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**REPORT OF THE CHAIRPERSON ON THE IMPLEMENTATION  
OF THE SOLEMN DECLARATION ON GENDER  
EQUALITY IN AFRICA  
(SDGEA)**

**EX.CL/729(XXI)**  
**PART A**

**SEVENTH REPORT OF THE CHAIRPERSON ON THE  
IMPLEMENTATION OF THE AU SOLEMN DECLARATION  
ON GENDER EQUALITY IN AFRICA (SDGEA)**

## LIST OF ACRONYMS AND ABBREVIATIONS

<b>ADF</b>	The African Development Fund
<b>ACHPR</b>	African Commission on Human and Peoples' Rights African Women's Rights Protocol The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
<b>AMU</b>	Arab Maghreb Union
<b>AU</b>	African Union
<b>AUC</b>	African Union Commission
<b>AU.COMMIT</b>	AU Commission Initiative against Trafficking Campaign
<b>AWA</b>	AIDS Watch Africa
<b>AWD</b>	African Women's Decade
<b>CARMMA</b>	Campaign on Accelerated Reduction of Maternal Mortality in Africa
<b>CEDAW</b>	The United Nations Convention on Elimination of all forms of Discrimination against Women
<b>COMESA</b>	Common Market for Eastern and Southern Africa
<b>EAC</b>	East African Community
<b>ECA</b>	The UN Economic Commission for Africa
<b>ECCAS</b>	Economic Community of Central African States
<b>ECOSOCC</b>	Economic, Social and Cultural Council
<b>ECOWAS</b>	Economic Community of West African States
<b>EFA</b>	Education for All
<b>FGM</b>	Female Genital Mutilation
<b>GBV</b>	Gender-based Violence
<b>HIV/AIDS</b>	human immunodeficiency virus/Acquired immune deficiency syndrome
<b>IGAD</b>	Intergovernmental Authority on Development
<b>MDG</b>	Millennium Developmental Goals
<b>NEPAD</b>	The New Partnership for Africa's Development
<b>SADC</b>	Southern African Development Community
<b>SDGEA</b>	Solemn Declaration on Gender Equality in Africa UNAIDS - The United Nations Body that coordinates global response to HIV/AIDS
<b>UNESCO</b>	United Nations Education, Scientific and Cultural Organization
<b>UNICEF</b>	United Nations Children's Fund
<b>UNIFEM</b>	The United Nations Development Fund for Women
<b>VAW</b>	Violence Against Women
<b>WGDD</b>	Women, Gender and Development Directorate
<b>WHO</b>	World Health Organization of the United Nations

## I. INTRODUCTION

1. This seventh 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.

2. During the reporting period nine country reports were received (Cameroon, Congo, Equatorial Guinea, Mauritius, Namibia, Sahrawi Arab Democratic Republic, Senegal, Seychelles and Tanzania) for consideration in the seventh annual report on the SDGEA. While the AUC Chairperson's seventh report provides an overview of the status of African women and girls in 2011, a synthesis report is also included which provides best practices and other interesting experiences shared by these countries.

3. The number of reports received for consideration of this Session reveals that Member States are working harder to realize commitment made in the implementation of the themes of the African Women's Decade.

4. In a bid to overcome this problem of snail pace reporting and or lack of reporting by 37% of Member States, the Commission last year offered a capacity building training for countries that have never reported. It is of utmost importance that Member States continue to take seriously their commitments under the SDGEA as these commitments were made by African Heads of State and Government. The Commission is available to lend support and Member States that have not reported to take full advantage of support and opportunities offered.

5. As in the previous year, this seventh report is concise and so an executive summary has not been provided. Additionally, this report builds on what was reported last year. The report therefore goes straight into addressing the various articles of the SDGEA.

## II. AFRICAN UNION COMMISSION PROGRESS IN IMPLEMENTING THE SDGEA ARTICLES

6. Under this section, three areas are reported: Gender parity in the AUC and other AU organs, the AIDS Watch Africa, and the Fund for African Women.

### Gender Parity in the African Union Organs

7. Table I<sup>1</sup> below offers the current picture with regards to gender parity within the AUC. There has been no change reported since the last report. Hence, the 50:50 parity

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<sup>1</sup>(Source: African Union: [www.africa-union.org](http://www.africa-union.org))

has not been reached in the AUC as women account only for about 33% of the AUC staff.

**Table I: Ratio of Male and Female composition at the AUC**

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	26	9	35	74.2	25.8
P6	16	1	17	94.1	5.9
P5	65	17	82	79.2	20.8
P4	66	25	91	72.5	27.5
P3	160	39	199	80.4	19.6
P2	92	33	125	73.6	26.4
P1	20	10	30	66.6	33.4
GSA	165	206	371	44.4	55.6
GSB	250	52	302	82.7	17.3
<b>Total</b>	<b>865</b>	<b>397</b>	1262	<b>68.5</b>	<b>31.5</b>

### **The current picture on numbers and percentages of men and women in AU Organs**

8. Table II<sup>2</sup> below provides the current situation regarding women's representation in the various AU Organs. The ACHPR continues to enjoy the highest number of women representation while all other Organs fall short of the 50:50 parity principle in the AU Consecutive Act. All the Organs, including the Assembly, need to do better in increasing the number of women's representation to meet the required 50:50 parity.

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<sup>2</sup> Source: African Union: [www.africa-union.org](http://www.africa-union.org)

**Table II: Ratio of Male and Female composition in AU Organs**

AU Organ and its other institutions	Number			Rate (%)	
	Men	Women	Total	Men	Women
Assembly	53	1	54	98	2
Executive Council	44	10	54	81	19
PRC	46	8	54	85	15
AUC	424	206	630	67.3	34
Peace and Security Council	13	2	15	87	13
PAP (Bureau)	3	2	5	60	40
ECOSOCC (Bureau)	12	8	20	60	40
The Court of Justice	9	2	11	82	18
African Commission on Human and People's Rights	4	7	11	36	64

**Table III: Ratio of Male and Female composition in senior positions in the Regional Economic Communities**

REC	Number			Rate (%)	
	Men	Women	Total	Men	Women
AMU	9	1	10	90	10
COMESA	9	4	13	69	31
COMESA institutions	4	2	6	67	33
EAC	5	1	6	83	17
East African Court of Justice	12	4	16	75	25
East African Legislative Assembly	63	38	101	62	38
ECCAS	4	1	5	80	20
ECOWAS	31	7	38	82	18
ECOWAS Court	4	3	7	57	43
IGAD	8	0	8	100	0
NEPAD	7	1	8	88	12
SADC	2	2	4	50	50
SADC Tribunal	9	1	10	90	10

**Member States:**

9. Table IV below provides the statistics on women's representative in Parliament in both lower/single and upper house/Senate in AU Member States. Countries are ranked according to their achievements with Rwanda still leading the continent and the world. Notable progress is also seen in Seychelles which has jumped from the 13<sup>th</sup> position to become 2<sup>nd</sup> in the continent, while Zambia which ranked 24<sup>th</sup> last year dropped to rank 34<sup>th</sup>. Changes are also registered in several other countries with improvements in the Central African Republic, Cape Verde and Tanzania while a decrease in women's representation happened in Benin, Malawi, Tunisia and Uganda. Notes are provided below the table for countries where data is not available.

**Table IV 2011 Africa Classification and Comparison with 2010 Ranking<sup>3</sup>**

Rank 2010	Rank 2011	Country	Lower or single House				Upper House or Senate			
			Elections	Seats	Women	% women	Elections	Seats	Women	% women
1	1	Rwanda	9 2008	80	45	56.30%	9 2011	26	10	38.50%
13	2	Seychelles	9 2011	31	14	45.20%	---	---	---	---
2	3	South Africa <sup>1</sup>	4 2009	400	178	44.50%	4 2009	54	16	29.60%
3	4	Mozambique	10 2009	250	98	39.20%	---	---	---	---
4	5	Angola	9 2008	220	85	38.60%	---	---	---	---
7	6	United Republic of Tanzania	10 2010	350	126	36.00%	---	---	---	---
6	7	Uganda	2 2011	375	131	34.90%	---	---	---	---
5	8	Burundi	7 2010	106	34	32.10%	7 2010	41	19	46.30%
8	9	Ethiopia	5 2010	547	152	27.80%	5 2010	135	22	16.30%
n/a	10	South Sudan	8 2011	332	88	26.50%	8 2011	50	5	10.00%
10	11	Sudan	4 2010	346	87	25.10%	5 2010	28	5	17.90%
11	12	Namibia	11 2009	78	19	24.40%	11 2010	26	7	26.90%
12	13	Lesotho	2 2007	120	29	24.20%	3 2007	33	6	18.20%
14	14	Senegal	6 2007	150	34	22.70%	8 2007	100	40	40.00%
15	15	Mauritania	11 2006	95	21	22.10%	11 2009	56	8	14.30%

<sup>3</sup> Source – Inter-Parliamentary Union (IPU)

Rank 2010	Rank 2011	Country	Lower or single House				Upper House or Senate			
			Elections	Seats	Women	% women	Elections	Seats	Women	% women
9	16	Tunisia	10 2011	217	49	22.60%	---	---	---	---
16	17	Eritrea	2 1994	150	33	22.00%	---	---	---	---
20	18	Cape Verde	2 2011	72	15	20.80%	---	---	---	---
17	19	Malawi	5 2009	192	40	20.80%	---	---	---	---
18	20	Mauritius	5 2010	69	13	18.80%	---	---	---	---
19	21	Sao Tome and Principe	8 2010	55	10	18.20%	---	---	---	---
21	22	Burkina Faso	5 2007	111	17	15.30%	---	---	---	---
22	23	Zimbabwe	3 2008	214	32	15.00%	3 2008	99	24	24.20%
23	24	Gabon	1 2009	116	17	14.70%	1 2009	102	18	17.60%
25	25	Cameroon	7 2007	180	25	13.90%	---	---	---	---
26	26	Djibouti	2 2008	65	9	13.80%	---	---	---	---
27	27	Swaziland	9 2008	66	9	13.60%	10 2008	30	12	40.00%
n/a	28	Niger	1 2011	113	15	13.30%	---	---	---	---
28	29	Sierra Leone	8 2007	121	16	13.20%	---	---	---	---
48	30	Chad	2 2011	188	24	12.80%	---	---	---	---
37	31	Central African Republic	1 2011	104	13	12.50%	---	---	---	---
30	32	Madagascar	10 2010	256	32	12.50%	10 2010	90	10	11.10%



Rank 2010	Rank 2011	Country	Lower or single House				Upper House or Senate			
			Elections	Seats	Women	% women	Elections	Seats	Women	% women
31	33	Togo	10 2007	81	9	11.10%	---	---	---	---
24	34	Zambia	9 2011	155	17	11.00%	---	---	---	---
39	35	Democratic Republic of the Congo	7 2006	500	52	10.40%	1 2007	108	5	4.60%
33	36	Mali	7 2007	147	15	10.20%	---	---	---	---
34	37	Equatorial Guinea	5 2008	100	10	10.00%	---	---	---	---
35	38	Guinea-Bissau	11 2008	100	10	10.00%	---	---	---	---
36	39	Kenya	12 2007	224	22	9.80%	---	---	---	---
38	40	Cote d'Ivoire	12 2000	203	18	8.90%	---	---	---	---
32	41	Benin	4 2011	83	7	8.40%	---	---	---	---
40	42	Ghana	12 2008	230	19	8.30%	---	---	---	---
41	43	Botswana	10 2009	63	5	7.90%	---	---	---	---
42	44	Algeria	5 2007	389	30	7.70%	12 2009	136	7	5.10%
44	45	Gambia	1 2002	53	4	7.50%				
45	46	Congo	6 2007	137	10	7.30%	10 2011	72	10	13.90%
47	47	Somalia	8 2004	546	37	6.80%	---	---	---	---
46	48	Nigeria	4 2011	352	13	3.70%	4 2011	109	4	3.70%

Rank 2010	Rank 2011	Country	Lower or single House				Upper House or Senate			
			Elections	Seats	Women	% women	Elections	Seats	Women	% women
49	49	Comoros	12 2009	33	1	3.00%	---	---	---	---
50	50	Egypt <sup>2</sup>	---	---	---	---	---	---	---	---
51	51	Guinea	---	---	---	---	---	---	---	---
42	52	Libya	---	---	---	---	---	---	---	---
29	n/a	Liberia								
n/a	n/a	Sahrawi								

\* *Figures correspond to the number of seats currently filled in Parliament*

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1. *South Africa: The figures on the distribution of seats do not include the 36 special rotating delegates appointed on an ad hoc basis, and all percentages given are therefore calculated on the basis of the 54 permanent seats.*
2. *Egypt: The People's Assembly and the Shoura Assembly were dissolved by the Egypt Supreme Council of Armed Forces (ESCAF) on 13 February 2011.*
3. *Guinea: The parliament was dissolved following the December 2008 coup*
4. *Libya: Following the popular uprising and protracted fighting that eventually ousted Col. Muammar Gaddafi, the General People's Congress - the unicameral parliament of the now defunct Libyan Arab Jamahiriya - has ceased to function. Parliamentary elections are expected to be held in 2012 under the supervision of the National Transitional Council, the interim government of the new Libya.*
5. *Algeria: Result of new election to be held in 2012 is expected to improve the number of women in parliament.*

#### **Progress on Article 10: Establish an AIDS Watch Africa (AWA)**

10. The AUC Social Affairs Department developed a “**Monitoring and Evaluation Indicator Reference Guide**” at the request of Member States. These indicators will assist Member States in tracking progress they are making toward realizing the Abuja call for accelerated action towards universal access to HIV, AIDS, TB and Malaria Services. Each member state has identified two Ministry of Health focal persons who will be trained and in turn will provide on the job training for other health professionals. WHO, UNAIDS and UNPFA will provide ongoing technical support to the staff designated to carry out the monitoring and evaluation. Member States will send reports annually to the AUC Social Affairs Department which will analyze the data and prepare feedback reports that will be shared at relevant meetings of the Ministers of Health, experts meeting and the AU Assembly.

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

11. The Fund for African Women is now operational following its launching by the Assembly of Heads of State and Government in January 2010. The Fund is a vehicle for mobilizing resources for the implementation of the African Women's Decade activities. Pursuant to the African Union Assembly Decision n°: **Assembly/AU/ Dec.277(XVI)** and **EX.CL/Dec.539(XVI)** on the Launching of the African Women's Decade (AWD) and the Fund for African Women in May 2011, the AUC issued a Call for Proposals inviting Member States and CSOs to submit proposals for funding under theme No. 3 of the Decade (Health, Maternal Health and HIVAIDS). A total of 106 proposals were received

and 53 were short-listed by the Committee of Ten (composed of Gender Ministers) during their meeting in November 2011. The Ministers however proposed that the deadline for submission of proposals be extended to allow Member States who made a request and others who had not submitted in time to finalize their proposals. The Commission is pleased to report that the first lot of grants will be issued in the first quarter of 2012.

### **Progress on Article 13: Submission of Annual Progress Reports on SDGEA Implementation**

12. 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 is his seventh report to the AU Assembly.

### **III. OVERVIEW OF THE STATE OF AFRICAN WOMEN AND GIRLS**

#### **Article 1: *HIV/AIDS and Other Related Infectious Diseases***

13. 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 Diseases. 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**”

14. Of Africans aged 15 to 49 who are HIV-positive, women make up a disproportionate 57%. Worse still, 75% of all Africans between the ages of 15 and 24 who are HIV-positive are women.<sup>4</sup> Part of the explanation for the staggering rates is both biological and gender related. Because of their reproductive systems, women's bodies are more susceptible to infection by the human immunodeficiency virus than are men's bodies. That is particularly true of sexually active young women, whose bodies are still developing. However, it is more of a function of the economic and social position of women.<sup>5</sup>

15. In Southern Africa for example, the inability of women to inherit property leaves impoverished widows and orphans at a higher risk of contracting HIV, encouraged by practices such as widow cleansing. Transactional sex, whether through prostitution or informally through “sugar daddies” (older men who “take care” of younger women in

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<sup>4</sup> *Africa Renewal*, Vol. 18 #3 (October 2004), page 6

<sup>5</sup> Michael Fleshman, *Women: the face of AIDS in Africa: More action needed against high female infection rates*, Africa Recovery, United Nations (2004), available at [http://www.un.org/ecosocdev/geninfo/afrec/vol18no3/183women\\_aids.htm](http://www.un.org/ecosocdev/geninfo/afrec/vol18no3/183women_aids.htm).

exchange for sex), puts younger women at a higher risk of contracting the disease. Rising infection rates among women are also raising questions about the widely praised "ABC" prevention strategy (Abstain, Be faithful or use a Condom). But recent research showing high infection rates among monogamous married women in Africa - combined with gender inequality and a global "epidemic" of sexual violence - suggests that for many women ABC offers no real choices at all. Women, particularly young women, are not in a position to abstain or to demand faithfulness of their partners. In many cases they are in fact faithful, but are being infected by unfaithful partners. Similarly, researchers report that women in transactional or dependent relationships are often unable to compel the use of condoms by their partners or are unwilling to even raise the issue for fear of rejection or physical assault.<sup>6</sup>

**16.** As for other infectious diseases, researchers reporting from a hospital in Zambia found that infectious diseases accounted for 58% of maternal deaths - and one quarter of those were from TB. Of those women who died from TB, 92% were also HIV-positive. Similar findings have been recorded in South Africa. In Malawi and South Africa, studies indicate that TB is more difficult to diagnosis in women. Further research is needed to determine if this is due to physiological differences among women or a lack of access to education with respect to the proper submission of sputum (phlegm) samples for diagnosis.<sup>7</sup>

**17.** The 2001 Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases continues to serve as an important framework for addressing the gender dimensions of HIV/AIDS issues in Africa to combat such disturbing trends.<sup>8</sup> The Monitoring and Evaluation Indicator Reference Guide mentioned above will indeed serve as an important tool to measure progress countries are making in meeting their commitments under the Abuja Call for Action for accelerated action towards universal access to HIV, AIDS, TB and Malaria Services.

## **Article 2: *Peace and Security***

**18.** *Under this Article, Member States committed to “Ensuring the full and effective participation and representation of women in peace processes 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.”*

**19.** During active conflicts and in post-conflict societies, violence against women almost always escalates, leading to drops in women’s access to education and employment and the sidelining of women’s human rights. Militarized societies tend to fuel extremism -religious, ethnic, or nationalist - which invariably results in the repression

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<sup>6</sup> *Id.*

<sup>7</sup> *Tuberculosis: An Unchecked Killer of Women*, Advocacy to Control TB Internationally (2008), available at [http://www.action.org/site/get\\_educated/tuberculosis\\_an\\_unchecked\\_killer\\_of\\_women](http://www.action.org/site/get_educated/tuberculosis_an_unchecked_killer_of_women).

<sup>8</sup> African Women’s Report 2009.

of women's freedoms. The diversion of government resources towards military spending harm women and girls, who without opportunities, increasingly engage in transactional sex work and as rebels and soldiers for economic survival. Violence against women occurs in the home and in public spaces even in so-called peaceful countries not engaged in active conflict or war.<sup>9</sup>

**20.** Over the past 40 years, Africa has endured consistent and increasing militarization and armed conflicts. Rape is used as a weapon of war. In post conflict countries and other post-conflict regions, gender-based violence precedes wartimes and does not end when peace is declared.

**21.** The human rights violations exacted upon women during conflict have been devastating:

- In a 1999 survey of Rwandan women, 39% reported being raped during the 1994 genocide. 72% said they knew someone who had been raped;
- In a random sample of 388 Liberian refugee women living in camps in Sierra Leone, 74% reported being sexually abused before being displaced from their homes in Liberia. 55% experienced sexual violence since being displaced;
- Approximately 50,000 to 64,000 internally displaced women were targets of sexual violence during Sierra Leone's protracted armed conflict;
- 80% of the world's refugees and internally displaced people are women.<sup>10</sup>

**22.** In 2009 and 2010 UN resolutions 1888, 1889 and 1960 were adopted in order to provide concrete methods for implementing earlier resolutions 1325 and 1820.<sup>11</sup> Together, the five resolutions recognize the tremendous impact conflict has on women and help to push for global accountability. They also recognize that "sexual violence in conflict is a matter of international peace and security."<sup>12</sup> Additionally, at the International Criminal Court, under the Rome Statute, 12 of the 23 indictments issued contain sexual violence charges.<sup>13</sup>

**23.** In 2010 the trial of Jean-Pierre Bemba began at the ICC for crimes committed in the Central African Republic. In April 2011, the prosecution called an expert witness who

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<sup>9</sup> Global Fund for Women, *Building Peace and Ending Gender-Based Violence* (2010), available at <http://www.globalfundforwomen.org/what-we-do/peace-a-gender-violence>.

<sup>10</sup> Global Fund for Women, *Women's Bodies Are a Battleground: The Impact Of Militarism On Women In Sub-Saharan Africa* (20120), available at <http://www.globalfundforwomen.org/what-we-do/initiatives/militarism/1815-impact-of-militarism-on-women-in-sub-saharan-africa>.

<sup>11</sup> UN Women, *Progress of the World's Women: In Pursuit of Justice*, available at <http://progress.unwomen.org>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

“explained how soldiers belonging to Congolese opposition leader Jean-Pierre Bemba’s rebel group used rape as a weapon of war in the CAR during 2002 and 2003... [and] that the victims were considered to be war booty,” recounting the plight of roughly 512 rape survivors.<sup>14</sup> Other cases at the ICTR and ICTY have helped to punish perpetrators of violence against women as a tactic of war by classifying such behaviors as war crimes.<sup>15</sup> The International Criminal Tribunal for Rwanda recently saw the first ever conviction for rape as an instrument of genocide and a crime against humanity. Over time, the “shift has been seismic and the message clear: impunity for crimes against women must stop.”<sup>16</sup>

**24.** Additionally, the new UN organ, UN Women, has prioritized engaging women in peace and security responses and intends on doing so through the UN Security Council and regional commitments. In recent decades, “less than 10 percent of peace negotiators have been women; [and] less than 6 percent of reconstruction budgets specifically provide for the needs of women and girls.”<sup>17</sup> Their intentions embody resolution 1325, which “calls for women to be full participants in all aspects of peace and reconstruction.”<sup>18</sup> UN Women supports the notion that “early and adequate participation in post-conflict processes can offer many opportunities to redirect political discourse in ways favorable to gender equality” and helped to prove as much in South Sudan in 2010 and 2011.<sup>19</sup> Despite progress at the international and regional levels, individual African countries still show “limited commitment or capacity...to integrate gender perspectives into conflict prevention, management and resolution processes.”<sup>20</sup>

**25.** The 269<sup>th</sup> Session of the AU Peace and Security Council held in March 2011 on “Women and Children’s vulnerabilities in conflict situation” stressed the need for the Commission to “urgently finalize the Training of Trainers (ToT) Manual for engendering African peacekeeping operations including the African Standby Force and called on Member States to designate focal points to be trained as ToTs and to uphold the Code of Conduct as articulated in the Manual.” This particular ground breaking decision mandated the Commission, through the WGDD and the Peace and Security Department to finalize the Manual for use before the end of 2011. The adoption of the decision to include a **Code of Conduct** was the hallmark of the Validation Meeting held in September 2011.

**26.** The AU Gender Training Manual for AU Peace Support Operations was developed to close the gap of a need to train the trainers who will in turn train the peace keepers and others in authority so as to reduce cases of gender based violence in

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<sup>14</sup> *Expert Explains How MLC Used Rape as a Tool of War*, BembaTrial.org, April 15, 2011, <http://www.bembatrial.org/2011/04/expert-explains-how-mlc-used-rape-as-a-tool-of-war/>.

<sup>15</sup> UN Women, *Progress of the World’s Women: In Pursuit of Justice*, available at: <http://progress.unwomen.org>.

<sup>16</sup> *Id.*

<sup>17</sup> UN Women, Annual Report 2010-2011.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> African Women’s Report 2009, page 179

conflict situations - whereby war crimes violate mostly women and children's rights as stipulated in instruments such as: the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; Commitment 8 of the AU Gender Policy, Theme 6 of the African Women's Decade, the AU Solemn Declaration on Gender Equality in Africa, the CEDAW; the Beijing Platform; as well the UNSCR Resolution 1325 (2000).

**27.** In the same vein, the Commission is mainstreaming gender into AU activities aimed at promoting peace and security, including through the deployment of Gender Experts in AU Liaison Offices and Peace Support Operations (PSOs), training of trainers for AU PSOs, the proposal to appoint women as Special Envoys/Representatives, the appointment of a Special Representative on Women, Peace and Security, as well as the involvement of women in peace processes.

**Article 3: *Child soldiers and abuse of the girl child***

**28.** *Under Article 3, 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 the Rights of the Child.”*

**29.** Sources estimate that over 300,000 children younger than 18 have been caught up in over 30 global conflicts. Of these, some 40 percent or 120,000 child soldiers are girls, whose plight is often unrecognized since international attention has largely focused on boy soldiers. Girls not only serve as active fighters but also perform other military services, from intelligence and medical support to cleaning and cooking. Worse, a number of young - even prepubescent - girls are used as sex slaves to service the forces and/or are coerced into pseudo marriages with commanders of armed groups.

**30.** One of the biggest problems occurring during disarmament, demobilization and reintegration programmes is that women are unaccounted for because oftentimes females are not given weaponry.<sup>21</sup> Additionally, “many girl soldiers deliver children that are the product of rapes perpetrated when they were combatants [and these] children of war then also become victims of abuse and ostracization.”<sup>22</sup> This is particularly directed at young girls who develop fistula conditions due to premature pregnancies. According to some reports, “tens of thousands of children have been born due to rape in conflict, with many women even forced to bear multiple pregnancies.”<sup>23</sup> According to the 2005 report by the Save the Children Fund, titled *Forgotten Casualties of War: Girls in Armed Conflict*, girls in armed conflicts are “too scared to stay and too scared to leave” armed groups, and many never have a choice. Families and communities reject them as “unclean,” “immoral,” or even as “whores” who have sullied the family's and community's honour. Those girls returning with babies found even greater resentment and isolation in

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<sup>21</sup> Cassandra Clifford, *The Forgotten Girl Soldier*, August 4, 2011, available at: <http://www.isn.ethz.ch/isn/Current-Affairs/ISN-Insights/Detail?lng=en&id=131638&contextid734=131638&contextid735=127475&tabid=127475&dynrel=4888caa0-b3db-1461-98b9-e20e7b9c13d4,0c54e3b3-1e9c-be1e-2c24-a6a8c7060233>

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*



their communities. Once the girls were stigmatized as promiscuous and trouble making, and without a social-support network or livelihood, the cycle of gendered victimization and abuse often continued, as girls who were former child soldiers were compelled to turn to the sex trade in order to survive. Without the community's protection and/or international intervention, they may be at greater risk for re-recruitment by armed groups.<sup>24</sup>

**31.** More concrete efforts need to be made to recognize the role of gender in conflict and to sensitize the post-conflict communities on the occurrence of girls as child soldiers.

#### **Article 4: Violence Against Women**

**32.** 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 behavior of the African society.”*

**33.** According to the World Health Organization (WHO), violence affects millions of women in Africa. In a 2005 study on women's health and domestic violence, the WHO found that 50 per cent of women in an African country and 71 per cent of women in another's rural areas reported beatings or other forms of violence by husbands or other intimate partners. In a country\*, reports Amnesty International, about one woman is killed by her husband or boyfriend every six hours. In another country\*, six out of 10 murder cases tried in the High Court in 1998 were related to domestic violence. In a country\*, the attorney general's office reported in 2003 that domestic violence accounted for 47 per cent of all homicides. Corroborating high levels of domestic violence, according to recent surveys from 17 countries in the region, in many countries half or more of women have been the victim of physical and sexual violence in their lifetimes.<sup>25</sup> Violence against women is “both an extreme manifestation of gender inequality and discrimination, and a deadly tool used to maintain women's subordinate status.”<sup>26</sup>

**34.** Violence against women goes beyond beatings. It includes sexual violence, forced marriage, dowry-related violence, marital rape, sexual harassment, intimidation at work and in educational institutions, forced pregnancy, forced abortion, forced sterilization, female genital mutilation, trafficking and forced prostitution. Rape plagues women throughout the continent, with an African country\* leading the world in reported

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<sup>24</sup> Waltraud Queiser Morales, *Air and Space Power Journal, Girl Child Soldiers: The Other Face of Sexual Exploitation and Gender Violence* (2008), available at <http://www.airpower.au.af.mil/apjinternational/apj-s/2008/1tri08/moraleseng.htm>

<sup>25</sup> UN Women, *Progress of the World's Women-Factsheet: Sub-Saharan Africa, 2011*, available at: <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>.

<sup>26</sup> UN Women, *Progress of the World's Women: In Pursuit of Justice*, available at: <http://progress.unwomen.org>.

rape cases (with 55,000 reported and an estimated 450,000 unreported).<sup>27</sup> And “research from that country shows only around 1 in 6 reported rapes reached court, and just 6 percent ended in a conviction.”<sup>28</sup> Furthermore, a local organization in an African country\* found that 16 per cent of patients with sexually transmitted diseases (STDs) were girls under the age of five, a sign of sexual assault. Such assaults, observes a WHO publication, put “African women and girls at higher risk of sexually transmitted diseases [including HIV/AIDS] than men and boys.”

**35.** There are many obstacles to addressing violence against women. What is even more staggering is that surveys from several nations in the region showed nearly 47% of men and women respondents “agreed that it is sometimes or always justifiable for a man to beat his wife.”<sup>29</sup> Both women and men need to know women’s rights. Many women accept abuse and assault because they do not know that it is illegal. Laws criminalizing violence against women must also be adopted. Rule of law and access to justice are other barriers – law enforcement and court mechanisms have to be made friendly and accessible to women<sup>30</sup>

**36.** According to recent reports on adequate laws governing domestic violence in Africa, less than half of countries protect women from domestic violence, just over one half of countries have laws to protect them from sexual harassment and less than 20% of countries have laws that criminalize marital rape.<sup>31</sup> UN Women has recently pushed their focus towards reparations for women who have been subjected to violence, as a legal remedy for injustice, and looks to the Protocol on the Rights of Women in Africa (2003) which expressly states that women who are victims of “violence via violations of their rights to life, integrity and security of the person should have access to reparations including rehabilitation.”<sup>32</sup> Their focus is on subverting instead of reinforcing “pre-existing patterns of cross-cutting structural subordination, gender hierarchies, systemic marginalization and structural inequalities that may be at the root cause of the violence that women experience.”<sup>33</sup>

**37.** Achievements made throughout the continent to address violence against women continue to be hampered “by the absence of effective reporting mechanisms, the limited capacities of law enforcement agencies and social-cultural issues that obstruct reporting.”<sup>34</sup> Other limitations on justice for victims of violence include financial and logistical restraints (In a country, the women reporting violence are routinely asked to provide transportation costs to arrest the suspect; in another, court users have to

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<sup>27</sup> African Women’s Report 2009, page 68.

<sup>28</sup> UN Women, *Progress of the World’s Women-Factsheet: Sub-Saharan Africa*, 2011, available at: <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>.

<sup>29</sup> UN Women, *Progress of the World’s Women-Factsheet: Sub-Saharan Africa*, 2011, available at: <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>.

<sup>30</sup> Mary Kimani, *Taking on violence against women in Africa: International norms, local activism start to alter laws, attitudes*, African Renewal, United Nations, Vol. 21 (2007) 4, available at <http://www.un.org/ecosocdev/geninfo/afrec/vol21no2/212-violence-against-women.html>.

<sup>31</sup> *Id.*

\* AU Member States are against their countries being mentioned negatively

<sup>32</sup> <http://www.unwomen.org/publications/untf-vision-2015/>

<sup>33</sup> <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/14/22&Lang=E>

<sup>34</sup> *Id.*

finance their visits to court an average of 9 times per case).<sup>35</sup> Clear legal frameworks need to be developed to train and monitor gender based violence, and to create a standardized protocol for helping victims obtain justice. Some hopeful strides include:

- In Namibia, the domestic violence law requires the Inspector-General to issue specific directives on the duties of police officers, to keep statistics on reports of domestic violence and to submit regular reports to the relevant minister;
- In Lesotho, the law on violence against women specifies that women must be provided with post-rape medical care free of charge;
- In Kenya, the Ministry of Health has issued national guidelines calling for the provision of post-exposure prophylaxis to rape survivors to prevent HIV infection.<sup>36</sup>

**38.** Continued collaborative efforts involving various stakeholders including governments and civil society are critical in effectively combating violence against women. Efforts need to be redoubled.

#### **Article 5: Gender Parity**

**39.** *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.**”*

**40.** Again in 2011, women have made strong strides in attaining gender parity in government political power in Africa, and while the figures are at an all-time high, the numbers still fall short of parity. In several countries, women filled 20% of seats in both lower and upper houses of representation in 2011, making a jump from the region’s 13% in 2000 and surpassing the global average of 20%.<sup>37</sup> In North Africa, on the heels of the Arab spring, women now hold 12% of parliamentary seats, up from 3% in 2000.<sup>38</sup> Specifically, and as a result of quota systems, Burundi increased its representation of women in lower houses by 2% in 2011.<sup>39</sup> Tanzania and Mozambique elected women speakers for their respective parliaments.<sup>40</sup> Also, seven African States rank in the top twenty amongst world classification for women’s participation in national parliaments: Rwanda (56.3%), Seychelles (45.2%), South Africa (44.5%), Mozambique (39.20%),

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<sup>35</sup> UN Women, *Progress of the World’s Women-Factsheet: Sub-Saharan Africa*, 2011, available at: <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>.

<sup>36</sup> UN Women, *Progress of the World’s Women: In Pursuit of Justice*, available at: <http://progress.unwomen.org>.

<sup>37</sup> 2011 UN MDG Report, [www.un.org/millenniumgoals/11\\_MDG%20Report\\_EN.pdf](http://www.un.org/millenniumgoals/11_MDG%20Report_EN.pdf).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

Angola (38.6%), Tanzania (36%), and Uganda (34.9%).<sup>41</sup> Notably many of the countries with more than 30% women's representation in parliaments are post conflict countries, and have followed CEDAW's mandated measures to boost female participation.<sup>42</sup>

**41.** Sixteen African states have quotas prescribing female participation in electoral representation.<sup>43</sup> As noted in the UN Women Report on the Status of Women, both Rwanda and Tanzania constitutionally dictate gender parity in their parliaments.<sup>44</sup> And while quotas and other measures, taken by political parties to ensure gender parity have a definite impact, electoral systems and gender sensitive electoral arrangements have a definite impact on gender parity in representative government systems. Women running for office in 2010 "suffered from a shortage of both media coverage and public appearances."<sup>45</sup> As noted by the UN's 2011 MDG report, "well trained and financed women candidates and political will at the highest levels of political parties and governments are paramount for overcoming gender imbalances in the world's parliaments."<sup>46</sup> Overall, impacting female representation in regional parliaments will influence the legislation and subsequent legal reform and development on the continent. For instance, in Rwanda, "the presence of women in parliament has been a pivotal factor in achieving progressive legal reform on land, marriage and inheritance."<sup>47</sup>

**42.** Member States are encouraged to continue improving on women's representation in decision-making organs of the state. While the 30% affirmative action quota agreed upon at the UN World Women Conference in Beijing in 1995 has been a target for most countries, and many are still lagging behind, the AU envisions a 50% representation of women in decision-making and Member States should use that as the yardstick. The Commission commends the Republic of Rwanda for realizing this target in its Parliament and encourages others to follow suit. The recent law on parity adopted in Senegal and in the Kenyan constitution, which has significantly increased the numbers for women, are great strides in the right direction.

## **Article 6: Women's Human Rights**

**43.** *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."*

**44.** Various areas of critical importance to women are considered under this section including reproductive health, female genital mutilation, discrimination against women, women and trade, and trafficking and commercial sexual exploitation of women.

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<sup>41</sup> Women in Parliaments: World Classification, <http://www.ipu.org/wmn-e/classif.htm> (as of Oct. 31, 2011).

<sup>42</sup> Progress of the World's Women, UN Women Report, 2011-2012.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Supra* note 14.

<sup>46</sup> *Id.*

<sup>47</sup> *Supra* note 20.

## ***Reproductive Health***

**45.** As stated by the Director of UN Population Fund, “without reproductive health and freedom, women cannot fully exercise their fundamental human rights”<sup>48</sup> and unfortunately, around the world the right to health is far from reality, especially as it relates to reproductive health. Furthermore, “according to the World Bank one-third of the illness among women ages 15 to 44 in developing countries is related to pregnancy, childbirth, abortion, reproductive tract infections, and human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS).”<sup>49</sup> Many nations in Africa have staggering motherhood mortality rates – highest in the world, with statistics demonstrating close to 1,000 deaths per 100,000 live births.<sup>50</sup> And only 23% of women in most countries in Africa use modern or traditional contraceptives, and in some regions the proportion drops below 8%.<sup>51</sup> There are an estimated 19 million unsafe abortions in the developing world each year, resulting in approximately 34,000 reported deaths in Africa, where unsafe abortions are most common with teenagers.<sup>52</sup> Sexual and reproductive rights are still being fought for throughout the continent, and are heavily influenced by other areas of human rights for women (early marriage, education, economic opportunity).

**46.** But there have been promising developments throughout this past year. In February 2011, in celebration of African Women’s Health and Rights Day, women all over Africa mobilized on sexual and reproductive health and rights, and demanded that their governments honour relevant human rights treaties to which they are a party (notably the Protocol on Women’s Rights in Africa).<sup>53</sup> Later in the year, the UN released a report, which crystallized a woman’s right to choose under the framework of reproductive rights, and Human Rights Watch recognized South Africa as a nation leading the fight on legislative measures.<sup>54</sup> They note the country’s Termination of Pregnancy Act, which “implicitly recognizes that women should be able to make their choices without interference of the government, or anyone else, and that the government should support these choices by providing information and services.”<sup>55</sup>

**47.** The human right to health and access to adequate care is a primary concern that plagues African women, especially maternal care.<sup>56</sup> Of an estimated total of 536 000 maternal deaths worldwide in 2005, slightly more than half (270 000) occurred in the most countries in Africa alone<sup>57</sup>. A total of 14 countries had Maternal Mortality Rates of at least 1000 for every 100,000 live births, of which 13 were in the African region<sup>58</sup>. Most

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<sup>48</sup> Nafis Sadik, *The Right to Reproductive and Sexual Health*, UN Population Fund, <http://www.un.org/ecosocdev/geninfo/women/womrepro.htm>.

<sup>49</sup> *Id.*

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<sup>51</sup> Global Health Council, *Sexual and Reproductive Health*, [http://www.globalhealth.org/womens\\_health/reproductive/#9](http://www.globalhealth.org/womens_health/reproductive/#9)

<sup>52</sup> World Population Foundation, *Reproductive Rights, Facts*, [http://www.wpf.org/reproductive\\_rights\\_article/facts](http://www.wpf.org/reproductive_rights_article/facts).

<sup>53</sup> <http://www.genderacrossborders.com/2011/02/07/sexual-and-reproductive-health-and-rights-situation-report-womens-human-rights-in-africa/>

<sup>54</sup> <http://www.hrw.org/news/2011/10/31/women-s-choices-south-africa-should-continue-lead>

<sup>55</sup> *Id.*

<sup>56</sup> Economic Commission for Africa, *African Women’s Report 2009 Measuring Gender Inequalities in Africa*.

<sup>57</sup> WHO, *Maternal Mortality in 2005: Estimates developed by WHO, UNICEF, UNFPA, and The World Bank*, 2007 pg. 1 and 18

<sup>58</sup> These countries are (listed in descending order): Sierra Leone (2100), Niger (1800), Afghanistan (1800), Chad (1500), Somalia (1400), Angola (1400), Rwanda (1300), Liberia (1200), Guinea Bissau (1100), Burundi (1100), the Democratic Republic of the Congo (1100), Nigeria (1100),

of the deaths are from preventable causes such as unsafe abortions, obstructed labour and anemia. Young women are even more vulnerable to the causes of maternal mortality and morbidity. For example girls aged between 15 and 20 are twice as likely to die in childbirth as those in their twenties. Complications of pregnancy or childbearing represent the leading cause of mortality for girls aged 15-19 in developing countries. Girls aged 15 -19 also account for one in four unsafe abortions – an estimated 5 million each year. Less than 20 per cent of all sexually active young people in Africa use contraception<sup>59</sup>. In 2005, the African Ministers of Health adopted a framework policy for addressing Sexual and Reproductive Health and Rights, and was later endorsed by the African Union Member States in 2006.<sup>60</sup> The policy emphasizes that MDGs would not likely be achieved without significant improvements in this area.<sup>61</sup> Together, civil society actors, governments and regional bodies, such as the African Commission on Human and Peoples' Rights, all need to work together to monitor the evolving status of human rights for women.

**48.** The AUC welcomes the renewed commitments by Member States following the 15<sup>th</sup> Ordinary Session of the Assembly of the African Union in July 2010 which deliberated on Maternal and Child Health in Africa, to launch the Campaign on Accelerated Reduction of Maternal Mortality in Africa (CARMMA) under the slogan “*Africa Cares: No Woman Should Die While Giving Life*” at the national level and to realize commitments under the Maputo Plan of Action for Sexual and Reproductive Health and Rights by 2015. It is very encouraging to note that more than 40 countries have launched CARMMA nationally and working on bringing down the maternal mortality rates. In addition, through the Fund for African Women, the AU supported 53 projects under Theme No. 3 of the African Women’s Decade on Maternal Mortality, HIV/AIDS, and Women’s Health.

### ***Female Genital Mutilation (FGM)***

**49.** The United Nations estimates that between 100 and 140 million girls and women in the world have undergone FGM, and 3 million girls are estimated to be at risk of undergoing the procedure annually. UNICEF<sup>62</sup> predicts that about 70 million girls and women living in Africa have been subjected to FGM which is practiced in about 28 countries in Africa. The Heads of State and Government have recognised it as a human rights violation and prohibited it under article 5 (b) in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa<sup>63</sup> (the Protocol) which calls for the ‘*prohibition through legislative measures backed by sanctions of all forms of female genital mutilation, scarification, medicalisation and para medicalisation of female*

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Malawi (1100), and Cameroon (1000). WHO, Maternal Mortality in 2005: Estimates developed by WHO, UNICEF, UNFPA, and The World Bank, 2007 pg. 1

<sup>59</sup> The Lancet's Maternal Survival Series (2006), the 2005 World Health Report: Make Every Mother and Child Count (WHO), and WHO/UNICEF/UNFPA maternal mortality estimates from 2000.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> See [http://www.unicef.org/protection/index\\_genitalmutilation.html](http://www.unicef.org/protection/index_genitalmutilation.html)

<sup>63</sup> Adopted on 11 July 2003 by the Heads of State and Government at their 2<sup>nd</sup> Ordinary Assembly held in Maputo, Mozambique

*genital mutilation and all other practices in order to eradicate them*' by all States Parties to the Protocol. The Protocol also calls on States Parties to protect women at risk of undergoing the practice. However it is noted with concern that 9 of the 28 Member States where FGM is practiced do not have formal laws against FGM (see table below). AU Assembly Decision No. Assembly/AU/Dec.383(XVII) taken in Malabo is a strong political commitment towards the eradication of FGM.

**50.** The AUC commends Guinea Bissau for recently enacting a law to protect girls and women from FGM and urges the remaining ten countries to take similar actions and reminds, particularly countries that are State Parties to the Protocol, that lack of law against this harmful practice constitutes a violation of Article 5 of the Protocol.

<b>Countries that do not have a law prohibiting FGM</b>	<b>Countries with law prohibiting FGM</b>
Cameroon, Democratic Republic of Congo, the Gambia, Liberia, Mali, Nigeria, Sierra Leone, Somalia and Sudan ( <b>9 countries</b> )	Benin, Burkina Faso, Central Africa Republic (by decree), Chad, Cote d'Ivoire, Djibouti, Egypt, Ethiopia, Eritrea, Ghana, Guinea-Bissau, Guinea, Kenya, Mauritania, Niger, Senegal, Tanzania, Togo and Uganda ( <b>19 countries</b> )

### ***Discrimination Against Women***

**51.** Discrimination against women, de jure and de facto, continues to be widespread in Africa and needs urgent attention. Several AU Member States were at the forefront of supporting creation in 2010 by the United Nations' Human Rights Council of a Working Group to focus on discrimination against women worldwide. The AUC Chairperson applauds this leadership and encourages Member States, particularly in this African Women's Decade, to redouble their efforts to end discrimination against women in law and in practice. The Chairperson also urges AU Member States to collaborate closely with the Working Group, including identifying and promoting good practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact, so that others may benefit from examples of progress being achieved across the continent. The AUC believes that in working positively together, much can be achieved over the next decade and it looks forward to monitoring and reporting on significant steps forward in the annual reports of the SDGEA.

### ***Women and Trade***

**52.** According to reports released by the then UNIFEM, women are increasingly driving informal cross border trading throughout Africa, where 70% of traders are

women.<sup>64</sup> Specifically, in the SADC region such trade accounts for more than \$17.6 billion a year - more than a 1/3 of the region's intra-trade.<sup>65</sup> In light of their increasing influence in the area, African women still face difficulties, and according to a report by UNDP, "harassment and sexual exploitation by border officials seeking bribes [which] constitute[s] the biggest obstacles for female informal cross-border traders in Africa."<sup>66</sup> For example, "women are more likely to be sexually abused by officials. The major challenge is harassment at borders by customs officials, and the fact that the traders cannot access needed information."<sup>67</sup>

**53.** As noted by UN Women, the Cameroon has prioritized support for women participating in informal cross border trades, "providing them with information and services in support of their activities."<sup>68</sup> Other recommendations from UN Women and other groups have noted actions that can be taken to protect women in cross-border trade throughout Africa, including: issues related to travel documents/visas, customs and duties, better regional coordination for citizens in regional domains participating in cross border trade (ECOWAS, EAC, COMESA, SADC), issues related to transportation expenses and losses, as well as lack of access to adequate finance, and as mentioned, sexual harassment and violence.<sup>69</sup> The draft African AU Intra African trade architecture recognizes the role of women traders in cross border trade and need for their facilitation.

**54.** Member States need to pay special attention to the vulnerability faced by this category of women and work towards creating an enabling environment that allows them to enjoy their human rights. The initiative that COMESA has recently shared to address this problem is commendable and other RECs are encouraged to replicate this example and work at regional collaboration to boost safe cross-border trading for women.

### ***Trafficking and commercial sexual exploitation of women***

**55.** Due to the globalized and transient nature of world societies, throughout the last several decades and the relative low risk involved, organized crime and related syndicates have begun to more widely exploit the lucrative market found in the trafficking of persons. After drug and arms trafficking, trafficking in persons is the third largest criminal activity in the world.<sup>70</sup> Trafficking victims can be used to fuel a variety of economic demands, whether in labor industries or the billion-dollar commercial sex industry. Africa has seen no exceptions to this terrible trend. The African region has long seen cross-border and local migration including, contract workers, labour migrants, skilled professionals moving to urban areas, as well as migration by refugees and displaced persons from famine and conflict.

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<sup>64</sup> UN Women, *Unleashing the Potential of Women Informal Cross Border Traders to Transform Intra-African Trade*, <http://www.unwomen.org/publications/unleashing-the-potential-of-women-informal-cross-border-traders-to-transform-intra-african-trade/>.

<sup>65</sup> *Id.*

<sup>66</sup> <http://allafrica.com/stories/201009220933.html> (statement by Nomcebo Manzini, regional director of UNIFEM Southern Africa).

<sup>67</sup> *Id.*

<sup>68</sup> *Supra* note 9.

<sup>69</sup> [http://www.unifem.org/news\\_events/story\\_detail.php?StoryID=1150](http://www.unifem.org/news_events/story_detail.php?StoryID=1150).

<sup>70</sup> See Tola Olujuwon, *Combating Trafficking in Person: A Case Study of Nigeria*, *European 24 Journal of Scientific Research* 23 (2008).



56. Trafficking for commercial sexual exploitation largely affects women and girls from the most vulnerable communities and subjects them to devastating circumstances mirroring slavery, and for many, results in a life of forced prostitution. Poverty, systematic and cultural gender discrimination, and historical gender based violence are all factors that combine to leave women and girls vulnerable to trafficking. Other contributing factors include socio-political instability, economic and food crisis facing the region, environmental degradation, the desire for a better life and the continuous demand for cheap labour and prostitution.

57. The trafficking and commercial sexual exploitation of women and girls in Africa is a widespread human rights abuse requiring immediate action by Member States. It is in this regard that the African Union incorporated article 4 (2) (g) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women which was later affirmed in the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (endorsed by AU Executive Council Decision EX.CL/Dec.324 (X)). The Chairperson calls upon Member States to honour their commitments under the above frameworks and work towards preventing trafficking and commercial sexual exploitation by curbing the demand for commercial sex, which fuels the sex trafficking industry and perpetuates gender inequality. Member States are also encouraged to actively participate in the realization of the goals of the AU Commission Initiative Against Trafficking (AU.COMMIT) Campaign that has been running since 2009, spearheaded by the AUC Social Affairs Department.

#### **Article 7: Rights to Land, Property and Inheritance**

58. *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.”*

59. Eighty-five percent (85%) of countries in Africa have equal ownership rights over property; while 60% have equal inheritance rights.<sup>71</sup> Overall, when customary practices and the extent to which legal measures are actually enforced are taken into account, women in Africa have access to land measures only 41% of the time.<sup>72</sup> However, the persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes in various countries are still blocking women from enjoying their rights.

60. Moreover, with more than 168 million women playing an active part in the economies of Africa, their influence on economic development and growth is growing tremendously fast.<sup>73</sup> Despite their influence they still lack adequate policy to protect and support growth and sustainability. African women run just under half of the continent's small and medium-sized businesses and produce more than 80% of the continent's food.<sup>74</sup> But women can typically not get bank loans to make responsible economic

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<sup>71</sup> UN WOMEN, *Progress of the World's Women Report*, 39 (2011).

<sup>72</sup> *Id.* at 41.

<sup>73</sup> *Africa's Future is Female*, The One Campaign, September 2010, available at: <http://one.org/international/reports/africasfuture/index.html>

<sup>74</sup> *Id.*

investment simply because they do not own property. The issue of land rights, therefore, is crucial to ensuring the future of the continent, especially when African women, despite farming and producing most of the food, only own roughly 1% of such land.<sup>75</sup>

**61.** Without legal protection, women are at risk of suddenly becoming landless, as has happened in the many cases where the husband sells the family land. Upon divorce, women still have to prove their contribution to the marital home in court. Upon the death of the husband, the marital home is included in the deceased husband's estate and is divided among his heirs. Many succession laws only entitle widows to a temporary use right of the marital home. Even today, laws and policies related to land and housing that explicitly discriminate against women still exist, as in the case of a southern African country, where married women are specifically excluded from registration of title to land in their name.

**62.** Laws related to marital property and inheritance rights remain discriminatory in most African and various other countries. In some southern African countries, married women are seen as legal minors, who cannot enter into contracts without consent of their husband. While laws increasingly recognize equal inheritance rights of daughters, this is often not the case regarding widows.

**63.** Laws and policies, even if recognizing women's equal rights to land and property, are still very difficult to implement. Also where laws exist, there can be further barriers – for in an east African country, “a formal claim for land in an inheritance case can cost [the woman] up to US\$780.”<sup>76</sup> Regulations and guidelines for implementation of laws and policies are often very technical and in many cases have not yet been written from a gender perspective. As a result, forms for registration of land for example, often simply lack the space to indicate joint registration of both spouses. And the land officials having to work with these forms often lack any gender awareness. Persistent cultural and customary attitudes also work against implementation of women's rights. Even where statutory national laws recognize women's rights to land, housing and property, “traditional” values prevail amongst judges, police officers, local councilors and land officials. They often interpret statutory laws in what at present are understood to be “customary ways”, as a result of which women are deprived of the rights they should enjoy under statutory law.<sup>77</sup>

**64.** But there have been some positive strides. In a 2004 landmark inheritance case in South Africa, Nonkuleleko and Anelisa Bhe challenged customary law and the black administration act when upon their father's death their house became the property of

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<sup>75</sup> *Id.*

<sup>76</sup> UN Women, *Progress of the World's Women-Factsheet: Sub-Saharan Africa*, 2011, available at: UN Women, *Progress of the World's Women-Factsheet: Sub-Saharan Africa*, 2011, available at: <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>.

<sup>77</sup> Marjolein Benschop, *Women's Rights to Land and Property*, UN HABITAT (2004), available at [http://www.unhabitat.org/downloads/docs/1556\\_72513\\_CSDWomen.pdf](http://www.unhabitat.org/downloads/docs/1556_72513_CSDWomen.pdf).

their grandfather.<sup>78</sup> The Constitutional Court declared both unconstitutional. Such good judgments need to be shared and referenced across the continent.

**65.** In summary, rights to land, inheritance and property remain problematic for most African women and Member States ought to redouble their efforts at implementing significant measures to adhere to international norms regarding equal access to land, property and inheritance.

#### **Article 8: Education for Girls and Women**

**66.** *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).*

**67.** Although strides have been made in many African countries as a result of free compulsory universal primary education, the debilitating fact that the continuation of education is declining needs to be addressed. Child marriage also contributes to the decline in education for women in Africa – for over 5-10% of dropouts in francophone Africa are due to schoolgirl pregnancies.<sup>79</sup> Furthermore, in Africa, close to 42.8% of the population aged 17 to 22 have had fewer than four years of schooling.<sup>80</sup> There is much room on the continent for improvement to secure equal educational rights and opportunities for women and girls.

**68.** Other priorities for the region should be the strengthening of nation state development and the implementation of accessible community based adult literacy programmes to address high illiteracy amongst adult women.<sup>81</sup> 39% of the population in Africa is illiterate, and in “some countries, the situation is extreme, with striking gender disparities.”

**69.** The key barriers to success for the region continue to be poverty, low educational quality, weak institutional capacity, poor school conditions and location, lack of educational relevance and trained teachers.<sup>82</sup> For girls in particular, gender socialization, literature and textbooks that promote gender stereotypes, violence in and around schools, the lack of sanitary facilities and supplies for girls, early marriage and pregnancy all contribute as gender specific barriers to education for African women and girls.<sup>83</sup> West and Central Africa’s educational results have not been as comparatively promising because of poverty, cultural beliefs and traditions, as well as conflict, war and political instability.<sup>84</sup> Girls represent more than half of the 32 million African children not

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<sup>78</sup> UN Women, *Progress of the World’s Women-Factsheet: Sub-Saharan Africa*, 2011, available at: <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>.

<sup>79</sup> *Africa’s Future is Female*, The One Campaign, September 2010, available at: <http://one.org/international/reports/africasfuture/index.html>.

<sup>80</sup> UN Women, *Progress of the World’s Women: In Pursuit of Justice*, available at: <http://progress.unwomen.org>.

<sup>81</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 6 (“West and Central Africa is home to the smallest proportion of literate adults of any region on the globe: only 60 of every 100 men, and a crushingly low 38 of every 100 women, can read.”)

in school, but this region has seen the largest regional leap with enrollment of girls shifting from 62% to 78%.<sup>85</sup>

**70.** Member States need to double efforts to do away the above mentioned challenges and create enabling environment for women and girls to fully enjoy their right to education.

#### **Article 9: Protocol on the Rights of Women in Africa**

**71.** *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.”*

**72.** Details of countries that ratified and those that did not ratify the Protocol are provided below.

<b>Countries that have not signed/ratified</b>	<b>Countries that have signed but not ratified</b>	<b>Countries that have ratified</b>
Botswana, Egypt, Eritrea, Tunisia and South Sudan	Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo, Ethiopia, Guinea, Madagascar, Mauritius, Niger, Sahrawi Arab Democratic Republic, São Tomé and Príncipe, Sierra Leone, Somalia, Sudan and Swaziland	Angola, Benin, Burkina Faso, Cape Verde, Comoros, Côte d’Ivoire, Djibouti, DR Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea-Bissau, Kenya, Liberia, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Namibia, Nigeria, Rwanda, South Africa, Senegal, Seychelles, Tanzania, Togo, Uganda, Zambia and Zimbabwe
<b>5</b>	<b>17</b>	<b>32</b>

**73.** The AUC commends Gabon and Equatorial Guinea for depositing their instruments of ratification in February and June 2011 respectively and Côte d’Ivoire which deposited its ratification on 9<sup>th</sup> March 2012. The snail pace of ratification indeed continues to be worrisome and Member States are strongly urged to consider accelerating their ratification of the Protocol, the absence of which continues to defeat the purpose for which it was adopted and renders the goal of gender equality in Africa unrealizable.

**74.** Member States are further urged to avoid putting reservations against any provisions of the Protocol, as that would again defeat the purposes the instrument is

<sup>85</sup> UN Women, *Progress of the World’s Women: In Pursuit of Justice*, available at: <http://progress.unwomen.org>.

meant to serve. It is noted that Cameroon and Congo have stated in their reports that they have ratified the Protocol and the Commission urges them and others who may be in a similar situation to expedite depositing their instruments of ratification at the AUC. This also applies to countries (e.g. Mauritius) that have in more than three years been reporting that work is in the progress to ratify the Protocol.

**75.** Member States that have ratified ought to work on tracking their progress on implementation and report to the ACHPR which has developed state reporting guidelines for this purpose. Additionally, The UN Women Liaison Office to the AU developed a manual titled “**Multi-Sectoral Approach to Women’s Rights in Africa**”<sup>86</sup> which is a useful tool for fast-tracking implementation of the Protocol. Member States were introduced to this tool in two meetings held in Kigali (2009) and Nairobi (2011) convened by UN Women, Oxfam and Solidarity for African Women’s Rights (SOAWR) coalition in collaboration with the AUC. These organizations pledged further support in training officials of countries who want to engage in the application of this approach. Another resourceful manual titled “**A Guide to Using the Protocol on the Rights of Women in Africa for Legal Action**”<sup>87</sup> which was developed by the Solidarity of African Women’s Rights Network (SOAWR), and endorsed by the ACHPR’s Special Rapporteur on the Rights of Women in Africa, is a useful and practical guide for lawyers and public prosecutors. The AUC Chairperson values the support of these partners and encourages Member States to take full advantage of these opportunities and resources offered.

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

**76.** 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**”

**77.** The table below provides an overall picture of the status of reporting by Member States while the table that follows tracks Member States reports submitted since 2005 including those that were considered for the AUC Chairperson’s seventh annual report.

Countries that have reported to-date	Countries that have not reported
Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Congo, Cote d’Ivoire, Djibouti, Egypt, Ethiopia, Equatorial Guinea, Gabon, The Gambia, Ghana, Lesotho, Liberia, Libya, Mali, Mauritius, Namibia, Niger, Nigeria, Rwanda, Sahrawi Arab Dem Republic, Senegal, Seychelles, South Africa, Swaziland,	Angola, Botswana, Cape Verde, Central African Republic, Comoros, Democratic Republic of Congo, Eritrea, Guinea-Bissau, Guinea, Kenya, Madagascar, Malawi, Mauritania, Mozambique, Sao Tome and Principe, Sierra Leone, Somalia, South Sudan, and Sudan

<sup>86</sup> <http://www.unwomen.org/wp-content/uploads/2011/06/2010-multi-sectoral-approach-womens-rights-africa.pdf>

<sup>87</sup> <http://www.soawr.org/en/>

Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe	
<b>35</b>	<b>19</b>

(Source: African Union: [www.africa-union.org](http://www.africa-union.org))

Year	Initial reports Submission	Second report Submission	Third report Submission	Fourth report Submission
2005	No submissions			
2006	Algeria, Burkina Faso, Burundi, Ethiopia, Lesotho, Mauritius, Namibia, Senegal, South Africa and Tunisia <b>(10 countries)</b>			
2007	Burkina Faso, Cameroon, Cote d'Ivoire, Ghana, Mali, Nigeria, and Rwanda <b>(7 countries)</b>			
2008	Niger, Zimbabwe <b>(2 countries)</b>	Senegal <b>(1 country)</b>		
2009	Benin, Chad, Congo, Djibouti, Egypt, The Gambia, Gabon, Liberia, Libya, Seychelles, Swaziland, Togo and Uganda <b>(13 countries)</b>	Algeria, Burkina Faso, Chad, Ethiopia, Ghana, Lesotho, Mauritius, Namibia, Niger, Nigeria and Togo <b>(11 countries)</b>	Burkina Faso, Chad, Mauritius and Senegal <b>(4 countries)</b>	
2010	Zambia <b>(1 country)</b>	Rwanda, South Africa <b>(2 countries)</b>	Rwanda <b>(1 country)</b>	
2011	Equatorial Guinea, Sahrawi Arab Democratic Republic and Tanzania <b>(3 countries)</b>	Cameroon, Congo, Seychelles and Tanzania <b>(4 countries)</b>	Namibia <b>(1 country)</b>	Mauritius, Senegal <b>(2 countries)</b>

(Source: African Union: [www.africa-union.org](http://www.africa-union.org))

**78.** Six years since its adoption, 65% of the Member States have honored their reporting commitment under the SDGEA. This is a mere 3% increase since the last report while only 17 countries (31%) have submitted their reports more than once. The AUC would like to commend Mauritius and Senegal which have the highest number of reports (4 in total) followed by Burkina Faso, Chad, Namibia and Rwanda with each submitting three reports. The lack of total and consistent reporting remains a huge challenge and impedes efforts at establishing progress that Member States are making in honoring their commitments towards Gender Equality in Africa. Member States are therefore encouraged once again to seriously consider their reporting obligations and to inform the AUC of any support it can provide them to realize their reporting obligations. As mentioned earlier, the AUC has in October 2011 offered training support to Member

States that have never reported and will consider other ways to support Member States that are yet to submit their initial reports. Member States ought to take full advantages of opportunities provided by the Commission. The AUC urges Member States to act with a sense of urgency in meeting their reporting obligation and anticipates a higher number of reports for consideration in 2013. The AUC commends Cameroon, Mauritania, Mauritius, Namibia, Sahrawi Arab Democratic Republic, Senegal and Tanzania for submitting their reports on time and underlines the necessity of submitting reports by June each year.

## VI. CONCLUSION

**79.** The AUC Chairperson yet again anticipates that Member States will, in their next reports, reveal the level of actions taken to implement commitments and to measure the results and impact of their interventions that can be shared among other Member States for learning purposes and with a view to addressing challenges and gaps and replicating good practices.

**80.** The remaining 22 countries are urged to ratify the African Protocol on Women's Rights, without reservations, before the end of 2012.

**81.** The thirty-two (32) State Parties to the Protocol on Women's Rights are reminded to make use of the reporting guidelines provided by the African Commission and to commence fulfilling their obligation to periodically report on implementation and progress they are making in ensuring women and girls enjoy full realization of the rights provided for therein. Furthermore, countries that have entered reservations on some of the articles are urged to withdraw their reservations. The AUC commends Guinea Bissau for criminalizing FGM and urges the remaining countries to also take swift actions in putting laws in place to protect women and girls from this harmful practice.

**82.** Member States that have to-date not submitted their initial reports are urged to do so by June 2012 and others are encouraged to submit their progress reports also by June 2012.

**83.** Finally, it is the AUC Chairperson's hope that this seventh report and the accompanying synthesis of Member States' reports have provided Member States with a lot of useful information, good practices and feedback on ways to improve on their commitments under the SDGEA.





**EX.CL.729(XXI)  
PART B**

**SYNTHESIS OF 2011 REPORTS OF 9 MEMBER STATES  
ON THE SOLEMN DECLARATION ON GENDER  
EQUALITY IN AFRICA (SDGEA)**

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ON THE SOLEMN DECLARATION ON GENDER  
EQUALITY IN AFRICA (SDGEA)**

**INTRODUCTION**

1. The 2011 country reports on the *Solemn Declaration on Gender Equality in Africa* (SDGEA) is the sixth synthesis of reports from AU Member States of the African Union's gender equality instrument since reporting started in 2006. As is the usual practice, the report's focus is on the policies, legislations and programmes that have been initiated by reporting governments in the period under review. The country reports in this cycle are from the Republic of Congo, Equatorial Guinea, Gabon, Mauritius, Namibia, the Saharawi Arab Democratic Republic, Senegal, Seychelles and the United Republic of Tanzania. Equatorial Guinea and the Saharawi Arab Democratic Republic are reporting for the first time, Republic of Congo, Gabon, Seychelles and Tanzania are reporting for the second time, the Namibian report is the country's third and Mauritius and Senegal reports are the fourth country reports on progress made on the implementation of the SDGEA.

2. Overall, 34 Member States have submitted their country reports to the AU Commission, while 20 countries are yet to submit their initial reports for analysis, as shown in the table below:

Year	Initial reports Submission	Second report Submission	Third report Submission	Fourth report Submission
2005	No submissions			
2006	Algeria, Burkina Faso, Burundi, Ethiopia, Lesotho, Mauritius, Namibia, Senegal, South Africa and Tunisia <b>(10 countries)</b>			
2007	Burkina Faso, Cameroon, Cote d'Ivoire, Ghana, Mali, Nigeria, and Rwanda <b>(7 countries)</b>			
2008	Niger, Zimbabwe <b>(2 countries)</b>	Senegal <b>(1 country)</b>		
2009	Benin, Chad, Congo, Djibouti, Egypt, The Gambia, Gabon, Liberia, Libya, Seychelles, Swaziland, Togo and Uganda <b>(13 countries)</b>	Algeria, Burkina Faso, Chad, Ethiopia, Ghana, Lesotho, Mauritius, Namibia, Niger, Nigeria and Togo <b>(11</b>	Burkina Faso, Chad, Mauritius and Senegal <b>(4 countries)</b>	

		<b>countries)</b>		
2010	Zambia <b>(1 country)</b>	Rwanda, South Africa <b>(2 countries)</b>	Rwanda <b>(1 country)</b>	
2011	Equatorial Guinea, Sahrawi Arab Democratic Republic and Tanzania <b>(3 countries)</b>	Cameroon, Congo, Seychelles and Tanzania <b>(4 countries)</b>	Namibia <b>(1 country)</b>	Mauritius, Senegal <b>(2 countries)</b>

(Source: African Union: [www.africa-union.org](http://www.africa-union.org))

## I. REPUBLIC OF CONGO

3. The second country report of the Republic of Congo is a follow-up to the first report submitted in 2009.

### **Institutional Mechanisms for Promoting Women's Empowerment and Gender Equality**

4. Law No. 5/2011 of 25 February 2011 was enacted to promote and protect the rights of indigenous people including the participation of women in representative institutions.

#### **Article 1: HIV/AIDS and other Related Infectious Diseases**

5. A bill to proscribe discrimination and stigmatisation of people living with HIV/AIDS, including women, is awaiting enactment and the campaign to eradicate malaria and tuberculosis has been intensified.

#### **Article 2: Peace and Security**

6. The Pact on Peace, Stability, Security and Development of the International Conference on the Great Lakes Region (ICGLR) has been ratified by the Government. The implementation of Resolution 1325 occurs within the framework of the Action Plan of the Ministry of Women's Advancement and Integration in Development and the High Commission for the Reintegration of Ex-Combatants.

#### **Article 3: Child Soldiers**

7. Although the child soldiers phenomenon and the exploitation of young girls as wives and sex slaves has diminished since the end of Congo's civil war in 2001, the Government has been vigorous in its awareness raising campaigns on the issue.

**Article 4: Gender-Based Violence**

8. Observatories on gender-based violence have been established at the national, central and departmental levels. Also, legal clinics and legal aid centres managed by NGOs provide services to female victims.

**Article 5: Gender Parity Principle**

9. There is the development of a draft bill on gender parity in political, elective and decision-making positions.

**Article 6: Women's Human Rights**

10. Social protection policies for vulnerable groups, especially women and girls, are being implemented.

**Article 7: Land, Property and Land Rights**

11. No new developments since the last report.

**Article 8: Education**

12. In its bid to revitalise the educator sector, the Government has initiated concrete actions to ensure primary education for all children. The following actions have been initiated:

- Abolition of school fees;
- Provision of free textbooks;
- Recruitment of more than 1,000 teachers each year;
- Execution of the construction programme for 581 new classrooms;
- Re-launching of activities for adult literacy and non-formal basic education at the national level.

13. As a result, primary education and literacy levels have improved considerably.

**Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

14. The Republic of Congo is fully committed to ratifying and popularising national and international instruments on gender equality.

**II. REPUBLIC OF EQUATORIAL GUINEA****Institutional Mechanisms for Promoting Women's Empowerment and Gender Equality**

15. Equatorial Guinea's commitment to promote gender equality and women's empowerment is derived from Article 13 (c) of its Constitution which prohibits gender discrimination and guarantees equality between the sexes. The Ministry of Social Affairs and the Advancement of Women was established in 1982 as the state's administrative unit for encouraging, fostering and promoting women's rights and participation in the economic, social, political and cultural development of Equatorial Guinea. The National Policy on the Advancement of Women and its Multi-sectorial National Action Plan for the Advancement of Women and Gender Equity up to 2015 were approved by Presidential Decree No. 79/2002 of 27<sup>th</sup> May 2002.

#### **Article 1: HIV/AIDS and other Related Infectious Diseases**

16. Law No. 3/2005 of 9 May 2005 on HIV/AIDS Prevention and Control was enacted and it was followed by the promulgation of Decree No. 107/2006 of 20 November 2006 to curb the spread of HIV/AIDS in the country. A General Directorate for the Coordination of HIV/AIDS Control and the National Multi-sectorial Directorate for HIV/AIDS Control have been established within the Ministry of Health and Social Welfare.

17. The following programmes have been launched as part of the Government's HIV/AIDS agenda: National HIV/AIDS Control Programme; Multi-sectorial HIV/AIDS Control Programme; National Reproductive Health Programme; Programme for the Prevention of Mother-to-Child HIV/AIDS Transmission; Implementation of the 2009-2010 HIV/AIDS Control Emergency Plan; Establishment of two Infectious Disease Reference Units (UREI); two outpatient HIV/AIDS diagnosis and treatment centres; and other training centres to supplement the outpatient HIV/AIDS treatment centres;

18. The National Malaria Control Programme offers free services of long-lasting treated mosquito nets and anti-malaria drugs to pregnant women and children below 5 years. The National Tuberculosis Control Programme has been institutionalized with the establishment of the National Directorate for Tuberculosis Control and the development of a Five-Year Tuberculosis Control Strategic Plan (2010-2014).

#### **Article 2: Peace and Security**

19. Equatorial Guinea, as a member of the Economic Community of Central African States (ECCAS), sent a contingent of its Armed Forces to Bangui, the Central African Republic on 11 April 2011 to maintain peace, order and security. Eleven women participated in this mission. The country also has a Peacekeeping Unit as part of ECCAS Peace and Security mission. About 100 women are members of the unit.

**Article 3: Child Soldiers**

20. Although this phenomenon does not exist in Equatorial Guinea, the country has ratified, without reservations, all instruments relating to the promotion and protection of children.

**Article 4: Violence Against Women**

21. Ministerial Order No. 1/2003 prohibiting the use of tourist facilities as meeting centres for prostitution is in force. A Comprehensive Bill to prevent, punish and eradicate violence against women is being approved. Furthermore, a national study on Violence Against Women and Children in the Island Region has been undertaken with the aim of identifying the different types of violence that women suffer, the intensity of the phenomenon, its causes and the characteristics of perpetrators and their victims. Information and awareness-raising seminars have been organized on the issue for parliamentarians, the Executive, judiciary, local authorities and civil society organizations. Additionally, a study on the status of Child Protection has been completed.

**Article 5: Gender Parity Principle**

22. There is no specific provision on gender parity in Equatorial Guinea. Women's position in governance range from 4.5 % to 52.7 %. Within the:

- Executive Branch
  - Members of Government: Total 66, Women 12 (18.18%)
  - Regional Delegates: Total 21, Women 4 (19%)
  - Provincial Delegates: Total 14, Women 7 (50%)
  - Prefects: Total 36, Women 19 (52.7%)
  - Sub-prefects: Total 22, Women 1 (4.5%).
- Legislative Branch:
  - Members of Parliament: Total 100, Women 10 (10%)
- Judiciary :
  - Presidents of Courts: Total 3, Women 0 (0%)
  - Judges: Total 13, Women 2 (15.3%)
  - Prosecutors: Total 12, Women 2 (16.6%)
  - Magistrates: Total 45, Women 5 (11.1%)
  - Registrars: Total 65, Women 17 (26.15%)

- Local Government Councillors:
  - Total 6300, Women 2933 (46.5%)

### **Article 6: Women's Human Rights**

**23.** The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa were ratified in May 2009 and October 2009 respectively. A discussion and reflection forum on other international instruments on the human rights of women and the launch of the African Women's Decade 2010-2020 in Equatorial Guinea, was organized as part of the commemoration of the Pan-African Women's Day.

### **Article 7: Right to Land, Property and Inheritance**

**24.** The Government's Law No. 4/2009 of 18 May 2009 on Property Regime does not discriminate against women. Recent data from the Malabo District Land Registry, women's land ownership showed an increase in women's land ownership from 3.3% in 2010 to 14.8% by March 2011. The Spanish Civil Code which is applied in the country recognizes women's inheritance rights, but due to the cultural and traditional practices of some ethnic groups, these rights are violated.

### **Article 8: Education**

**25.** The Government's efforts in boosting education include, among others, the following:

- Extension of the duration of primary education to six levels;
- Free distribution of text books during the first five courses of primary education to all students in the country;
- Inclusion in the programmes and textbooks of the sixth level of primary education of learning content related to peace education, HIV/AIDS, gender and population.

### **Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

**26.** As noted earlier, the Protocol was ratified on 26 October 2009. In addition, other international legal instruments on women's human rights were also ratified. The contents of these legal instruments are being disseminated through discussions, conferences, theatre and radio programmes, on a periodic basis, especially during special events.

### III. REPUBLIC OF GABON

#### **Institutional Mechanisms for Promoting Women's Empowerment and Gender Equality**

27. Adoption of a National Strategy on Gender Equality and Equity in February 2010.

#### **Article 1: HIV/AIDS and other Related Infectious Diseases**

28. HIV/AIDS prevalence rate remains high and continues to pose a real threat to the country's development. The number of people living with HIV (PLHIV) increased from an estimated figure of 54,000 in 2007 to 63,000 in 2009. 60% of infected adults are women, of whom 1% are pregnant. National antiretroviral (ARV) therapy coverage expanded from 43.7% in 2007 to 69.9% in 2009. The HIV/AIDS mortality ratio stands at 173 per 100,000 inhabitants.

29. President Ali Bongo Ondimba convinced the United Nations Security Council to adopt Resolution 1983 on HIV and Sexual Violence on June 7 2011. The HIV/AIDS strategic plan 2008-12 is being implemented and budgetary allocation for ARV increased by 150% from 1 billion Franc CFA to 2.5 billion Franc CFA. A holistic HIV/AIDS prevention and care programme providing free treatment, nutritional, educational and legal support to all infected persons, nationwide social marketing of condoms and an intensive information and education campaign.

#### **Article 2: Peace and Security**

30. No submission was made on this Article

#### **Article 3: Child Soldiers**

31. Gabon has put in place relevant legal frameworks, policies and programmes to ensure the ratification and implementation of all international conventions on the protection of children against all forms of violence, exploitation, discrimination, and trafficking and abuse. For example, Law No. 001/2000 of 18/8/2000 on health and social protection of mothers and children was enacted and a National Commission for the Family and Promotion of Women. A National Observatory for Children's Rights Child Trafficking Prevention and Control, and a National Centre for Care and Support to Child Victims of Trafficking (CNPEVT) have been established.

#### **Article 4: Gender-Based Violence**

32. On the initiative of Mrs. Sylvia Bongo-Ondimba, the First Lady of Gabon, the United Nations adopted Resolution 16/65 on 23<sup>rd</sup> December 2010 designating 23<sup>rd</sup> June as International Widows Day. In furtherance of this initiative, Mrs. Bongo-Ondimba established the MBANDJA Family Centre for the protection of widows and orphans. On



the celebration of the International Day of Widows on 23<sup>rd</sup> June 2011, the Sylvia Bongo Ondimba Foundation in partnership with the Ministry of Health, Social Affairs, Solidarity and the Family, established two expanded committees in Parliament, with responsibility to brainstorm on the legalization of customary and religious marriages and the development of legislation on the protection of surviving spouse.

**33.** The Women's Rights and Gender Parity Observatory produced various awareness-raising brochures on Violence Against Women. This advocacy campaign was followed by an informal debate on domestic violence, rape and incest on 25 November 2010 and the establishment of an inter-ministerial committee to harmonize national legislations with international conventions and propose laws specifically punishing violence against women.

#### **Article 5: Gender Parity Principle**

**34.** A Gender Parity Bill was submitted to the government for discussion.

#### **Article 6: Women's Human Rights**

**35.** The Ministry of Health, Social Affairs, Solidarity and the Family organized a series of workshops between 2005 and 2007 to review discriminatory provisions in various legal codes with the objective of overhauling the country's legal framework. Bills amending and repealing certain provisions of **Law No. 19/89 of 30 December 1989** on estates and gifts to a surviving spouse and Sections 79 and 81 of Law No. 6/75 of 25 **November 1975** on the Social Security Code have been adopted by the Council of Ministers and are currently before Parliament.

**36.** A Bill amending some provisions of **Sections 54, 99, 256, 267 and 269** and repealing **Section 268** of the Penal Code is being considered by the government.

#### **Article 7: Land, Property and Land Rights**

**37.** No new submission was made on this Article.

#### **Article 8: Education**

**38.** The government undertook a comprehensive reform of the educational system in 2010 to boost retention, access, and completion rates. Toward this end, a national forum was organized; 3,000 primary and secondary school teachers were retrained, strengthening school and university infrastructure across the country; introduction of an incentive award for teachers, prioritization of the Ministry of Education in budgetary allocation; elimination of compulsory purchase of school uniforms, institutionalization of the contest for the best technical high school student; payment of back-to-school allowances to all families, and access to the National Health Insurance and Social

Security Fund for all pupils and students; awareness-raising campaign on teenage pregnancy, among others.

**Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

39. No new submission was made on this Article.

**IV. THE REPUBLIC OF MAURITIUS**

40. This report builds on the initial to third submission made by the Government of Mauritius.

**Institutional Mechanisms for Promoting Women's Empowerment and Gender Equality**

41. Eight ministries formulated gender sectorial policies and the Ministry of Gender Equality, Child Development and Family Welfare has encouraged sectorial ministries to appoint gender focal points from Principal Assistant Secretary Category and above.

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

42. The percentage of HIV/AIDS females infected between January and July 2011 increased from 12% in 2005 to 21% in 2011. However, the prevalence rate of 1% among pregnant women indicates that the epidemic has not reached the general population.

**Article 2: Peace and Security**

43. No new submission was made on this Article.

**Article 3: Child Soldiers**

44. No new submission was made on this Article.

**Article 4: Gender-Based Violence**

45. The Domestic Violence Act was amended in 2011. The amended Act seeks to harmonize the procedures regarding the hearing of applications for protection, occupation and tenancy order. Toward this end, the Chief Justice has been empowered to make rules for the hearing of the above-mentioned applications. The National Platform to End Gender-Based violence was launched in October 2011, followed with the development of a National Action Plan.

**Article 5: Gender Parity Principle**

46. Women account for over 30% in decision-making positions in the public sector.

**Article 6: Women's Human Rights**

47. No new submission was made on this Article.

**Article 7: Land, Property and Inheritance Rights**

48. No new submission was made on this Article.

**Article 8: Education**

49. Visual tests have been carried out in primary schools since 2010 and visual impaired kids are provided books with larger fonts. In February 2011, the enhancement Programme to boost educational attainment was introduced in Standard 111 and School Child Protection Clubs based on the Convention on the Rights of the Child has been established in schools and it is hoped that it would eventually lead to the formulation of a School Child Protection Policy. The percentage of children aged between 3 and 4 years not attending pre-school reduced from 15% in 2005 to 6% in 2010.

**Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

50. No new submission was made on this Article.

**V. REPUBLIC OF NAMIBIA**

51. The Namibian country report is a follow-up on implementation since its 2009 submission.

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

52. Namibia is well on track with regards to service provision for Highly Active Anti-Retroviral Treatment (HAART) for People Living With HIV/AIDS (PLWA) as per the Abuja and Maputo Declarations, as well as with Universal Access Targets of 100%. The projected number for children on HAART has been achieved.

**Article 2: Peace and Security**

53. Gender and legal sensitisation workshops targeting the Ministry of Defence and Ministry of Safety and Security is on-going and about 60 defence force management cadre have been trained on UN Security Resolution 1325, to make them aware of their obligations.

**Article 3: Child Soldiers**

54. No new submission was made on this Article.

**Article 4: Gender-Based Violence**

55. There has been no change in the legislative framework with regard to laws aimed at combating gender based violence. However, the following activities were undertaken in 2011: a meeting of the National Advisory Committee on GBV and the upgrading of the national GBV database.

**Article 5: Gender Parity Principle**

56. Women's presence in both elective and appointive positions is generally below the internationally accepted 30% minimum except in local governance.

**Article 6: Women's Human Rights**

57. No new submission was made on this Article.

**Article 7: Land, Property Rights and Inheritance**

58. The Ministry of Lands and Resettlement has formed partnership with a local NGO, the Namibia Institute for Democracy to further conduct and raise awareness on women's land rights.

**Article 8: Education**

59. A National Conference on Education, aimed at improving outputs in the sector, was held from 27 June to 1 July 2011. Cabinet gave the Ministry of Education specific directives and guidance to implement the recommendations emanating from the conference, and that specific activities should be developed for the short term (0 – 3 years), medium (3 – 5 years) and long term (more than 5 years).

**Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

60. No new submission was made on this Article.

**VI. SAHARAWI ARAB DEMOCRATIC REPUBLIC**

**Institutional Mechanisms for Promoting Women's Empowerment and Gender Equality**

61. No new submission was made on this Article.

**Article 1: HIV/AIDS and other Related Infectious Diseases**

62. Although HIV/AIDS is not yet a threat, the Government has initiated several awareness and prevention campaigns.

**Article 2: Peace and Security**

63. No new submission was made on this Article.

**Article 3: Child Soldiers**

64. No new submission was made on this Article.

**Article 4: Gender-Based Violence**

65. Saharawi women are victims of rape, abuse, torture, imprisonment and kidnapping because of their stance on freedom and independence.

**Article 5: Gender Parity Principle**

66. Saharawi women's presence in parliament increased from 4.95% in the first and second mandates, to 6.93 during the third mandate, reaching 11.76% in the fourth mandate. This growth continued, reaching 13.72%, 24% and 34% in the fifth, sixth and seventh mandates, respectively. Saharawi women have thus marked their strong presence in parliamentary life in Western Sahara.

**Article 6: Human Rights of Women**

67. No new submission was made on this Article.

**Article 7: Land, Property Rights and Inheritance**

68. No new submission was made on this Article.

**Article 8: Education**

69. Full gender equality has been achieved with regard to access to education. The percentage of women in all cycles of educational system exceeds that of men. Similarly, 80% of teachers, directors, educators and administrative staff in the education sector are women.

## VII. REPUBLIC OF SENEGAL

### Institutional Mechanisms for Promoting Women's Empowerment and Gender Equality

70. The Ministry of Women Entrepreneurship and Micro-Finance was established in June 2010 to promote, mentor and monitor women entrepreneurs.

#### Article 1: HIV/AIDS and other Related Infectious Diseases

71. The Senegalese government has integrated human rights as a strategic component in the country's HIV/AIDS Strategic Plan for 2011 to 2015. The HIV/AIDS prevalence rate is 0.7% and new infections was around 5,000 between 2000 and 2010. Most of these infections were found in stable heterosexual couples. Feminization of the disease is evidenced by the 0.9% prevalence rate among women as against 0.4% among men.

72. 167,517 pregnant women benefitted from free HIV screening in 2010, 503 *PTME* sites (109 main and 394 secondary sites) were established in 2009, by 2009 there were 537 Voluntary Counselling and Screening (VCS), 12, 249 HIV/AIDS patients received free ARV treatment in 2010, and 16,650 persons living with HIV/AIDS received a minimum package of services (community support and home care).

73. Senegal has set out the following goals to be achieved by 2015 as part of its programme to control the spread of and the fight against HIV/AIDS:

- Maintain the HIV/AIDS prevalence rate at minus 1%;
- Zero new infections;
- Zero HIV infected child;
- Zero stigmatization.

#### Article 2: Peace and Security

74. Senegal has taken measures to ensure effective participation of women in peace processes through, inter alia, **Decree 2007-1244 of 19 October 2007 on recruitment of women personnel in the Armed Forces by call up**. In addition to the participation of women in the defense and security forces, Senegal adopted its National Action Plan on the implementation of UNSCR Resolutions 1325 and 1820 in 2010.

75. Also in 2010, as part of implementation of the humanitarian mine clearance programme, the National Anti-Mine Action Centre trained 252 women, providing them with appropriate education so as to better involve them in the peace process in Casamance.

**Article 3: Child Soldiers**

76. Senegal has various legislations to protect children in areas of armed conflict, from trafficking and abuse, among others.

**Article 4: Gender-Based Violence**

77. Law 99-05 of 15 January 1999 modifying certain provisions of the Penal Code outlawing excision, sexual harassment and conjugal violence, has been enacted. The law severely cracks down on offenses such as the flogging of and injuries to a woman, as well as rape perpetrated against persons who are particularly vulnerable for reasons of their age (aged women or minors) or their state of health (pregnant or sick women).

78. The progress accomplished by this law and the extensive enlightenment and awareness-raising campaign on female genital mutilation culminated in the development and implementation of a National Action Plan for the Abandonment of Female Genital Mutilation. The success of the programme resulted in the development of a second National Action Plan for accelerated abandonment of excision 2009-2015. Implementation commenced in September 2009 with a sub-regional seminar of players of neighbouring countries (Mali, Guinea Bissau, Mauritania, Guinea Conakry and Senegal). Additionally, an inter-parliamentary conference was organized in Dakar bringing together twenty-eight (28) African countries to raise awareness and build the capacities of parliamentarians on the law proscribing excision. Senegal is thus cited as an example by the United Nations and is seen as the driving force in the movement for the abandonment of excision in Africa.

**Article 5: Gender Parity Principle**

79. Law No 2010-11 of 28<sup>th</sup> May 2010 on the Principle of Gender Parity between women and men in full and partial elective institutions was enacted. This decision was bolstered by the creation in June 2010 of a National Parity Observatory (ONP), an autonomous monitoring, early warning and control mechanism for implementation of the parity principle.

**Article 6: Human Rights of Women**

80. Achievements include the preparation of the Senegal Country Report on the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2009, the initial-third Country Reports on the implementation of the African Charter on the Rights and Welfare of the Child in 2010, and the reactivation in 2010 of the National Consultative Council on Human Rights, membership includes both state and non-state actors.

81. The ECOWAS Gender Development Centre in collaboration with the Ministry for Family Affairs organized two programmes on the promotion of women's social rights. In

partnership with civil society organizations, the government organized various sensitization activities in 2009 and 2010 to continuously raise awareness and popularize all Conventions, Treaties, Protocols and Charters adopted and ratified by Senegal for judicial and extra-judicial officials, the police, the gendarmerie, forensic doctors, child psychiatrists and others.

**Article 7: Land, Property Rights and Inheritance**

82. No new submission was made on this Article.

**Article 8: Education**

83. Gross enrolment ratio at the primary level rose from 83.49% in 2006 to 98.7% in 2010 with a net progression in the rate of girls' attendance increasing above 26 percentage points between 2006 to 2010, with a significant reduction in the gap between girls-boys. Also the gender parity index in primary education rose from 0.87 in 2000 to 1.87 in 2010; making Senegal one of the four sub-Saharan countries that have attained parity at the level of primary education. It is also the first country in the South to receive the global distinction - the "Global Mondial of UNGEI", the United Nations Accelerated Girls' Education Initiative.

**Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

84. No new submission was made on this Article.

**VIII. REPUBLIC OF SEYCHELLES**

85. The country's second report provides updates on the initial report submitted in 2009.

**Article 1: HIV/AIDS and other Related Infectious Diseases**

86. There is no specific legislation criminalizing the stigmatization of persons living with HIV/AIDS, nor for the protection of women and girls from rape and other forms of GBV. The HIV/AIDS policy and strategic plan is currently being reviewed and revised for the 2012-2016 programme cycle.

**Article 2: Peace and Security**

87. No new submission was made on this Article.

**Article 3: Child Soldiers**

88. No new submission was made on this Article.



**Article 4: Gender-Based Violence**

Gender-Based violence (GBV) working group was established in March 2011 to oversee the coordination, monitoring and evaluation of the implementation of the GBV Programme of Action.

**Article 5: Gender Parity Principle**

89. No new submission was made on this Article.

**Article 6: Women's Human Rights**

90. Domesticating of all human rights instruments remains a challenge. Seychelles is due to present its first report to the CEDAW Committee in 2012, which will encompass the first and all subsequent periodic reports. In addition, the Gender Secretariat in its effort to contribute towards the effective domestication and implementation of CEDAW and other gender-related human rights treaties, especially the SADC Gender & Development Protocol, is planning to facilitate training in the first quarter of 2012 for members of the judiciary, legislature and other law enforcement officials.

**Article 7: Education**

91. A Gender Policy for the education sector is going through the approval process.

**Article 8: Land, Property Rights and Inheritance**

92. A project to establish a land geo database is in motion. The database will establish women's land ownership status. However, there has been an increase in the numbers of female agricultural land owners from 11 % to 16 % since the 2009 SADC Barometer report. Gender indicators have also been integrated into the questionnaire for the agriculture census of August 2011 to highlight women's contributions to food security. Although there's no discrimination in the disbursement of loans, women tend to opt for softer loans whilst men go for heavier ones.

**Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

93. No new submission in relation to this Article. See submission on Article 6 for a clear indication of progress being made.

## **IX. THE UNITED REPUBLIC OF TANZANIA**

### **Institutional Mechanisms for Promoting Women's Empowerment and Gender Equality**

**94.** Article 13 (1)-(6) of the United Republic of Tanzania's 1977 Constitution amended in 2008, adheres to the Principles of Human Rights and equality and prohibits all forms of discrimination.

#### **Article 1: HIV/AIDS and other Related Infectious Diseases**

**95.** The HIV/AIDS infection rate decreased from 6.5 % in 2005 to 5.7% by 2010. A national Campaign to increase voluntary testing and counseling was launched in 2008, and the HIV/AIDS (Prevention and Control) Act was signed into law on the 4<sup>th</sup> April 2008. This law provides for HIV prevention, care and treatment and protects the rights of people living with HIV/AIDS (PLHA). The Act also defines the roles and responsibilities of all sectors in addressing HIV/AIDS. Other measures initiated to curb the spread of HIV/AIDS include among others, community sensitization, formation of HIV/AIDS Committees from Ministerial to Village level and the PMTCT approach was changed to PMTCT+ to address post-delivery health issues as a means of reducing maternal mortality.

#### **Tuberculosis (TB)**

**96.** Although Tuberculosis (TB) continues to be among Tanzania's major public health concerns, the number of reported cases decreased from 240 per 100,000 in 1992 to 189.8 per 100,000 in 2009 due to renewed efforts by the government to curtail the spread of the disease.

#### **Malaria**

**97.** The Tanzanian government is implementing the African Union Roll Back Malaria programme (RBM), to reduce the country's malaria burden. The programme is implemented as part of the 2002 National Malaria Control Strategy, which also includes other vector control measures such as Indoor Spraying Residual (ISR). The primary objective of the RBM, is to increase access to the most effective and affordable protective measure, and the Insecticide Treated Mosquitoes Nets, (ITNs). Sixty three per cent and 23 % of urban and rural households in Mainland Tanzania have ITNs; and in Zanzibar, 28% of rural households and 76% of urban households own ITNs. The RBM initiative also promotes the use of Intermittent Preventive Treatment, (IPT) of malaria among pregnant women and children under five.

#### **Article 2: Peace and Security**

**98.** Tanzania is a party to major instruments and resolutions on Women, Peace and Security and is fully committed to implementing its international obligations. For example, the Tanzanian government has participated fully in bringing peace to the Great Lakes and is a signatory to the Protocol on Combating Sexual Violence against Women and Children in the Great Lakes.

**99.** Women in the army and police participate in peacekeeping operations and have attended courses in peacekeeping. In addition 10 women leaders participated in the Peace Mediation and in Peacekeeping course organized by the International Conference on the Great Lakes Region Secretariat in Dar-es Salaam in January 2010.

### **Article 3: Child Soldiers**

**100.** In Tanzania the Defense Act allows the recruitment of persons under 18 to join Tanzania Peoples Defense Force but there has been no such recruitment. The 2009 Child Act prohibits the recruitment of children below 18 years into the Army and para-military forces. The Marriage Act of 1971 which allows girls to be married at 14 year old with permission from her parents and 15 years with court permission violates the Child Act and should be reviewed.

### **Article 4: Gender-Based Violence**

**101.** The government, through the Ministry of Community Development, Gender and Children has provided a conducive environment for NGOs advocating for women's rights and the eradication of violence against women and children by facilitating the establishment of the Tanzania Chapter of the Eastern Africa Network on the Elimination of FGM. In addition, a National Plan of Action to accelerate the elimination of Female Genital Mutilation (FGM) and other harmful practices has been developed. Gender desks have been established in the Police Stations, as centre to assist women in accessing their rights. The Curriculum of police training institutions has been reviewed to include women's rights issues, so that the graduates of the police institutions could enforce the law with a gender perspective.

### **Article 5: Gender Parity Principle**

**102.** The Constitution of the United Republic of Tanzania has been reviewed several times, as part of efforts to include Affirmative Action to increase women's participation in Parliament and Local Government governance. Women's participation in Parliament increased to 36.6 % of all parliamentary seats after the 2010 General Elections and there has been a significant increase of women in other decision making bodies such as the judiciary. For example, judges in the high court increased from 9 (16%) percent to 25 (40%), and Court of Appeal from 4, (11%) in 2004 to 5 (31%) in 2011.

**Article 6: Human Rights of Women**

**103.** The Government of Tanzania recognises that women's advancement and achievement of gender equality are a matter of human rights and social justice. Based on this conviction, the government has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), reaffirms its commitment to the Beijing Platform for Action, the Millennium Development Goals (MDGs), United Nations Security Council Resolutions 1325, the Dakar Platform for Action; the African Plan of Action to Accelerate the implementation of Dakar and Beijing Platforms for Action for Advancement of Women; the Protocol to the African Charter on the Human and Peoples Rights on the Rights of Women in Africa, the Gender Protocol of Southern African Community Development (SADC) and the Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children.

**Article 7: Land, Property Rights and Inheritance**

**104.** Article 24 of the Constitution of the United Republic of Tanzania states that "every person is entitled to own property, and has a right to the protection of his property" makes it clear that women's rights are guaranteed. The land tribunals, as established by Act No 2 of 2002 require that such tribunals should be constituted by not less than 43 % of women. The increase in representation to a 50:50 ratio is ongoing and a lot of sensitization is taking place to gain support for the initiative.

**Article 8: Education**

**105.** Gender parity in primary school enrolment was achieved in 2006 and there has been an increase in the enrolment of female students in secondary schools in both O- and A-Levels. Girls' enrolment increased from 299,353 in 2006 to 699, 951 in 2010 and from 18,191, in 2006 to 28,577, in 2010 at O and A-Levels respectively. Enrolment of students in different colleges increased from 40,993, in 2005/2006 to 118,951 in 2009/2010, Female students were 42,266 or 35.5 % in 2009/2010. These achievements were realized due to the introduction and or adoption of the following initiatives:

- Abolition of fees in primary level education;
- Special programmes for girls which encourage them to take mathematics, technical and science subjects;
- Improvement of teaching and learning materials;
- Increased awareness on the child labour, enabled children who were working to enroll in primary schools;

- Successful implementation of Primary Education Development Programme, PEDP and Secondary Education Development Programme (SEDP).

### **Article 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

**106.** The government of Tanzania has signed and ratified the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. The government, in collaboration with different stakeholders, is working on the modalities for the domestication of the Protocol.

### **THE ZAMBIAN ANTI-GENDER BASED VIOLENCE ACT 2011**

**107.** The contents of the above-mentioned Act are being outlined as an example of best practice for countries like Seychelles that do not have a gender-based violence law protecting victims of violence. The *Zambian Anti-Gender Based Violence Act* was adopted on 12<sup>th</sup> April 2011. The Act provides a comprehensive synopsis of the meaning of gender-based violence. The Act, which is a victory for women's rights advocates, defines gender-based violence as "any physical, mental, social or economic abuse against a person because of that person's gender". It includes verbal abuse, intimidation, harassment, human trafficking, stalking, female genital mutilation, wilful HIV infection, among others. The Act provides protection and/or restraining orders and shelters, counselling, free medical care and legal services for victims of abuse but falls short of criminalizing violence.

### **CONCLUDING COMMENTS**

**108.** The nine country reports synthesized for the sixth reporting cycle of the *Solemn Declaration on Gender Equality in Africa* (SDGEA) outline the various measures that the Republic of Congo, Equatorial Guinea, Gabon, Mauritius, Namibia, the Saharawi Arab Democratic Republic, Senegal, Seychelles and the United Republic of Tanzania have instituted to promote gender equality in their various countries. While a lot has been achieved in these countries, challenges such socio-cultural resistance towards the notion of gender equality, the existence of inequalities in national laws, inadequate financing of gender equality programmes, low representation of women in politics and public decision-making spaces, increase in the spread of HIV/AIDS and sexual violence continue to affect the success of the AU's gender equality instrument in the reporting countries.

2012

# Report of the chairperson on the implementation of the solemn declaration on gender equality in Africa (Sdgea)

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