of women's rights such as in trafficking in women and girls are seen as a result of or related to drug trafficking. There is also ill-treatment of widows and grabbing of property that are more prevalent than before in spite of legislation that is in place to protect widows and orphans. In spite of legislation against some cultural practices, women in Africa continue to be vulnerable to harmful traditional practices and customs such as female genital mutilation (FGM) and widow inheritance, which expose them to the risk of HIV and AIDS. Obtaining data on violence against women is still a major challenge. One of the reasons for violence against women is persistent gender inequalities in accessing opportunities and building capabilities. Country reports need to describe what member states are doing to address these challenges to better protect women and girls against violence. The AUC and ECA

partnered in preparation of the Sixth African Development Forum (ADF), those theme was ending violence against women. This forum came up with three a key actionable point of which was to launch a campaign to end violence against women. AU will partner with AD in this campaign.

Article 5: Gender Parity

The reports so far received show that enshrining the gender parity principle in the constitution is a great step in the direction of achieving gender parity but cannot solely achieve it. Political will as in the case of the countries that have achieved 30% and above is very important. Programmes that sensitize communities and society as a whole in attitude change need to be implemented for the mind shift to happen so that women and men are given equal opportunities in life. Quotas that seek only to increase numbers of women and not to change the conditions and structures that allow free and full participation will have limited success - and may even increase women's burden. The achievement of the Millennium Development Goals must act as an impetus to all member states to achieve MDG 3 for : "***Development policies that fail to take gender inequality into account or that fail to enable women to be actors in those policies and actions will have limited effectiveness and serious costs to societies. The reverse is also true: the achievement of Goal 3 depends on the extent to which each of the other goals addresses gender-based constraints and issues***". (4)

The WGDD has prepared a position paper on ways to accelerate the achievements of parity principle and Gender equality in AU Commission as well as in all AU Organs. This paper has been submitted to APROB (Appointment, Recruitment and Promotion Board) for further discussions with a view of discussing the recommendations at the Commission level and also mainstreaming them in the new staff rules and regulations.

Article 6: Women's Human Rights

States are encouraged to put in place mechanisms that address the continuing challenges related to protection and promotion of the rights of women and girls, including accelerating the pace of change of laws that discriminate against women and/or girls. "Violence against women is perhaps the most shameful human rights violation. And, it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace." (Kofi Annan Secretary General of the United Nations (cited in UNIFEM 2003, p. 8)

Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law....During times of armed conflict and the collapse of communities, the role of women is crucial. They often work to preserve social order in the midst of armed and other conflicts.

Article 7: Rights to Land, Property and Inheritance

Rights to access, use and control of land is central to the lives of rural women in countries where natural resources are the main source of income and livelihood. Widespread exclusion of women and girls in Africa from owning and/or controlling land and property means that they are often barred from effectively engaging in economic activities and having a secure and sustainable livelihood. Women face discrimination under both customary and formal systems of land tenure as a result of culturally embedded discriminatory beliefs and practices and male control of inheritance systems. Evidence indicates that land policies that aggravate land tenure insecurity and ignore the rights and/or interests of women increase household vulnerability. The land and property rights of women and inheritance practices and norms need to be addressed.

Article 8: Education for Girls and Women

Many girls in Africa are still threatened by harmful practices such as female genital mutilation and early marriage, which often are the ticket to ending their educational opportunities. Therefore, member states are urged to give special attention to the situation of rural women and girls; and to report on progress being made to address their special challenges so that they also benefit from educational programs. Another critical area is violence against girls in schools, which is a major obstacle to their educational potentials. It is important that member states put in place clear policies and protective mechanisms that would help detect early on any potential threats to girls and which can then be dealt with in a timely manner.

Article 9: Protocol on the Rights of Women in Africa

There is need for:

- A) Ratification of the African Women's Rights Protocol by the remaining 27 member states and for them to spell out a definite timeline on which to deliver this commitment.
- B) Fulfilling the commitments made to raise public awareness through the launching of campaigns that promote the African Women's Rights Protocol.
- C) The 26 member states that have ratified ought to take advantage of a workshop on domestication of the African Women's Rights Protocol which the AUC Women, Gender and Development Directorate will convene in March 2009 in collaboration with the United Nations Women's Fund (UNIFEM) and the Solidarity for African Women's Rights Coalition (SOAWR). The workshop will be an opportunity for experience sharing in regards to progress towards domestication of the African Women's Rights Protocol including challenges faced and discussing solutions to overcome those challenges. It will help put member states on a clear path towards realizing their undertaking in regards to Article 9 of the SDGEA.
- D) As obligated under article 26(2) of the African Women's Rights Protocol, member states are urged to urgently provide resources for the full and effective implementation of the human rights therein recognised.

- E) In their next reports on SDGEA member states ought to provide information on:
- sensitization activities undertaken country-wide to popularize the provisions of the African Women's Rights Protocol and the number of and categories of the population reached;
 - resources allocated for and actual amounts spent on popularization activities and domestication work;
 - the extent to which the judiciary has been made aware of the provisions of the African Women's Rights Protocol and examples of any application on cases that appeared before the bench;
 - the extent to which law enforcement agents (police, prosecutors, etc) have been made aware of and trained, if necessary, on the provisions and application of the African Women's Rights Protocol to protect women and girls at risk of abuses or those violated contrary to the protection offered under the African Women's Rights Protocol.

3. African Union Commission Progress in implementing the SDGEA

3.1 Summary of past achievements

In the last report of the AU Commission Chairperson an update was given showing the various activities the AU Commission undertook prior to 2007 in support of the implementation of the SDGEA. These are summarized below:

- Regular annual reporting on implementation of the SDGEA.
- Completion of a gender audit while brought out gaps in the realization of the AU's commitment to equality and women's empowerment in Africa
- Initiation of a gender policy; and progress on which is reported in the next section
- Formation of a five year gender mainstreaming strategic plan which provided AUC, RECs, AU Organs and member states a framework to make operational the gender policy
- Building the AUC's internal capacity to mainstream gender
- Partnerships and advocacy initiatives on HIV/AIDS
- Development of guidelines for reporting on implementation of the SDGEA and the convening of the first AU ministerial meeting on Women, Gender and Development

3.2 AU Commission Progress during 2008

1. In the operationalization of the Article 11 of the *Solemn Declaration on Gender Equality in Africa (SDGEA)*, and in the implementation of Assembly Decision Dec.134-164 (VIII) of January 2007, the first ever Regional Conference on Economic Empowerment of Women was held in Malawi in March 2008. The meeting explored strategies to evaluate the economic status of African Women, including the establishment of the African Trust Fund for Women.

2. The African Union Women's Committee (AUWC), which was established in July 2003, serves as an advisory body to the Chairperson of the African Union Commission (AUC) on gender and development-related issues, and in this capacity monitors the progress of the implementation of the SDGEA,. The Committee held its Third Meeting in Tunis, Tunisia in April 2008. At the end of the two day meeting, the Committee adopted its Work Plan for 2008-2009; allocated different tasks to members of the Committee; discussed issues that would strengthen its relationship with the Women, Gender and Development Directorate of the AUC; was able to review its achievements and constraints; and drew up recommendations with regard to reports of the AU Chairperson and those of Member States with regard to the implementation of the SDGEA. Members of the Committee have therefore taken it upon themselves to henceforth prepare the annual report of the AU Chairperson on the SGDEA.
3. In collaboration with UNIFEM, UNECA, Sweden and Institute for Strategic Studies, and the AU Peace and Security Department, the Women, Gender and Development Directorate, organized a two day Seminar on "Ending Violence against Women in Conflict and Post-Conflict Situations: Lessons drawn from the Rwanda Genocide", from 4 to 5 April 2008, in commemoration of the Rwanda Genocide. The meeting focused on ending violence against women in conflict and post-conflict situations through the sharing of experiences, while noting the progress made, good practices, and challenges in addressing violence against women, in conflict and post-conflict situations.
4. The AUWGDD co-organized the 12th CSO Pre-Summit Consultative Meeting on Gender Mainstreaming in the African Union with the "Gender is My Agenda " Campaign under the leadership of Femme Africa Solidarité (FAS), from 21 to 22 June 2008 prior to the Sharm El-Sheikh, Egypt AU Summit.
5. To enhance its principal mandate the empowerment of African women and raising of their living standards, the WGDD has to ensure that gender is mainstreamed in all policies and programmes of the AUC and AU Organs, RECs and Member States and ensure that gender equality and women's empowerment are promoted within these institutions. It was in this regard that the 3rd Stakeholders Consultation on AU Gender Policy was held in April 2008. The 1st was held in July 2006 and the 2nd in February 2007.

3.3 AU Commission Progress on Implementing SDGEA Articles

This section addresses progress made by the AUC on articles of the SDGEA that it has been mandated to implement and report back on progress it makes. These are articles concerning gender parity within the AU (article 5), creation of an AIDS Watch African (article 10), creation of an African Trust Fund for Women (article 11) and the submission of annual reports to the Assembly on the implementation of the SDGEA (article 13).

3.3.1 Progress on Article 5: Gender Parity in the African Union Organs

The table below offers the current picture with regards to gender parity within the AUC. Overall the 50:50 parity has not been reached in the AUC as women account for far less than 50% of the AUC staff.

| Grade | Number | | | Rate (%) | |
|-----------------------|------------|------------|------------|-------------|-------------|
| | Men | Women | Total | Men | Women |
| Chairperson | 1 | 0 | 1 | 100 | 0 |
| Deputy Chairperson | 1 | 0 | 1 | 100 | 0 |
| Commissioner | 3 | 5 | 8 | 37.5 | 62.5 |
| D1 | 12 | 6 | 18 | 66.7 | 33.3 |
| P6 | 4 | 3 | 7 | 57.1 | 42.9 |
| P5 | 35 | 13 | 48 | 72.9 | 27.1 |
| P4 | 20 | 12 | 32 | 62.5 | 37.5 |
| P3 | 69 | 16 | 85 | 81.2 | 18.8 |
| P2 | 52 | 22 | 74 | 70.3 | 29.7 |
| P1 | 5 | 1 | 6 | 83.3 | 16.7 |
| GSA | 95 | 100 | 195 | 48.7 | 51.3 |
| GSB | 127 | 28 | 155 | 81.9 | 18.1 |
| Total | 424 | 206 | 630 | 67.3 | 32.7 |

Since 2008, the WGDD is member of the AU APROB and attended to the entire interview process to ensure that female candidates applied and have the same opportunities as male candidates to be recruited when the women are qualified.

| AU Organ and its other institutions | Number | | | Rate (%) | |
|--|--------|-------|-------|----------|-------|
| | Men | Women | Total | Men | Women |
| Assembly | 52 | 1 | 53 | 98 | 2 |
| Executive Council | 43 | 10 | 53 | 81 | 19 |
| PRC | 50 | 3 | 53 | 94 | 6 |
| AUC | 424 | 206 | 630 | 67.3 | 32.7 |
| Peace and Security Council | 14 | 1 | 15 | 93 | 7 |
| PAP (Bureau) | 3 | 2 | 5 | 60 | 40 |
| ECOSOCC (Bureau) | 8 | 12 | 20 | 40 | 60 |
| The Court of Justice | 9 | 2 | 11 | n/a | n/a |
| African Commission on Human and People's Rights | 4 | 7 | 11 | | |

3.3.2 Progress on Article 10: Establish an AIDS Watch Africa

AIDS Watch Africa (AWA) is an advocacy platform that the AU uses to step up implementation of commitments made by member states and was created in April 2001 at the African Summit on HIV/AIDS, Tuberculosis and other Related Infectious Diseases held in Abuja. The Heads of State and Government of Botswana, Ethiopia, Kenya, Mali, Nigeria (Chairperson), Rwanda, South Africa and Uganda sit on AWA whose main goal is to accelerate efforts by Heads of State and Government to implement their commitments for the fight against HIV/AIDS, and to mobilize the required national and international resources to effectively implement AWA's agenda. When it was established AWA was set up in Nigeria in the President's office; however when the SDGEA was adopted in July 2004, the AUC was given the task of setting up the AIDS Watch Africa as a unit within the Office of the Chairperson of the Commission. Further it has been entrusted with rendering annual report on HIV/AIDS situation in the continent during annual Summits; and promoting local production of anti-retroviral drugs in AU countries. Hence, since 2004 AWA has operated as a Unit within the Social Affairs Bureau of the AUC. The Social Affairs Bureau facilitated convening of side meetings during AU summits for AWA members to consider key implementation issues, take stock of progress and give guidance to the direction AWA should go. For example AWA's strategic framework was considered in January 2006 during the Khartoum Summit and later adopted in July 2006 in Banjul following incorporation of recommendations from the Khartoum meeting.

In 2008, AWA undertook the following activities:

- Recognizing that wars and atrocities had been committed in some regions of Africa during which many child –soldiers/captives were exposed and abused during fighting, and many innocent population were infected with HIV/AIDS, the AU Department of Social Affairs in collaboration with the AU/UNDP Partnership Project in the Department of Peace and Security of the African Union Commission organized a two-day Workshop on HIV/AIDS and its impacts on Ex-child Soldiers/ captives in the Great Lakes Region was held from 21- 22 February 2008, in Kampala, Uganda. The workshop sought unveiling a more comprehensive understanding of the challenges imposed by HIV/AIDS pandemic among ex-child soldiers/captives in the great Lakes Region (i.e. Burundi, Democratic Republic of Congo, Rwanda and Uganda) where series of wars had taken place and where children had been forcefully recruited to fight. It also offered an opportunity to share best practices in addressing the impact of HIV/AIDS on ex-child soldiers/captives. Several recommendations emerged offering mitigation measures to HIV/AIDS including reinforcing sensitization, systematic counseling and voluntary testing while ensuring the national needs to collect accurate and gender disaggregated data on HIV and AIDS among ex-child soldiers and captives. The outcome of the workshop was disseminated through an AU communiqué which was distributed to all member states and relevant stakeholders as well as posted in the AU website.
- AWA facilitated the convening of the Summit of the Organisation of African First Ladies on HIV/AIDS (OAFLA) held from 31 January to 2nd February 2008 at the margins of the 10th Ordinary Session of the African Union Heads of State and Government. The First Ladies Summit focussed particularly on the eradication of the HIV/AIDS pandemic, violence on women and children as well as the launch of the female preservative (condoms) through a campaign dubbed « Save Children’s Birth ». The Commissioner for Social Affairs of the African Union, Adv. Bience Gawanas, highlighted the physical and psychological consequences of violence on women, which has often led to either a handicap or to death. She further pointed out four domains (rape, sexual abuses, ignorance on the usage of female condoms and the blame on women whenever a couple is detected positive after an HIV test) in which violence and HIV/AIDS are closely interwoven.

AWA is currently preparing for the Abuja 3 (2010 Review Summit on HIV/AIDS, Tuberculosis and other infectious diseases which will be taking stock of progress made in the continent and prospects for attaining the MDGs targets in 2015.

3.3.3 Progress on Article 11: Establish an African Trust Fund for Women

Responding to the decision of the AU Assembly, adopted in January 2007 (“Decision” to the SDGEA), which directed the AUC to “urgently organize a continental conference on Economic Empowerment of African Women in order to articulate strategies to evaluate the economic status of African Women, including the establishment of the African Trust

Fund for Women”, the WGDD convened the first Regional Conference on Economic Empowerment of Women in Malawi in March 2008. The meeting explored strategies to evaluate the economic status of African Women, including the establishment of the African Trust Fund for Women.

The outcome of the Conference was geared towards identifying key processes, mechanisms and structures necessary for the establishment of the AU Trust Fund for Women and as well developing draft Road map for its operationalization by July 2009.

3.3.4 Progress on Article 13: Submission of Annual Progress Reports on SDGEA Implementation

The AU Commission Chairperson has complied with the obligation to provide annual reports on the progress of implementation of commitments made under the SDGEA. This would be the fourth such reporting.

3.4 Recommendations for Improved Implementation of the SDGEA and Ratification of the Protocol on Women’s Rights

Most of the recommendations made by the African Union Women’s Committee, in their meeting of April 2007, which was reported in the 2007 progress report presented by the AUC Chairperson to the Assembly is still valid.

As recommended by the AUWC, to the AUC, during their Meeting in April 2007, to elaborate guidelines questions for use by members States, the WGDD is organizing in 2009, a Capacity Building Workshop for annual reporting of the SDGEA and Acceleration of Implementation of the SDGEA for AUWC members jointly with WGDD Staff.

As recommended by the AUWC, to the AUC, during their Meeting the AUWGDD, to facilitate national consultations with women parliamentarian and CSO, the AUWGDD organized a Conference on the Role of Parliaments on the Popularization and the Implementation of the SDGEA in April 2007. One of recommendations of the AUWC to the AUC to ensure that Gender Equality is one of the main themes at the Summit thereby inciting Heads of States to consider the reporting requirements more seriously is putting in concrete form by the next adoption of the AU Gender Policy by the Heads of States and Government of the AU at their Summit in 2009.

4. Latest Country Reports on Implementing the SDGEA

4.1 Current Level of Base-Line Reporting

To-date only 18 countries have met their reporting obligations to share their country situations and progress being made in regards to meeting commitments made under the SDGEA. Of these only one country (Senegal) has submitted a second report.

As member states have not submitted their initial reports at the same time and many even have not submitted initial reports it difficult to generate an accurate assessment of what has been accomplished progressively since the SDGEA has been adopted in 2004. The commitments that could be tracked accurately mainly concern articles 9 (ratification of the African Women's Rights Protocol) and 12 (reporting status) as the baseline information is available to the AUC. In view of this where possible indicators of any progress or lack of progress are borrowed from international reports to help us get a sense of what is the continental situation in regards to gender equality and what more needs to be done to accelerate realization of member states' commitments under the SDGEA.

4.2 Overview of the Latest Country Reports (for Niger, Senegal and Zimbabwe)

This section provides an overview of the content of the three country reports by looking at the institutional mechanism in place for implementation of the SDGEA. Reports received in the past have been captured in the AUC Chairperson's reports to the Assembly in 2007 and 2008 and are therefore not repeated here. Presentation of current country reports review follows the same pattern as in previous reports.

4.2.1 Institutional Mechanisms to Promote Gender Equality

All countries reported various structures that are mandated to promoting gender equality and coordinating activities with ministries of women's affairs being the key player in all three countries. In addition Niger has advisers on gender attached to the offices of the president and the prime minister whereas Senegal closely consults with the Senegalese Women lawyers on gender matters.

Best Practice:

Niger appears to have quite an extensive gender machinery that stretches to various levels of authority.

4.2.2 Article 1: HIV/AIDS and Other Related Infectious Diseases

Under article 1, member states committed to ***“Accelerate the implementation of gender specific economic, social, and legal measures aimed at combating the HIV/AIDS pandemic and effectively implement both Abuja and Maputo Declarations on Malaria, HIV/AIDS, Tuberculosis and Other Related Infectious Disease. More specifically we will ensure that treatment and social services are available to women at the local level making it more responsive to the needs of families that are providing care; enact legislation to end discrimination against women living with HIV/AIDS and for the protection and care for people living with HIV/AIDS, particularly women; increase budgetary allocations in these sectors so as to alleviate women's burden of care”***

A number of countries that have reported on this Article have explained to a great extent the programmes for HIV/AIDS, Malaria and TB but have not provided the gender dimensions to these programmes. For example it would have been important to report on the numbers of women as opposed to men who are accessing Anti Retroviral therapies and how this is being done to ensure that women, especially not in the formal sector are reached. The aspect of the importance of nutrition for those who are on ARVs would have been essential especially that women are socialized to look after others and not their own health or well being. How is this social aspect affect women on ARVs. The HIV/AIDS pandemic calls for a shift in the way women have been brought up to look after themselves and in the way the care economy has been viewed as women's responsibility. In the face of HIV/AIDS society is challenged to begin to view the care economy as everyone's responsibility.

Further member states need to assess how women's economic contribution to the family and society at large is affected when they are ill or have to tender for those who HIV positive and how this further affects the well being of the family. The impact of the Pandemic needs to be viewed from assessing how the unpaid work of women affects the well being of society and eventually the impact that this has on the productive members who are usually supported by these women in contributing to the GDP of the country. Member States are therefore challenged to present a case for HIV/AIDS and how this is affecting women more than men and how it is a draw back to development.

It is widely acknowledged that HIV and AIDS have severe socio-economic impacts on both sexes, but that they are not gender neutral. Women and girls bear the brunt of the epidemic, because they are highly vulnerable to infection and are the main care givers and, when the breadwinner is gone, have to support the family with limited resources. The proportion of women infected by HIV on the continent is high and is still increasing. National HIV prevention strategies should include components that aim to reduce violence against women, challenge social norms that condone such violence and empower women and girls to protect themselves against unwanted or forced sex. HIV/AIDS awareness campaigns should inform the public about the relationship between violence against women and HIV/AIDS, and the HIV-related health risks of harmful traditional and formal practices. AIDS treatment initiatives should address intimate-partner violence as an obstacle to both testing and treatment, and ensure confidentiality and support for women who seek either.

Best Practice:

4.2.3 Article 2: Peace and Security

Under this article, member states committed to *“Ensuring the full and effective participation and representation of women in peace process including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa as stipulated in UN Resolution 1325 (2000) and to also appoint women as Special Envoys and Special Representatives of the African Union.”*

The African continent continues to be ravaged by a series of wars that continue to hinder its development. These conflicts, shaped by masculinist and militarised culture, have left disastrous marks on the lives of thousands of African civilians majority of them being women and children; and with no room for women to intervene in helping resolve it and hence denying them to have a say on issues that have caused devastating impact on their wellbeing and options for development.

Best Practice:

4.2.4 Article 3: Child Soldiers and Abuse of the Girl Child

Under article 4, member states have committed to *“**Launching**, within the next one year, a campaign for systematic prohibition of the recruitment of child soldiers and abuse of girl children as wives and sex slaves in violation of their Rights as enshrined in the African Charter on Rights of the Child.”*

Best Practice:

4.2.5 Article 4: Violence Against Women

Under article 4, member states have committed to *“**Initiating, launching and engaging** within two years sustained public campaigns against gender based violence as well as the problem of trafficking in women and girls; Reinforce legal mechanisms that will protect women at the national level and end impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour of the African society.”*

In a bid to address violence against women both Senegal and Zimbabwe have put in place legislation that prohibit violence against women and their reports cited several forms of abuses that are addressed in these legal codes; while Niger is in the process of developing such legislation but in addition has initiated specific legislation prohibiting certain abuses including female genital mutilation and trafficking.

All three countries have structures in place to follow through the application and enforcement of their legal codes but to also engage in sensitization activities. All countries seem to be working in partnership with civil society organizations and other stakeholders in public awareness raising activities.

All three reports lack details of work in progress to protect women and girls from trafficking. And overall, there is no information provided in terms of extent of decrease in violence against women. The impact of various state intervention needs to be documented in order to establish the extent of accomplishments towards the objectives of ending these human rights violations being committed against women.

Best Practice:

Zimbabwe provided statistics on types of violence women and girls of different ages have experienced over a certain period. Such details are necessary for determining future progress in addressing violence against women and girls. Other countries are encouraged to give information on the range and types of violence against women prevailing in their countries and actions being taken to address these.

4.2.6 Article 5: Gender Parity

Under article 5, member states have committed to **“expanding and Promoting the gender parity principle that we have adopted regarding the Commission of the African Union to all the other organs of the African Union, including its NEPAD programme, to the Regional Economic Communities, and to the national and local levels in collaboration with political parties and the National parliaments in our countries.”**

All countries’ reports made commendable effort to provide figures that are indicative of progress made in the gender parity realization. The table below shows the current picture in certain quarters.

| Category | Niger | Senegal | Zimbabwe |
|-------------------------------------|---|--|--|
| Affirmative action law provides for | 10% for elective functions and 25% for administration of state and government | % allocated not available but law exists | Non-discrimination clause provided in constitution Public service policy adopted allowing 30% representation of women |
| Women in Parliament | 14 out of 113 (12%) | 33 out of 150 (22%) | 19% women |
| Women in Municipal Councils | 671 out of 3,747 (17%) | 1,113 out of 4,216 (27%) | |
| Women Ministers | n/a | 4 out of 28 (14%) | 17% women |
| Women Senators | n/a | 50 out of 100 (50%) | |
| Women Mayors | n/a | 6 | |
| Regional Councils | n/a | 61 out of 470 (13%) | |
| Rural Councils | n/a | 1043 out of 9092 (11%) | 28% women |
| Top Judicial positions | n/a | 15% | n/a |
| Ambassadors | | 5 out of 48 | n/a |

| | | | |
|--|-----|-------|----------------------|
| | | (10%) | |
| Managerial positions of public service | n/a | n/a | 163 out of 544 (30%) |

Best Practice:

Niger has put in place a capacity building program to support women with a view to strengthening their leadership skills.

4.2.7 Article 6: Women’s Human Rights

Under this article, member states have committed to “***ensuring the active promotion and protection of all human rights for women and girls including the right to development by raising awareness or by legislation where necessary.***”

As in many previous country reports, the three countries reporting this time have demonstrated that they have national policy frameworks that specifically address the issue of gender equality such as Gender Policies and policies to address poverty eradication. Likewise they have also reported on Gender Machineries that are to oversee the implementation of the SGDEA and other gender related commitments made by Governments. However, while these efforts are commendable, the AUC reiterates that the achievement of human development in Africa will only be possible when gender equality and women’s empowerment become a reality. Therefore member states are encouraged to translate commitments on gender equality and women’s empowerment into national, regional and continental policies and programmes. To assist with the promotion of gender equality in law, member states are also encouraged to support the creation at the United Nations Human Rights Council of a Special Rapporteur on laws that discriminate against women. Such a mechanism could engage actively with states, sharing best practice and possibly providing technical assistance as well as providing an impetus for acceleration of the amendment of laws that discriminate against women and so impede gender equality. Reform of discriminatory laws is a cornerstone of many of the commitments set out in the SDGEA and should be given the highest priority.

Best Practice:

Zimbabwe provided some concrete examples on passage of laws in an effort at ending discrimination against women (e.g. equitable distribution of matrimonial assets on divorce, women’s participation, as voters and candidates, in general and by elections for presidency and parliament as well as other levels of governance; etc). States are encouraged to use these examples in implementing their commitments under SDGEA and to take a step further by reporting on what the impact had been.

Niger has reported on completion of three studies that explored several important elements: a comparative study of the reservations and provisions of the Constitution; a study on discriminatory practices against working women in public and private sector

employment; and a study looking at all laws that are in contradiction to CEDAW so that steps can be taken to harmonize it.

4.2.8 Article 7: Rights to Land, Property and Inheritance

Under this article, member states have committed to “**actively promoting the implementation of legislation** to guarantee women’s land, property and inheritance rights including their rights to housing.”

Best Practice:

4.2.9 Article 8: Education for Girls and Women

Under this article, member states have committed to “**taking specific measures** to ensure the education of girls and literacy of women, especially in the rural areas, to achieve the goal of “Education for All” (EFA.”

Best Practice:

Niger has in place a special department whose mandate is to ensure that girls have access to education and to address challenges that might affect their schooling. The department also dealt with eliminating gender stereotypes from the curriculum and has awarded prizes to girls who excel in their education.

4.2.10 Article 9: Ratification of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

Under Article 9, member states have committed to “**Undertaking to Sign and ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa by the end of 2004 and to support the launching of public campaigns aimed at ensuring its entry into force by 2005 and usher in an era of domesticating and implementing the Protocol as well as other national, regional and international instruments on gender equality by all States Parties.**”

Two (Senegal and Zimbabwe) of the three countries whose reports have been received for review by this summit have ratified the African Women’s Rights Protocol while the third country (Niger) has not. In its initial progress report, Niger shares the challenges that the government faced in securing ratification of the Protocol by the National Parliament. The latter rejected the Protocol in its entirety in 2006 by a majority vote on the grounds of religion. The report also highlights sensitization activities that the government launched to build support for acceptance of the African Women’s Rights Protocol by the general public and their representatives at the National Assembly. The report has, however, not provided any dates for when the government plans to table the African Women’s Rights Protocol for a second consideration by the National Assembly or whether it feels a need for continued sensitization for a period of time. Zimbabwe which deposited its instrument in September 2008 did not reveal any plans for its

popularization and domestication. On the other hand, Senegal which deposited its ratification in January 2005 has not shared activities, if any, that the government has taken or is taking to raise public awareness on the provisions of the African Women's Rights Protocol and any actions done to officially make it an integral part of national laws.

Best Practice: Niger's national campaigns to raise awareness on the value of the African Women's Rights Protocol is in adherence with Article 26 of the Protocol which obligates states parties to undertake such initiatives. Niger offers a good example for other countries and a lesson that it is useful to do these sensitization campaigns much sooner to avoid any rejections as has been the case for Niger.

4.3 All Africa Progress on Article 9 (The African Women's Rights Protocol)

The African Women's Rights Protocol entered into force on 25 November 2005 after the required fifteen ratifications were secured. However, the majority of the member states have not yet ratified it. To-date 26 countries have ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; while the total that has signed it is 46 (of which 22 are yet to ratify it) and 5 countries have not signed or ratified it. Details are provided in the table¹ below:

| Countries that have not signed/ratified | Countries that have signed but not ratified | Countries that have ratified |
|--|--|---|
| Botswana, Egypt, Eritrea, Sao Tome and Principe, and Tunisia | Algeria, Burundi, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Congo, DR Congo Equatorial Guinea, Ethiopia, Gabon, Guinea, Kenya, Madagascar, Mauritius, Niger, Sahrawi Arab Dem Republic, Sierra Leone, Somalia, Sudan, Swaziland, Uganda | Angola, Benin, Burkina Faso, Cape Verde, Comoros, Djibouti, Gambia, Ghana, Guinea-Bissau, Liberia, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Namibia, Nigeria, Rwanda, South Africa, Senegal, Seychelles, Tanzania, Togo Zambia, Zimbabwe |
| 5 | 22 | 26 |

Since the January 2008 summit Liberia and Zimbabwe have deposited their instrument of ratification while the Central African Republic and the Republic of the Sudan have signed it.

Best Practice: Countries that have ratified without reservations are commendable and other countries are encouraged to follow suit as otherwise the purpose of this important instrument is defeated.

¹ Source: African Union Commission (www.africa-union.org)

Recommendations for implementation of Article 9

The majority of member states (28 countries) are yet to ratify the African Women's Rights Protocol despite commitments made to do so by 2004. Of the 25 countries that have ratified it is not clear yet how many of them have embarked on a program of the domesticating the African Women's Rights Protocol despite (i.e. harmonizing its provisions with existing national laws and thereby addressing any necessary gaps). Several recommendations are provided here to encourage member states make progress in honoring their commitments under the SDGE.

A) The 27 member states that have not ratified ought to submit a time-frame to the AUC Legal Counsel indicating by which date within the year (2009) that they will be able to deposit their instrument of ratification. This should be done by end of February 2009; and member states that are faced with any challenges in realizing this objective should provide an explanation on what these are and what they are doing to overcome them.

B) The 26 member states that have ratified ought to take advantage of the workshop on domestication of the African Women's Rights Protocol which the AUC Women, Gender and Development Directorate will convene in March 2009 in collaboration with the United Nations Women's Fund (UNIFEM) and the Solidarity for African Women's Rights Coalition (SOAWR). The workshop will be an opportunity for experience sharing in regards to progress towards domestication of the African Women's Rights Protocol including challenges faced and discussing solutions to overcome those challenges. It will help put member states on a clear path towards realizing their undertaking in regards to Article 9 of the SDGE.

C) As obligated under article 26(2) of the African Women's Rights Protocol, all member states are urged to urgently provide resources for the full and effective implementation of the human rights therein recognised.

D) In their next reports on SDGE member states ought to provide information on:

- sensitization activities undertaken country-wide to popularize the provisions of the African Women's Rights Protocol and the number of and categories of the population reached;
- resources allocated for and actual amounts spent on popularization activities and domestication work;
- the extent to which the judiciary has been made aware of the provisions of the African Women's Rights Protocol and examples of any application on cases that appeared before the bench;
- the extent to which law enforcement agents (police, prosecutors, etc) have been made aware of and trained, if necessary, on the provisions and application of the African Women's Rights Protocol to protect women and girls at risk of abuses or those violated contrary to the protection offered under the African Women's Rights Protocol.

4.4 All Africa Progress on Article 12: Commitment to Annual Reporting

Under Article 12, member states have committed to *“reporting annually on progress made in terms of gender mainstreaming and to support and champion all issues raised in this Declaration, both at the national and regional levels, and regularly provide each other with updates on progress made during our Ordinary Sessions”*

The table below provides the status of country reporting.

| Countries that have reported | Countries that have not reported |
|--|--|
| Algeria, Burkina Faso, Burundi, Cameroon, Cote d'Ivoire, Ethiopia, Ghana, Lesotho, Mali, Mauritius, Namibia, Niger, Nigeria, Rwanda, Senegal, South Africa, Tunisia and Zimbabwe | Angola, Benin, Botswana, Cape Verde, Central African Republic, Chad, Comoros, Congo, DR Congo, Djibouti, Egypt, Eritrea, Equatorial Guinea, Gabon, Gambia Guinea-Bissau, Guinea, Kenya, Liberia, Libya, Madagascar, Malawi, Mauritania, Mozambique, Sahrawi Arab Dem Republic, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Togo, Uganda and Zambia |
| 18 | 35 |

(Source: African Union: www.africa-union.org)

It is unfortunate that four years since its adoption 66% of member states have not their reporting commitment. In the absence of reporting there is no way to establish how far member states have come in terms of honoring the commitments towards Gender Equality in Africa. Member states are therefore urged to seriously consider their reporting obligations and to put in a place a special team that will work on developing country reports for the next reporting period.

2009

4th Progress report on the implementation of the solemn declaration on gender equality in Africa

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